



An  
Bord  
Pleanála

## Inspector's Report 312162-21

### Development

Use of a weighbridge, wheel-wash, the erection of a staff office & administrative building, car park area, access road & improved site entrance, concrete and ready-mix batching plant, block yard & associated infrastructure.

### Location

Ballyonan, Broadford, Co. Kildare.

### Planning Authority

Kildare County Council

### Planning Authority Reg. Ref.

19/1138

### Applicant(s)

Keegan Quarries Ltd.

### Type of Application

Permission

### Planning Authority Decision

Refuse Permission

### Type of Appeal

First Party v. Decision

### Appellant(s)

Keegan Quarries Ltd.

### Observer(s)

(1) Patrick McKeever  
(2) Friends of the Irish Environment  
(3) Eco Advocacy

(4) Linda Conwell

(5) William Pratt

**Date of Site Inspection**

26<sup>th</sup> May 2023

**Inspector**

Louise Treacy

## 1.0 Site Location and Description

- 1.1. The subject site has a stated area of 1.05 ha and is located at Ballyonan, Broadford, Co. Kildare, a rural area proximate to the border with Co. Meath, approximately mid-way between Enfield and Kinnegad. The site is situated approx. 1 km due west of the M4 motorway and is accessed from local road L1011, via regional road R148 (former N4). The site comprises agricultural land which was under tillage the time of the inspection. It is bounded by local road L1011 along its western boundary. An overhead power line traverses the site entrance at this location. Agricultural lands adjoin the site to the north, east and south, while a sand and gravel pit operated by Keegan Quarries adjoins it immediately to the south and west. Access between the appeal site and the quarry is available through a gap within the existing hedgerow which extends between both sites.
- 1.2. The lands in the wider vicinity of the appeal site are primarily agricultural in nature, with sporadic rural dwellings. Three rural dwellings are located approx. 450 m to the south/south-west of the site fronting onto the R148, proximate to its junction with the L1011. Two of these dwellings directly adjoin the boundary with the sand and gravel pit. A further cluster of dwellings is located to the north-east and north-west of the appeal site at separation distances of between approx. 170 – 600 m.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the use of a weighbridge, wheel-wash, the erection of a staff office and administrative building, car park area, access road and improved site entrance, concrete and ready-mix batching plant, block yard and associated infrastructure. The proposed site access will be from the L-1011 local road, to the north of the existing sand and gravel pit.
- 2.2. The proposed access road from the L1011 will be surfaced with bitumen and will accommodate a self-contained wheel-wash system set back approx. 40 m from the site entrance. The road provides access to an area of car parking (10 no. spaces), a weighbridge, a self-contained effluent holding tank and the administration building and offices. This building is a pitched-roof structure, with an overall height of 7.216 m and a stated area of 133.6 m<sup>2</sup>.

- 2.3. The proposed block yard is located adjacent to the administration building and the proposed batching plant is located beyond towards the southern end of the site. The batching plant extends to 91.2 m and is generally comprised of an aggregate loading platform, a hopper, an aggregate storage shed and a batch tower with belt conveyors connecting the various items of plant. The aggregate storage shed and the batch tower have overall heights of 12.2 m. Three treatment lagoons adjoin the proposed batching plant adjacent to the southern site boundary and extend to a depth of 2 m.
- 2.4. It is proposed to source the material for the batching plant from the adjoining sand and gravel pit, which will operate at a capacity of 20,000 tonnes. It is proposed to close the existing site access to the pit from local road L1011, which will be relocated in a north-easterly direction along the L1011 within the appeal site and will serve both the existing pit and the proposed batching plant.
- 2.5. The proposed working hours for the batching activities are 0800 – 1800 Monday to Friday and 0800-1400 on Saturday.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. The Planning Authority issued Notification of the Decision to Refuse Permission for the proposed development on 9<sup>th</sup> November 2021 for 3 no. reasons which can be summarised as follows:

(1) The submitted EIAR has not provided an assessment of the material to be imported via the R-148 when the remaining sand and gravel adjacent to the site is exhausted and an adequate assessment of the reasonable alternatives that are relevant to the project has not been provided. In the absence of this information and to the fact that this is likely to result in a significant impact on the environment, it is considered that the submitted EIAR is inadequate. Having regard to the operational capacity of the road network and the junction of the L-1011 and R-148 adjacent to the proposed development and to the increased HGV and LGV traffic generated by the proposed development, and having regard to the issues highlighted in the Road Safety Audit which included HGV turning movements encroaching the offside traffic

lane when entering and leaving the site, a lack of visibility and set back at the proposed new entrance and issues with overhead lines and lack of signage, it is considered that the development would endanger public safety by reason of a traffic hazard and obstruction to road users. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

(2) On the basis of the information submitted, the Planning Authority is not satisfied that the proposals for the management of water would adequately protect water quality in the vicinity and thus is not satisfied that the development would not give rise to water pollution and be prejudicial to the public health of the residents in the vicinity of the subject site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

(3) The Planning Authority is not satisfied that the assessment of, or proposed mitigation measures relating to, noise generated by the activities on site has been adequately addressed in the submitted EIAR. The Planning Authority, therefore, is not satisfied that noise and general disturbance caused by the proposed development would not impact unduly on the character and residential amenity of the surrounding rural area and, as such, to permit the proposed development based on the information provided with the application would seriously injure the amenities and depreciate the value of property in the vicinity of the subject site.

- 3.1.2. In the interests of clarity, I note that Kildare County Council initially issued Notification of the Decision to Refuse Permission for the proposed development on 24<sup>th</sup> August 2020 for 4 no. reasons relating to the consideration of alternatives / traffic impacts, water pollution, noise and air quality impacts.
- 3.1.3. This decision was subject to a judicial review and the Planning Authority's decision was subsequently quashed by the High Court. The application was remitted back to Kildare County Council, with the remittal taking effect from the point in time Kildare County Council issued a Request for Further Information (dated 9<sup>th</sup> December 2019). Thus, the remitted application is the subject of this appeal case.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports (9<sup>th</sup> December 2019 and 4<sup>th</sup> November 2021)**

3.2.2. Following an initial assessment of the planning application, Kildare County Council's Planning Officer recommended that Further Information be requested in relation to 18 no. items as summarised below:

**(1)** The Planning Authority notes that the EIAR states that the proposed development will initially be supplied by the adjacent sand and gravel pit. In light of this and the nature of the proposal, the applicant is requested to submit evidence of satisfactory compliance with each of the conditions imposed under Section 261 decision QR45.

**(2)** The applicant is requested to provide details on the level of aggregate that is remaining in the existing registered quarry.

**(3) (a)** The applicant is requested to provide details of the sources of material which will be imported via the R148, including their location, planning status, quantity of material, proposed haul routes and a full traffic impact assessment on the haul routes.

**(b)** Provide full details of the routes of the products leaving the site, including details of the proposed destination.

**(4)** The Planning Authority considers that the section on reasonable alternatives is inadequate, with no reasoning as to why the existing site at Rathmoylan cannot be continued. No details of where the sources of material will be imported via the R148 has been provided and thus whether there are any other suitable locations closer to the source.

**(5)** The Planning Authority considers that the section on competent experts is inadequate – revised information to the submitted which clearly lists the names of all the experts contributing to the various sections of the report.

**(6)** The applicant is requested to clarify the lifespan of the proposed development.

**(7)** The Planning Authority notes that the EIAR references settlement ponds to the south of the subject site and that it is part of the current application to rectify these. The applicant is requested to clarify why these are referenced in the EIAR, state whether these are essential for the use of the proposed development, clarify the

planning status of these ponds and why these works are not included in the development description or red line boundary.

**(8)** The applicant is requested to outline their intentions for the remaining lands to the north and east of the proposed development.

**(9)** It is noted from the submitted drawings that the batching plant may have a higher capacity from what has been described in the application – the applicant is requested to comment.

**(10)** The applicant is requested to submit a swept path analysis for HGVs for the proposed entrance to the development and the junction of the L1011 and R148.

**(11)** The applicant is requested to provide an independent Road Safety Audit for the proposed development, taking into account existing and proposed traffic on the road network in this area, including the entrance, sightlines and junction of L1011 and R148. All recommendations to be incorporated into the proposed design.

**(12)** The Planning Authority consider that the EIAR lacks adequate detail with regard to water treatment (items a – i).

**(13)** The Planning Authority consider that the EIAR lacks adequate detail with regard to noise (items a – k).

**(14)** The applicant is requested to provide details on the proposed source of drinking water, how it will be stored on site and used for sanitary purposes as well as drinking purposes.

**(15)** The Planning Authority consider that the EIAR lacks adequate detail with regard to air quality (items a – g).

**(16)** The applicant has not demonstrated the visual impact of the proposed development when viewed from remote locations, including from the R148 and remote locations to the north – a visual impact assessment including photomontages to be submitted.

**(17)** The applicant is requested to submit a methodology statement for the removal of plant, machinery, hard standings and ancillary services.

**(18)** The applicant is requested to comment on issues raised in the third-party submissions.

- 3.2.3. The applicant submitted a response to the request on 15<sup>th</sup> September 2021. While I note the Planning Officer's Further Information report on file as dated 21<sup>st</sup> August 2020, I consider the subsequent report dated 4<sup>th</sup> November 2021 (in relation to the remitted application) is the relevant document in this instance and can be summarised as follows:
- 3.2.4. **Item No. 1:** A statement of compliance with each of the 42 no. conditions attached to the Section 261 decision for the sand and gravel pit has been submitted. It is stated that the site is compliant with all conditions.
- 3.2.5. **Item No. 2:** It is submitted that the sand and gravel pit is not worked out or nearly worked out. Based on an extraction depth of 68mOD, there are 230,000 tonnes of material remaining. Based on an annual extraction rate of 20,000 tonnes, it is estimated that there is 11 years of material remaining on the site. The site will cease to operate in 12 years, including a 1-year restoration period.
- 3.2.6. **Item No. 3 (a):** The future importation of material via the R148 is not relevant to this application and will be subject to a separate planning application to deal with any traffic impacts.
- 3.2.7. **Item No. 3 (b):** The proposed haul route is via the R148. Concrete blocks leaving the site will travel south on the L1011 towards the R148.
- 3.2.8. **Item No. 4:** The applicant has 2 no. sites with available aggregates for the manufacture of blocks and concrete products and is one of 4 no. companies in the Dublin/Meath/Louth/Kildare region which manufactures concrete blocks. The demand for additional housing will place a huge demand on existing suppliers. The applicant's existing block yard at Trammon is restricted in size and is the smallest of the 4 no. suppliers. A larger block yard is required to meet the current and future demand for concrete products.
- 3.2.9. **Item No. 5:** Details of the key personnel who have been involved in the preparation of the EIAR have been provided.
- 3.2.10. **Item No. 6:** The proposed development is planned for the next 12 years.
- 3.2.11. **Item No. 7:** During the upgrade of the washing plant, a decision was taken to construct temporary silt ponds to the north of the existing operational quarry. The ponds were constructed to hold silt in a low part of the site. This silt is produced



during the washing process and is inert. Over time, the silt will dry out and a layer of topsoil will be placed on top. A retention application for the restoration of this area has been submitted to Kildare County Council (Planning Authority Reg. Ref. 21/931).

- 3.2.12. The EIAR considered everything within the blue line boundary as illustrated in Fig. 1.2 of the EIAR and the silt ponds have no bearing on the current application.
- 3.2.13. **Item No. 8:** The area to the north of the application site will remain as tillage lands or in other agricultural use and does not hold any strategic sand and gravel reserves. There are no other proposed developments within the ownership boundary to the north or east of the batching plant.
- 3.2.14. **Item No. 9:** The batching plant has larger capacity than the total output requiring planning permission for 2 no. reasons: (1) the batching plant has already been purchased and it would not be commercially viable to purchase a new plant – the block machine and concrete yard have capacity limitations which have informed the output predictions in the EIAR, and (2) the civil costs are generally the same regardless of the size of the plant.
- 3.2.15. **Item No. 10:** A swept path analysis has been undertaken on the L1011 and the R148, including autotrack analysis of a large articulated truck accessing the site.
- 3.2.16. **Item No. 11:** The existing entrance to the quarry has insufficient sightlines and that the relocated entrance to the proposed batching plant will improve the existing situation. There is no proposed increase in traffic from the site. A review of accident data indicates that there have been no incidents at the existing site entrance. It is recommended that vegetation along the road edge be trimmed and maintained so that an object of 0.6 m in height on the road can be seen. Hedges should also be cleared so that the requirements of the NRA's Design Manual for Roads and Bridges are adhered to.
- 3.2.17. **Item No. 12 (a):** The wastewater treatment tank has a capacity of 25,600 litres. There are 6 no. employees on site, with a wastewater loading of 60 litres. It is proposed to collect wastewater on a biweekly and 3-week basis, with spare capacity noted to exist in the tank.
- 3.2.18. **Item No. 12 (b):** The ponds are temporary in nature and will be reinstated.

- 3.2.19. **Item No. 12 (c):** It is proposed to direct stormwater generated by the proposed development to a SuDS stormwater system located to the south and east of the site. There are 2 no. primary catchment areas – the block yard areas and the eastern portion of the site. Stormwater from internal roads, car parking areas and footpaths will be collected by precast concrete gullies connected to swales. Swales are proposed along the access road to the southeast of the site.
- 3.2.20. Stormwater run-off will be attenuated on site and a controlled flow will discharge to the existing storm water sewer adjacent to the site. Attenuation has been designed to provide sufficient storage capacity for a 100-year storm event within a landscaped area.
- 3.2.21. The required storage volume of 170 m<sup>3</sup> in the primary catchment area will be provided by swales and a detention area. The discharge from the settlement tank will be restricted using a Hydro-Brake flow control device. The capacity of the settlement tanks is 600 m<sup>3</sup>, while the perimeter swales/drains can contain 1,250 m<sup>3</sup>.
- 3.2.22. Under normal rainfall conditions, all rainwater will be collected from the block yard and hard standing areas and will be directed to 3 no. tanks for settlement. In dry weather, these 3 no. ponds will be topped up from the existing ponds in the pit area. In wet weather, water will be sent in the opposite direction and pumped into the existing ponds in the pit. A perimeter swale will also provide storage in wet weather. All clean water will be used in the manufacture of concrete products and wash down of trucks and the sprinkler system. The swales do not connect to the surface water catchment and there is no discharge from the site. There is no surface water connection to the River Boyne. A petrol interceptor will be installed upstream of the connection into the settlement tank.
- 3.2.23. **Item No. 12 (d):** Water from the settlement tanks will be recycled and reused in the batching plant and wheel wash. Water required for the batching plant, sprinkler system and wheel wash top-up can be supplied from the existing tanks on the batching plant site and ponds on the adjoining sand and gravel site. There is no discharge to surface water.
- 3.2.24. **Item No. 12 (e):** The main pond within the sand and gravel pit can be used to top up the wheel wash system in dry periods. The borehole on site will be utilised to supply the facility.

- 3.2.25. **Item No. 12 (f):** The pond is a recycled water pond which is underlain by between 1-2 m of low permeability clays and silts generated on site. This material prevents water percolating to ground. This pond will remain a water filled void post closure of the facility.
- 3.2.26. **Item No. 12 (g):** There is no discharge to surface waters and water is recycled on site. The falls on the block yard are such that collected water flows towards the settlement tanks and swales/detention area. In the event the tanks are full, the overflow will be to the detention area/dry swales on site.
- 3.2.27. Based on a groundwater abstraction rate of 10 m<sup>3</sup>/per day, the zone of contribution for the borehole is in the region of 2 ha, which is within the landowner's boundary and does not impact on the surrounding area. The applicant owns all lands within 10 ha of the abstraction.
- 3.2.28. **Item No. 12 (h):** Dry chemicals are used on site and stored in a covered building. Bunds will be in place and will be covered to remove the requirement to dispose of contaminated rainwater collecting in the bund. Spill pallets will be used to store drums of chemicals and oils. The integrity and water tightness of all bunding structures will be monitored.
- 3.2.29. **Item No. 12 (i):** There is no proposed direct emission of foul wastewater to ground. All wastewaters will be contained and taken off-site for treatment in an authorised facility.
- 3.2.30. **Item No. 13 (a):** The facility will not operate in conjunction with any other facilities or proposed developments in the area and therefore, there are no cumulative noise impacts. Existing noise levels at the site are compliant. Additional monitoring at noise sensitive locations was undertaken in September 2020. There is no proposed increase in traffic and no potential for additional road noise. The noise level 10 m from the L1011 when the existing site was not operational was higher than the measured level during the entire working day. Noise levels 10 m from the R148 are higher (62-63 dBA). The noise levels within the quarry are lower due to the topography of the site.
- 3.2.31. Operational noise levels associated with the proposed development are set as absolute noise levels in line with EPA guidance and previous operational noise limits set by An Bord Pleanála. All possible plant and vehicles likely to be used on site

have been included, resulting in a conservative noise assessment. It is not proposed to operate the batching plant or processing between 0700 and 0800 during which time a lower noise limit applies.

3.2.32. **Item No. 13 (b):** There are no 15-minute measurements in section 10.2 of the EIAR.

3.2.33. **Item No. 13 (c):** There is no inconsistency in the identified noise monitoring times and dates.

3.2.34. **Item No. 13 (d):** The predicted noise from the facility is not dependent on the noise at the receptors, but on the site plant, and this has not changed. There is no significant impact on the nearest sensitive receptors, including the dwelling built along the quarry boundary.

3.2.35. **Item No. 13 (e):** No increase in traffic is proposed and as such, the requested information is not relevant to this application.

3.2.36. **Item No. 13 (f):** Traffic volumes from the existing operation form a small fraction (<1%) of the traffic on the L1011.

3.2.37. **Item No. 13 (g):** Operational hours will be consistent with the existing hours of operation as granted by Kildare County Council. The proposed working hours for the batching activities proposed under this application are 0800 – 1800 Monday to Friday and 0800 – 1400 on Saturday.

3.2.38. **Item No. 13 (h):** The capacity of the plant is higher than the permitted production rate and demand. Mobile plant and batching will not be undertaken for the full day-time period. Due to limited site staff, all equipment will not be utilised for 100% of the site and noise will not be present all the time. The noise calculations include full utilisation and vary by 0.4dB compared to the 66% utilisation.

3.2.39. **Item No. 13 (i):** Noise levels on the existing site are compliant as detailed in the EIAR and details of noise monitoring in Appendix 1.1 of the RFI response. The noise model is included in Appendix 13.1, with additional calculations included in Item 13a. Noise levels from the existing R148 and L1011 are the main noise sources in the vicinity of the site.

3.2.40. **Item No. 13 (j):** There is no increase in the extraction rate as a result of the proposed development.

- 3.2.41. **Item No. 13 (k):** All mitigation measures outlined will be implemented. There is no qualification on the mitigation measures.
- 3.2.42. **Item No. 14:** There are no potable drinking water supplies on site, which is supplied by a private contractor. Non-potable water requirements will be met by the on-site attenuation tanks.
- 3.2.43. **Item No. 15 (a):** There is no requirement for PM10 monitoring at existing quarries based on EPA quarry guidelines. Guidance from the UK (LA 105 Air Quality, 2019) notes that modelling of PM10 is only required for the base year to demonstrate that the air quality limit values are not breached. The impact of the proposed development has been assessed by modelling emissions from the traffic generated. The impact of CO<sub>2</sub>, NO<sub>2</sub>, NO<sub>x</sub>, PM10 was predicted at nearby sensitive receptors. The overall impact of PM10 emissions is less than 1 % of the annual limit value at the worst-case receptor. No planning conditions relating to PM10 were imposed on foot of the Section 261 or 261a consents.
- 3.2.44. Long-term monitoring data for NO<sub>2</sub> (2013-2019) shows that annual mean concentrations vary from 3-4.5 µg/m<sup>3</sup>. The background concentration of CO in the region is estimated to be 0.5 µg/m<sup>3</sup>, while for PM2.5 is 10.5 µg/m<sup>3</sup>.
- 3.2.45. **Item No. 15 (b):** The overall development and reduction in bare surfaces will have a minor/slight positive impact on air quality. There is a total of 11 no. sensitive receptors (dwellings) within 500 m of the site. All existing dust levels are in compliance with dust limits.
- 3.2.46. The potential for dust impacts on the dwellings to the north, north-west and south of the sand and gravel pit and the proposed development is negligible. The dust suppression measures identified in the EIAR will be implemented to reduce the potential for dust emissions on site. There are no significant residual air quality impacts.
- 3.2.47. **Item No. 15 (c):** The air emissions chapter of the EIAR does not mention the NRA guidelines. The proposed development has a limited capacity and is over 250 m from any sensitive receptor and therefore, detailed air modelling or additional assessment is not required.

- 3.2.48. **Item No. 15 (d):** Dust monitoring at the Ballyonan site is in compliance with EPA guidelines for quarry management. The potential for dust generation is limited and mitigation measures are already proposed in the EIAR.
- 3.2.49. **Item No. 15 (e):** The dust guidelines are clearly set out in the EPA guidelines for quarry management. The site has operated within these limits over the last 10 years. The proposed limits are in line with EPA guidelines and the existing conditions for the site granted by Kildare County Council.
- 3.2.50. **Item No. 15 (f):** The existing sand and gravel pit is compliant with air quality standards. The nearest sensitive receptor to the proposed batching plant is over 310 m from the proposed development.
- 3.2.51. **Item No. 15 (g):** The proposed dust limits are in line with EPA guidelines and the conditions granted for the QR45 site by Kildare County Council. The applicant will implement a full dust suppression system, which will be incorporated into the plant. In dry weather, the yard will be hosed down and a sprinkler system will be used along the access road.
- 3.2.52. **Item No. 16:** Photomontages have been prepared for 7 no. locations which demonstrate that the site is not significantly visible in the surrounding area. As part of the landscape mitigation proposals, hedgerows around the perimeter and within the site will be bolstered with additional whip planting and managed to a height of approx. 3 m.
- 3.2.53. **Item No. 17:** At the end of the permission, the batching plant will be decommissioned, and the silos and hoppers removed. The concrete and hard standing areas will be broken up, excavated and crushed on site. All temporary buildings will be dismantled and taken off site. All chemicals and fuel storage will be decommissioned and disposed of by a licensed operator. All other machinery is mobile in nature and will be removed by a low loader.
- 3.2.54. **Item No. 18:** A response to the third-party submissions has been provided which addresses planning issues, traffic, landscaping, noise and air emissions.
- 3.2.55. In assessing the applicant's Further Information response (remitted application - Planning Officer's report of 4<sup>th</sup> November 2021 refers) the Planning Officer noted the following:

- Enforcement proceedings are ongoing in relation to the sand and gravel pit. The proposed development could facilitate the expansion and intensification of a potentially unauthorised development and therefore, it would be inappropriate to consider granting planning permission in these circumstances.
- Unsatisfactory information has been provided regarding the future importation of materials to the site via the R148.
- The applicant has not provided details of any reasonable alternative locations closer to the source of the future materials.
- The Roads, Transportation and Public Safety Dept. recommended that planning permission be refused as the proposed development would endanger public safety by reason of traffic hazard.
- The Environment Section recommends that planning permission be refused as the applicant has not demonstrated there would be no adverse risk of pollution in relation to waters and noise from the development.
- No methodology statement was provided for the removal of plant, machinery, etc from the site.
- The applicant's response to third party concerns did not acknowledge ongoing enforcement proceedings.

3.2.56. The Planning Officer recommended that planning permission be **refused** for the proposed development based on the failure to adequately assess the impact of the project on the environment in terms of traffic, noise, dust and water. It was also considered that the EIAR refers and relates to development within the existing quarry that appears to be unauthorised. It was further considered that the proposed development would facilitate the consolidation and intensification of unauthorised development and as such, the Planning Authority was precluded from granting permission in these circumstances.

### 3.2.57. **Other Technical Reports**

3.2.58. **Area Engineer (14<sup>th</sup> November 2019 and 4<sup>th</sup> November 2021):** Recommended that Further Information be requested, including a road safety audit of the proposed development, taking account of the existing and proposed traffic on the road network and the possible upgrading of junctions.

- 3.2.59. Following the applicant's Further Information submission, it was recommended that planning permission be **refused** based on the increased HGV and LGV traffic generated by the proposed development, which would endanger public safety by reason of traffic hazard.
- 3.2.60. **Transportation Department (26<sup>th</sup> November 2019, 18<sup>th</sup> August 2020 and 28<sup>th</sup> October 2021)**: Recommended that Further Information be requested in relation to: (1) a swept path analysis for HGVs for the proposed entrance to the development onto the L1011 and the junction of L1011 and R148, (2) an independent Road Safety Audit for the proposed development including the entrance, sightlines and junctions of L1011 and R148 – all recommendations to be incorporated into the proposed design.
- 3.2.61. Following the applicant's Further Information submission, it was recommended that planning permission be **refused** for the proposed development as it would endanger public safety by reason of traffic hazard.
- 3.2.62. **Environment Section (22<sup>nd</sup> November 2019, 23<sup>rd</sup> June 2020 and 2<sup>nd</sup> November 2021)**: Recommended that Further Information be requested in relation to:
- (1) calculations for the size of the effluent holding tank and proposals for how often it will be required to be emptied,
  - (2) purpose of temporary ponds located in Area A, an explanation as to why they will no longer be required and where that water will be directed in the future,
  - (3) report and detailed calculations on the sizing of the settlement tanks, their ability to cater for the volumes of surface water generated on site and measures to cater for large, unexpected rainfall events,
  - (4) a report quantifying the volume of surface water required in the batching plant process, for the damping down of dust during dry periods and for wheel wash top-ups and the quantification of the proposed volume of water to be extracted from the borehole on site during dry periods and the impact on surrounding private wells,
  - (5) details of the source of drinking water, how it will be stored and how it will be used for sanitary and drinking purposes,
  - (6) clarification regarding the use of the borehole to top up the wheel wash system,



(7) clarification as to whether works have gone below the water table based on water observed during the site inspection and the wetland feature identified on landscaping layout plan,

(8) noise monitoring locations are not representative of sensitive receptors SR2 and SR3,

(9) contradictions in reference to 15- and 30-min noise monitoring readings and noise monitoring times and dates,

(10) predicted noise levels as a result of batching plant activity shall be amended based on new noise monitoring locations and correct times and dates.

3.2.63. Following the applicant's Further Information submission, it was recommended that planning permission be **refused** based on the risk to waters and noise pollution. Issues to be addressed in any future application are identified.

3.2.64. **Heritage Officer (12<sup>th</sup> November 2019 and 23<sup>rd</sup> June 2020)**: No objection to the proposed development subject to conditions relating to ecology and archaeology. No further comments arose following the applicant's Further Information submission.

3.2.65. **Water Services (5<sup>th</sup> December 2019 and 12<sup>th</sup> June 2020)**: No objection to the proposed development subject to condition. No further comments arose following the applicant's Further Information submission.

### 3.3. Prescribed Bodies

3.3.1. **Inland Fisheries Ireland**: None received.

3.3.2. **Irish Water (5<sup>th</sup> December 2019)**: No objection to the proposed development subject to condition.

3.3.3. **Environmental Protection Agency**: None received.

3.3.4. **Dept. of Arts, Heritage, Regional, Rural & Gaeltacht Affairs (19<sup>th</sup> November 2019)**: Recommends that archaeological monitoring be required by condition.

3.3.5. **Health Service Executive (18<sup>th</sup> November 2019 and 14<sup>th</sup> August 2020)**: States that:

(1) it is unclear how an EIA can consider any likely significant impacts that are materially affected by an unauthorised development, without the planning status of the unauthorised development being regularised,

- (2) substitute consent must be sought if the proposal includes unauthorised development,
- (3) remedial EIA may be required,
- (4) limited public consultation in the EIA process,
- (5) the non-technical summary is 83 pages long and cannot be considered a summary,
- (6) no change should be permitted to consented operating hours,
- (7) consideration should be given to impacts from traffic noise when extraction at existing site finishes and batching plant is being supplied from other sources,
- (8) noise assessment states a worst-case situation with all plant and machinery operating, but the methodology employed has utilisation rate of 66% of plant and machinery built into the predictive calculations,
- (9) noise assessment does not show how conclusions are reached that there will be compliance with standard noise levels,
- (10) EIAR should clearly identify existing, predicted and cumulative noise impacts,
- (11) there should be no direct emissions to surface from rain-water run-off on the site – mitigation measures not detailed enough,
- (12) limited consideration of impacts on local drinking water supplies,
- (13) no measurements of PM10 exposure to local population and likely significant effects from dust have not been adequately assessed,
- (14) dust comparisons to a construction site are not representative of the existing activities and the proposed development,
- (15) a number of assumptions and opinions regarding impacts on air quality are not evidence-based.

3.3.6. Following the applicant's Further Information submission, the following points were noted:

- (1) an assessment of likely significant impacts of importation of sand and gravel is required as part of the EIAR,

- (2) projects requiring EIA cannot be split into different elements and the proposed development must be considered in its entirety,
- (3) the silt ponds are a consequence of the development and should be considered in a cumulative assessment,
- (4) unclear how silt ponds can be restored through conditioning or agreement if they have not been subject to development consent,
- (5) consideration should be given to likely significant impacts from traffic noise when extraction finishes and the batching plant is being supplied from other sources,
- (6) response does not assess whether traffic from the site is the dominant source of noise,
- (7) the developer should not quantify proposed mitigation measures with a test of “reasonableness”,
- (8) an EIA should consider likely significant effects from a development and is not limited to what is, or is not, specified as a monitoring requirement pre-application,
- (9) any predicted changes in dust emissions are required to be quantified in the EIAR,
- (10) applicant has relied on EPA guidance as rationale for dust monitoring locations despite 3<sup>rd</sup> party submissions identifying impacts beyond the monitoring sites,
- (11) the operation of the facility at any time should not constitute a statutory nuisance that is prejudicial to health,
- (12) the standard used to evaluate significance of dust impacts is an averaging standard that could result in high levels of dust deposition within the averaging period,
- (13) fundamental difference between the reported experience of residents living near the development and the contents of the EIAR and FI.

3.3.7. **Meath County Council:** None received.

3.3.8. **Westmeath County Council:** None received.

### 3.4. Third Party Observations

- 3.4.1. A total of 16 no. third-party observations were made on the application by: (1) Maria Lyons, Ballinakill, Broadford, Moyvalley, Co. Kildare, (2) Eco Advocacy, Trammon, Rathmolyon, Enfield, Co. Meath, (3) Patrick McKeever, Ballyonan, Broadford, Co. Kildare, (4) Michael McKeever, Ballyonan, Broadford, Co. Kildare, (5) John Furey, Ribbontale House, Longwood, Co. Meath, (6) Nicky Furey, Ribbontale House, Longwood, Co. Meath, (7) Patricia Furey, Ribbontale House, Longwood, Co. Meath, (8) Elizabeth Maguire, Kilglass, Longwood, Co. Meath, (9) Kathleen Maguire, Ballyonan, Broadford, Co. Kildare, (10) Colm Maguire, Ballyonan, Broadford, Co. Kildare, (11) Robert F. Meijer, Ballyonan, Broadford, Co. Kildare, (12) Alexander Joseph Meijer, Ballyonan, Broadford, Co. Kildare, (13) James Maguire, Moneymore, Longwood, Co. Meath, (14) Robert c. Meijer, Ballyonan, Broadford, Co. Kildare, (15) Ann Maguire Meijer, Ballyonan, Broadford, Co. Kildare, (16) Kathleen McCormick, Watering Hollow, Ballinkill, Broadford, Co. Kildare.
- 3.4.2. The issues which are raised can be summarised as follows: (1) length of permission should be restricted to 5 - 10 years, (2) depth of excavations should be restricted, (3) history of non-compliance, (4) air pollution, (5) noise pollution on L1011 from trucks, including at night, (6) restricted road width on L1011- impacts on car users, cyclists and pedestrians, (7) operating hours should be restricted, (8) buffer zones required to reduce visual impacts, (9) impact on local property values, (10) water pollution, impact on water table and local wells, (11) significant unauthorised developments exist on the site, (12) Planning Authority cannot grant permission until authorised developments are regularised, (13) inaccuracies in planning application form, (14) impact on structural integrity of adjoining property, (15) health impacts, (16) impact on livestock, (17) impact on historic bridges on Longwood Road, (18) impact on residential amenities, (19) planning permission refused for quarry on opposite site (Planning Authority Reg. Ref. 233/99), (20) impact on junction of L1011 and R148, (21) negative visual impacts on adjoining agricultural lands.
- 3.4.3. Submissions on the applicant's Further Information were received from: (1) Robert C. Meijer, Ballyonan, Broadford, Co. Kildare, (2) John and Patricia Furey, Ribbontail, Longwood, Co. Meath, (3) Ann Maguire Meijr, Ballyonan, Broadford, Co. Kildare, (4) Linda Conwell, Ballyonan, Broadford, Co. Kildare, (5) James Maguire, Moneymore, Longwood, Co. Meath, (6) William Pratt, Ballyonan, Broadford, Co. Kildare, (7) Eco

Advocacy, Trammon, Rathmoylon, Enfield, Co. Meath, (8) Patrick McKeever, Ballyonan, Broadford, Co. Kildare, (9) Maria Lyons, Ballinakill, Broadford, Moyvalley, Co. Kildare,

- 3.4.4. The new issues which are raised can be summarised as follows: (1) submitted information does not address all of the requested items of Further Information, (2) inconsistent information regarding working hours/quantum of sand and gravel materials/truck movements, (3) no measures to prevent silt ponds contaminating ground water, (4) significant volumes of material being brought onto the site for processing, (5) capacity of the plant is significantly larger than the quoted figure of 20,000 tonnes of aggregate per annum, (6) safety issues at junction of N4 not addressed, (7) numerous complaints to Kildare County Council regarding on site operations, (8) ground water monitoring results are 11 years old, (9) brownfield sites should have been considered as alternative locations, (10) the use of the existing entrance when the new entrance is implemented is not clarified, (11) mounds of material stockpiled close to existing dwellings, (12) surrounding land drains into tributaries of the River Boyne, (13) inadequate security fencing, (14) noise assessment incorrectly identifies noise sensitive receptors and does not consider the stone crusher which is present on site twice a year for 2 months at a time and is a main cause of noise and dust, (15) scrap metal not removed from the site, (16) bond should be required for the restoration of the quarry, (17) presumption that blasting will not be permitted, (18) high berms required around the site, (19) developer should be required to pay financial contributions.

## 4.0 Planning History

- 4.1. **Planning Authority Reg. Ref. 21/931:** Planning permission sought for retention of 2.25 ha development area consisting of 3 no. settlement ponds, 3 no. stockpiles and all ancillary site works for a period of 3 years.
- 4.2. The Planning Authority issued a notification on 5<sup>th</sup> April 2022 confirming that it was precluded from considering the application as it included the retention of development which would have required: (i) an EIA, (ii) a determination as to whether an EIA is required, or (iii) an AA.

- 4.3. **Planning Authority Ref. ED/828:** The erection of a temporary steel container for use as an on-site welfare facility constitutes the carrying out of works which results in development which is not exempted development.
- 4.4. **S. 261A (QRA 01-001):** Kildare County Council determined that the requirements in relation to the registration under S. 261 were not fulfilled and that development was carried out after 1<sup>st</sup> February 1990 which would have required a determination as to whether an EIA was required, but that such determination was not carried out or made. It was also identified that there would have been potential for significant impacts arising from the quarrying activities on the River Boyne and Rover Blackwater cSAC and SPA.
- 4.5. An Bord Pleanála determined that development was not carried out on site after 26<sup>th</sup> February 1997 that would have been likely to have had a significant effect on any European site having regard to the small scale of the quarry, the level of processing undertaken on the site, the lack of potential for connectivity to watercourses, the limited potential for connectivity to a European site and the minimal extent to which the quarry developed after 26<sup>th</sup> February 1997.
- 4.6. **S. 261 Quarry Registration – QR45:** Granted by An Bord Pleanála subject to 40 no. conditions.
- 4.7. **Planning Authority Reg. Ref. 94/474:** Planning permission refused to open a sand and gravel pit.

## 5.0 Policy and Context

### 5.1. National Planning Framework (NPF)

- 5.1.1. Section 5.4 of the NPF notes that extractive industries are important for the supply of aggregates and construction materials and minerals to a variety of sectors, for both domestic requirements and for export. Aggregates and minerals extraction will continue to be enabled where it is compatible with the protection of the environment, the quality of life of residents in the vicinity, and provides for appropriate site rehabilitation.
- 5.1.2. **National Policy Objective 23:** Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food

sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy 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 which are vital to rural tourism.

## **5.2. Quarries and Ancillary Activities Guidelines for Planning Authorities (2004)**

- 5.2.1. These guidelines provide guidance to planning authorities on planning for the quarrying industry through the development plan and determining applications for planning permission for quarrying and ancillary activities.
- 5.2.2. The Guidelines note that aggregates are a significant natural resource and that the extractive industries make an important contribution to economic development in Ireland. It is further noted that the operation of quarries can give rise to land use and environmental issues which require to be mitigated and controlled through the planning system. Ancillary developments, such as concrete manufacturing, also may have significant impacts which need to be addressed from the outset, so that the cumulative effects from the site may be assessed. The Guidelines provide an overview of the various environmental impacts and guidance on best practice and possible mitigation measures under each environmental heading.

## **5.3. Kildare County Development Plan 2023-2029**

- 5.3.1. The Kildare County Development Plan 2023-2029 has been adopted since this planning application was lodged and is the relevant local planning policy document for the purposes of adjudicating this appeal case.

## **5.4. Rural Economy and Rural Enterprise**

- 5.4.1. In specific circumstances, some commercial / industrial developments may be acceptable in rural areas due to their dependence on an existing local resource or source material that is required for the carrying out of the process / activity or service. In such instances the local resource or source of material shall be situated close to the location of the proposed development.
- 5.4.2. Criteria for the assessment of one-off enterprises in rural areas are set out in table 9.1 of the plan including, inter alia, that there be no detrimental impact on nearby properties, that the local road network can accommodate the extra demand generated by the proposal, that the proposal will not adversely affect the character

and appearance of the landscape and subject to adequate proposals to cater for any waste arising at the facility.

## 5.5. Mineral Resources and Extractive Industry

5.5.1. The extractive industry can have damaging environmental effects and permission will only be granted where the council is satisfied that residential and natural amenities will be protected, pollution will be prevented, and aquifers and groundwater safeguarded. Whilst the environment must be protected, it is also important to ensure the availability of adequate supplies of aggregates and to facilitate the exploitation thereof to meet the future needs of the county and region in line with the principles of sustainable development and environmental management.

5.5.2. **Policy RD P8:** Support and manage the appropriate future development of Kildare's natural aggregate resources in appropriate locations to ensure adequate supplies are available to meet the future needs of the county and the region in line with the principles of sustainable development and environmental management and to require operators to appropriately manage extraction sites when extraction has ceased.

## 5.6. Landscape

5.6.1. The county is subdivided into Landscape Character Areas, with the appeal site being located in the North-western Lowlands. This area is categorised as having a low level of sensitivity to change (class 1) and the capacity to generally accommodate a wide range of uses without significant adverse effects on the appearance or character of the area. The North-western Lowlands have a high level of compatibility with extraction-related projects (table 13.3 of the plan refers).

## 5.7. Natural Heritage Designations

5.7.1. The River Blackwater and River Boyne SAC (site code: 002299) and River Blackwater and River Boyne SPA (side code: 004232) are located approx. 2.2 km to the north-east of the appeal site at their closest points. Mount Hevey Bog SAC (site code: 2342) is located approx. 5 km to the north-west at its closest point. The Long Derries SAC (site code: 000925) is located approx. 14 km to the south of the appeal site.



## **5.8. EIA Screening**

5.8.1. The planning application documentation includes an EIAR. I note the provisions of Article 102 of the Planning and Development Regulations, 2001 (as amended) which states that, where a planning application for sub-threshold development is accompanied by an EIAR, the application shall be dealt with as if the EIAR had been submitted in accordance with section 172(1) of the Act.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. A first-party appeal against the Planning Authority's decision has been lodged by Tobin Consulting Engineers on behalf of the applicant. The grounds of appeal can be summarised as follows:

- Approx. 250,000 tonnes of material remain on the site and the Planning Authority is incorrectly of the opinion that the existing material is exhausted.
- The applicant has stated at all times, that the importation of any material other than cement (which needs to be imported), will be the subject of a separate, future application when the adjacent sand and gravel pit is exhausted.
- The EIAR does not deal with importation, as no material will be imported for the lifetime of this permission.
- The EIAR and planning application have dealt comprehensively with reasonable alternatives.
- The applicant submitted a Stage1/2 Road Safety Audit at Further Information stage which dealt with the capacity of the road network. The RSA design team recommended measures including the management of hedgerows at the entrance, raising the overhead cable and setbacks for the site entrance, all of which are accepted by the developer and will be implemented in full.
- The current direction of traffic from the sand and gravel pit is not restricted based on the QR45 (quarry registration) conditions. The current planning application proposes that traffic will be directed south towards the R148,

which, if granted, is another planning gain and the direction of travel will be conditioned.

- The proposed development delivers a planning gain and improves public safety and a reduction in traffic hazards or obstructions compared with the existing situation.
- The quarry will not be increasing traffic movements or changing vehicle types at the junction of the L1011 and the R148. There are no concerns that the revised quarry entrance will have detrimental safety issues at this junction. The upgrade of this junction is the responsibility of the Local Authority.
- A comprehensive chapter on water was included in the EIAR. There are currently no discharges from QR45 and there are no proposed discharges as a result of the proposed development.
- The water system is entirely closed, with no surface water discharges from the site. The proposed SUDS measures will manage the runoff volume and water quality. Water will be reused and recycled in the batching process. All works are carried out above ground with the exception of a bored well.
- The covering of bunded areas is proposed to minimise the requirement to dispose of contaminated rainwater collecting in the bund. Spill pallets will be used to store drums of chemicals and oils.
- The quarry has operated intermittently on the adjoining site for over 60 years and there is no evidence of any water pollution or any pollution of any kind that would be prejudicial to the public health of residents in the vicinity.
- The proposed development complies with all relevant water policies of the Kildare County Development Plan 2017-2023.
- Noise levels associated with the facility are compliant with relevant daytime noise limits for the site. The operation of the batching plant alone or in combination will not result in noise levels above the recommended limit set in national planning guidance.
- The dominant noise source is existing traffic on the L1011 and R148. Noise monitoring values within the site are lower than the measured noise levels along the R148.

- There is no proposal to import material or to increase traffic. Existing traffic from the site accounts for a small percentage of traffic on the local and regional roads.
- The Planning Authority's assessment that the area is rural / remote is not supported, given the proximity of the site to the former N4 (R148) and the M4 (1km), as well as traffic on the local road.
- The noise sensitive locations in the vicinity of the site are not defined as areas of low background noise as per NG4, 2016 guidance.
- In accordance with the principles of sustainable development, a concrete batching plant should be within or adjacent to a quarry and is reliant on aggregate material. Alternative locations would result in significantly more traffic than the proposed co-location.
- The proposed development is supported by relevant policies of Project Ireland 2040, the RSES for the Eastern and Midland Region and the Kildare County Development Plan 2017-2023.
- The quarry site is compliant with planning. Small outstanding issues in relation to the weighbridge, wheel wash, office accommodation and access to the site are being dealt with under this planning application and a retention application.
- It is highly unusual to request a method statement for the removal of plant, given that these works will be undertaken in 11 years' time.
- The development is an essential piece of infrastructure to provide ready-mix concrete blocks for the proposed growth in housing and infrastructural projects anticipated over the coming years.

## 6.2. Planning Authority Response

- 6.2.1. The Planning Authority has no further comments to make on the appeal (response dated 20<sup>th</sup> January 2022 refers).

### 6.3. Observations

- 6.3.1. Observations were made on the appeal by: (1) Patrick McKeever, Ballyonan, Broadford, Co. Kildare, (2) Friends of the Irish Environment, Kilcatherine, Eyeries, Co. Cork, (3) Eco Advocacy, Trammon, Rathmoylan, Enfield, Co. Meath, (4) Linda Conwell, Ballyonan, Broadford, Co. Kildare, and (5) William Pratt, Ballyonan, Broadford, Co. Kildare.
- 6.3.2. No new issues have been raised (see section 3.4 of this report for a summary of third-party observations).

## 7.0 Assessment

7.1. I am satisfied that the main issues arising for consideration in this case include:

- (i) Principle of the Development / Consideration of Alternatives
- (ii) Traffic Impacts
- (iii) Water Impacts
- (iv) Noise Impacts
- (v) Environmental Impact Assessment
- (vi) Appropriate Assessment

7.2. Each of these issues is considered in turn below.

### 7.3. Principle of the Development / Consideration of Alternatives

- 7.3.1. In refusing permission for the proposed development, Kildare County Council considered that the submitted EIAR had not provided an assessment of the material to be imported via the R-148 when the remaining material in the adjacent sand and gravel pit is exhausted, and as such, an adequate assessment of reasonable alternatives relevant to the project had not been provided (refusal reason no. 1 refers).
- 7.3.2. In justifying the need for the proposed development, Section 2.2 of the EIAR states that the applicant proposes to relocate their concrete manufacturing facility from a site at KQL Rathmolyon, as most aggregates supplied to this block yard originate from the adjoining Ballyonan pit. The relocated block plant will reduce lead times and

optimise manufacturing capacity at the Rathmolyon site. The applicant's response to Item no. 1 of the Further Information request states that the sand and gravel pit will operate until 2029.

- 7.3.3. In my opinion, a clear justification exists for the co-location of the proposed batching plant adjoining the existing sand and gravel pit, given that material from the pit will serve the proposed development. In the event the Board considers granting planning permission in this instance, I recommend that the duration of the permission be linked to that of the existing development.
- 7.3.4. In considering the future supply of aggregates to serve the batching plant, the applicant has confirmed that the future importation of sand and gravel will require a new planning application to assess any potential traffic impacts arising. In my opinion, this is a reasonable approach, and given the timelines in this instance, I consider that it would be difficult to undertake an assessment of the likely traffic impacts arising until such time as the source of these materials is confirmed and baseline data on traffic volumes arising at that time is available.
- 7.3.5. Thus, I consider that the continued operation of the batching plant beyond the permitted timeline of the existing quarry, and an assessment of any additional traffic (or other) impacts arising, would be most appropriately assessed under a new planning application. As such, I consider that the Planning Authority's decision to refuse permission for the proposed development on this basis is unreasonable.

#### **7.4. Traffic Impacts**

- 7.4.1. Kildare County Council considered that the proposed development would endanger public safety by reason of a traffic hazard and obstruction to road users having regard to the operational capacity of the road network and the junction of the L-1011 and R-148, increased HGV and LGV traffic, HGV turning movements encroaching the offside traffic lane when entering / leaving the site, a lack of visibility and set back at the proposed new entrance, issues with overhead lines and a lack of signage (refusal reason no. 1 refers).
- 7.4.2. In considering the foregoing, I note that minor additional traffic movements would arise on foot of the proposed development compared with the existing quarry. The permitted traffic volume for the quarry is 20,000 tonnes and the proposed facility will import an additional 2,000 tonnes of cement material, which equates to an additional

0.4 HGV arrivals and 0.4 HGV departures per working day based on a 250-day per annum operation (daily traffic movements of 8 HGVs and 6 LGVs based on the information provided in the EIAR). As such, I consider it would be unreasonable to refuse planning permission for the proposed development based on the additional traffic which would be generated on the adjoining road network.

7.4.3. It is proposed to direct traffic to / from the proposed development via the R148 only, which is not required under the quarry registration conditions as highlighted by the applicant's agent. The swept path analysis drawing provided at Further Information stage (Drawing No. 10592-2011 rev. A) illustrates that HGVs would be required to swing out into the oncoming/north-east bound traffic lane as part of the turning movements required to exit the site. This would result in a conflict with traffic travelling in a north-easterly direction along the L1011. The corresponding drawing for entry movements into the site illustrates a HGV centrally positioned across the inbound and outbound lanes of the L1011 on the approach, with the vehicle then moving towards the roadside verge to facilitate the required turning movement into the proposed site access. No commentary or analysis of these results or details of proposed traffic management measures is provided in the applicant's Further Information Response (item no. 10 refers). The applicant's appeal states that the RSA identifies minor issues in terms of potential road safety and proposes solutions which the applicant has committed to addressing. I note that significant concerns have been raised by the observers to the appeal regarding the restricted width of the L1011 and the potential impact of the proposed development on other road users.

7.4.4. I also note the concerns raised by the RSA audit team in relation to the width of the internal access road and the likely requirement for a security gate at the site entrance. In my opinion, there appears to be a conflict between the dimensions of the internal road (measured directly behind the site access) as shown on the Site Entrance & Visibility Sightlines Drawing (No. 10592-2009 Rev. A) and that shown on the Site Drainage Layout Plan Drawing (No. 10592-2003 Rev. B). While dimensions are not included on either drawing, I estimate the overall internal access road (as measured between the red line boundary on either side) to be approx. 6 m on the former drawing and approx. 8 m on the latter. An internal carriageway width of approx. 5.5 m is shown on the Autotrack Assessment Swept Path Analysis Drawing (No. 10592-2011 Rev. A), with the articulated vehicle used in the analysis having an

overall width of 2.55 m. In my opinion, the lack of clarity regarding the width of the site access and internal road and the ability to accommodate 2-way traffic movements to avoid queuing on the local road network is unacceptable.

- 7.4.5. In my opinion, the issues arising regarding turning movements at the site access are not suitable for agreement by way of condition. As such, I consider that planning permission should be refused for the proposed development based on its potential to endanger public safety by reason of traffic hazard and obstruction of road users.
- 7.4.6. In considering the remaining issues raised in the RSA regarding the lack of visibility at the site entrance, the height of the overhead power lines and lack of signage, I note that the sightlines demonstrated on Drawing 10592-2009 Rev. A (Site Entrance and Visibility Sightlines) would require the removal of 160 m of the existing hedgerows in either direction adjoining the site entrance. These lands are under the applicant's control. I also note that the removal/repositioning of overhead power lines and the provision of appropriate signage at the site entrance could likely be resolved by way of agreement with the relevant authorities, and as such, I consider it would be unreasonable to refuse planning permission for the proposed development based on these issues.

## 7.5. **Water**

- 7.5.1. Kildare County Council was not satisfied that the proposals for the management of water would adequately protect water quality in the vicinity and thus would not give rise to water pollution and be prejudicial to the public health of residents in the vicinity of the subject site (refusal reason no. 2 refers).
- 7.5.2. In responding to the foregoing, the applicant's agent submits that there are no surface water discharges from the sand and gravel pit, and none are proposed as part of the proposed development, with the water system being entirely closed. The proposed SuDS measures will manage the runoff volume and water quality. Water will be reused and recycled in the batching process. Bunded areas will be covered to minimise the requirement to dispose of contaminated rainwater. Spill pallets will be used to store drums of chemicals and oils.
- 7.5.3. The Planning Authority requested the applicant to clarify the information contained in the EIAR in relation to water under Item Nos. 12 (a) – (i) of the Request for Further Information. The applicant's response states that surface water run-off will be

attenuated on site and controlled flow will discharge to the existing storm sewer line adjacent to the site. The location of the existing sewer is not identified on the Site Drainage Layout Plan (Drawing No. 10592-2003 Rev. B) or the Site Layout Plan (Drawing No. 10592-2002 Rev. A). It is further stated that attenuation has been designed to provide sufficient storage capacity for a 100-year storm event. The primary surface water catchment area requires a storage volume of 170 m<sup>2</sup>. The capacity of the settlement tanks is 600 m<sup>3</sup> and of the perimeter swales/drains is 1,250 m<sup>3</sup>. Any excess water will be used in the sand and gravel operation.

- 7.5.4. Under normal rainfall conditions, all rainwater will be collected from the block yard and hard standing areas and directed to 3 no. settlement tanks located at the southern end of the site. Discharge from the tanks will be restricted to 2l/s/ha using a Hydro-Brake flow control device. In dry weather, the tanks will be topped up from the existing ponds located in the quarry. In wet weather, water will be pumped into the existing ponds. It is unclear whether these arrangements also relate to the temporary ponds on the adjacent quarry site, which I note may constitute unauthorised development.
- 7.5.5. All clean water is proposed to be used in the manufacture of concrete products, as wash down for trucks and in the sprinkler system. The following water requirements are estimated: batching plant – less than 10 m<sup>3</sup>/day; wheel wash top up – 1m<sup>3</sup>/day during dry period – sprinkler system 2-3 m<sup>3</sup>/day (during dry weather). The RFI response states that these volumes can be supplied from the tanks on the batching plant site and the ponds on the adjoining quarry site. In my opinion, it is unclear whether the existing temporary ponds on the adjoining quarry site will be used for water supply purposes.
- 7.5.6. In response to Item No. 12 (e) of the Request for Further Information, the applicant stated that a borehole which is available on the site will be used to supply water to the facility. A zone of contribution of 2 ha is required to supply an average groundwater abstraction rate of 10 m<sup>3</sup>/per day to facilitate the batching plant. The location of the borehole is not identified on the site drainage drawings. I note that the EIAR states that there will be no groundwater abstractions from the proposed development. In response to RFI item no. 12 (g) the applicant goes on to state that groundwater usage/volumes can be supplied from the existing tanks and ponds on



site. It is unclear whether this statement refers to the quarry site or the proposed batching plant site.

- 7.5.7. In my opinion, the applicant has not clearly described the existing and proposed drainage arrangements, including the inter-relationship, if any, with the adjoining quarry site. I also note that the RSA team identified that the drainage drawings did not identify an outlet for the filter drains alongside the access road and at the bell-mouth of the junction with the public road. Concerns were raised that the filter drain could become clogged, result in flooding / ponding on the road surface with the potential for aquaplaning of vehicles.
- 7.5.8. Having regard to the foregoing, I consider that there is an overall lack of clarity in relation to the water drainage proposals which are intended to serve the proposed development and I consider that planning permission should be refused on this basis.

## 7.6. **Noise**

- 7.6.1. The Planning Authority was not satisfied that the assessment of, or proposed mitigation measures relating to noise generated by the proposed activities on site, had been adequately assessed in the EIAR. Thus, the Planning Authority was not satisfied that the proposed development would not impact unduly on the character and residential amenity of the surrounding rural area (refusal reason no. 3 refers).
- 7.6.2. The applicant's agent submits that noise levels associated with the facility are compliant with relevant daytime noise limits for the site. It is submitted that the operation of the batching plant alone or in combination will not result in noise levels above the recommended limit set in national planning guidance. It is asserted that the dominant noise source is existing traffic on the L1011 and R148 and that noise monitoring values within the site are lower than the measured noise levels along the R148.
- 7.6.3. The results of noise monitoring at 3 no. locations were included in the EIAR. The Planning Authority considered that the monitoring locations were not representative of the nearest noise sensitive receptors and the applicant was requested, inter alia, to select more suitable locations close to the receptors and to submit new baseline monitoring results (Item Nos. 13 (a) – (k) of the Request for Further Information refer).

- 7.6.4. The applicant undertook further noise monitoring at 4 no. noise sensitive locations (SR1, SR2, SR3 and SR4) surrounding the site and adjoining quarry in September 2020. SR1 relates to the existing dwellings to the north-west of the appeal site, while SR3 is located on the north-eastern boundary of the applicant's overall landholding, proximate to the existing dwellings fronting onto the L1011. Two noise sensitive locations are identified as SR2, one located along the roadside (L1011) boundary at the western extent of the existing quarry and the other located within the quarry site, adjacent to its south-western boundary. Both SR2 monitoring sites are proximate to existing dwellings fronting onto the R148. SR4 is located along the hedgerow at the southern boundary of the quarry.
- 7.6.5. Table 13.1 of the applicant's RFI response (page 22) sets out background noise levels for each noise sensitive location. Page 25 of the response confirms that 24-hour noise surveys were undertaken at this time. The results over the entire survey period are not provided within the text or appendices of the applicant's response, with a single LAeq result provided for each location. In my opinion, the inclusion of an average/single result in this instance, provides insufficient information to determine the variation in the background noise levels over the course of the working day.
- 7.6.6. The RFI response states that existing noise levels at the site are compliant. However, I note that a result of 60 dBA LAeq was obtained for noise sensitive location SR2 (noise monitoring N1, N6) along the L1011 boundary of the quarry. Condition no. 14 of the quarry registration (QR45) requires that, during the operational phase of the development, the noise level from within the site, measured at noise sensitive locations, shall not exceed: (a) an LAeqT value of 55 dBA (1 hour) during 0800 to 1800 hours Monday to Friday and 0800 to 1400 hours on Saturday, and (b) an LAeqT value of 45 dBA (15 minutes) at any other time.
- 7.6.7. Figure 13.2 comprises a graph of the noising monitoring results (24 hour) for noise sensitive location SR3. A noise level exceeding 55dBA was recorded in one instance on 14<sup>th</sup> September 2020. It is unclear why the results for the remaining noise sensitive locations have not been included in the response.
- 7.6.8. Further noise monitoring results are presented for location SR3 in Table 13.2 of the applicant's RFI response relating to 2 no. 30 minute day-time surveys (12.02 and

13.07) on 4<sup>th</sup> March 2020 and a 1 no. 30-minute day-time survey undertaken at 10.35 on 3<sup>rd</sup> March 2021. I note with reference to Table 5 (Recommended Minimum Survey Durations) of the “Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4, January 2016) that a minimum of 3 no. daytime (0700 to 1900 hours) sampling periods is recommended at each monitoring location and a minimum of 2 no. night-time (2300 to 0700) sampling periods.

- 7.6.9. Evening time noise levels within 10 m of the L1011 and the R148 are stated to be higher than the measured levels during the entire working day, with the lower noise levels within the quarry attributed to the existing topography of the quarry site. Noise levels associated with the existing facility, which include various plant and machinery, are stated to be compliant with the relevant daytime noise limits for the site of 55 dBA LAeq,T between 0800 and 1900 hours. All possible plant and vehicles likely to be used on the quarry site have been included, and therefore, it is submitted that operational noise emissions will be lower.
- 7.6.10. It is stated that there will be no potential for additional road noise from the site, as there will be no increase in traffic on foot of the proposed development. I note that this response does not account for the additional 2,000 tonnes of concrete which will be imported onto the site, notwithstanding the minor additional traffic movements which will arise.
- 7.6.11. In my opinion, it is not possible to reach an overall conclusion on the existing background noise levels at the nearest noise sensitive receptors based on the information which accompanies the application and appeal. As such, I consider it is also not possible to reach a conclusion on the predicted, in-combination noise levels which would arise on foot of the existing development and the proposed batching plant.
- 7.6.12. In reaching this conclusion, I have reviewed the noise monitoring results provided in Appendix 1.1 of the RFI response as undertaken in March, May, October and December 2017; February, June, August and November 2018; May and July 2020 and May 2021. These results relate to some, but not all, of the adjoining noise sensitive receptors in each of the survey years, and as such, do not provide a complete picture of the noise environment surrounding the site at these times.

- 7.6.13. Predicted noise levels have been determined using an acoustic model of the site. The resulting noise levels, which includes background noise, the existing quarry and the noise levels of the proposed batching plant, range from 51.1 to 53.4 dBA LAeq. Notwithstanding the foregoing, I am not satisfied that the predicted noise results are acceptable based on my concerns in relation to the information provided in relation to the existing, operational noise levels.
- 7.6.14. As such, I consider that it cannot be concluded that the proposed development would not have an unacceptable impact on the amenity of adjoining residential properties due to potential noise impacts arising, and as such, I recommend that planning permission be refused on this basis.

## **7.7. Environmental Impact Assessment**

- 7.7.1. This section of the report comprises an environmental impact assessment of the proposed development. A number of matters to be considered have already been addressed in the Planning Assessment above. As such, this section of this report should be read in conjunction with the relevant sections of this assessment.
- 7.7.2. Both the 2014 amended EIA Directive (Directive 2014/52/EU) and the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 are applicable.
- 7.7.3. The planning application documentation includes an Environmental Impact Assessment Report (EIAR). The assessment considers the potential cumulative impact of the proposed development with the adjacent sand and gravel pit and adjoining lands within the applicant's landownership at this location. The information contained within the EIAR, particularly that relating to water, noise, air quality and visual impacts, was supplemented by the applicant's response to the Request for Further Information and is considered in my assessment below as appropriate.
- 7.7.4. The EIAR as amended consists of 3 volumes, grouped as follows:
- Volume I: Non-technical Summary
  - Volume II: Main Report
  - Volume III: Appendices
- 7.7.5. In accordance with Article 5 and Annex IV of the EU Directive, the EIAR provides a description of the project comprising information on the site, design, size and other

relevant features. It identifies, describes and assesses in an appropriate manner, the direct and indirect significant effects of the project on the following environmental factors: (a) population and human health, (b) biodiversity with particular attention to species and habitats protected under the Habitats Directive and Birds Directive, (c) land, soil, water, air and climate, (d) material assets, cultural heritage and the landscape, and (e) the interaction of the factors referenced in points (a) to (e). It provides an adequate description of forecasting methods and evidence used to identify and assess the significant effects on the environment. It also provides a description of measures envisaged to avoid, prevent, or reduce and, if possible, offset likely significant adverse effects. The mitigation measures are presented in each chapter. Where proposed, monitoring arrangements are also outlined. No difficulties were identified in compiling the required information.

- 7.7.6. I am satisfied that the information provided is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment. I am also satisfied that the information contained in the EIA complies with the provisions of Articles 3, 5 and Annex (IV) of EU Directive 2014/52/EU amending Directive 2011/92/EU and Article 94 of the Planning and Development Regulations, 2001 (as amended).
- 7.7.7. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality as clarified by table 5.1 the applicant's Further Information response. I am satisfied that the information provided in the EIAR is sufficiently up to date and is adequate for the purposes of the environmental impact assessment to be undertaken.

## 7.8. Consultations

- 7.8.1. Details of the consultations undertaken by the applicant as part of the preparation of the EIAR are set out in Section 1.5 of the EIAR. The statutory bodies and interested parties which were consulted are listed in table 1.1. Submissions received during the Planning Authority's assessment of the application are summarised in section 3.4 above, with the third-party observations received by the Board identified in section 6.3. I consider that the requirements in terms of consultation have been adequately met by the applicant.

## **7.9. Vulnerability to Risk of Major Accidents and / or Disaster**

- 7.9.1. The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and / or disaster. The EIAR addresses this in Chapter 2 (Section 2.4.17). The subject site is confined to a localised area within an overall landholding that is under the control of the developer. There is no history of major accidents and / or disasters in the local or regional area surrounding the proposed development. Therefore, the project is not vulnerable to risk from a major accident and / or disaster that might have a significant adverse effect on the environment.
- 7.9.2. The management of any risk of accidents will be mitigated through standard health and safety precautions and procedures in accordance with relevant health and safety regulations. Therefore, the risk of accidents is low. Any potential environmental accidents will be managed through the adoption of best practices as outlined in the EMS. There is no proposed fuel storage at the site. Refuelling, fuel handling and emergency response procedures have been developed, therefore the minimising the risk of major accidents. There are no significant flood risks on the site. The risk of accidents associated with this development is very low and it would not cause unusual, significant or adverse effects on human health or the environment.
- 7.9.3. Having regard to the nature of the operations and the measures which will be employed by the developer to minimise the risk of major accidents and / or disaster, I am satisfied that this issue has been satisfactorily addressed in the EIAR.

## **7.10. Alternatives**

- 7.10.1. Article 5 (1)(d) of the 2014 EIA Directive requires, inter alia, a description of reasonable alternatives studied by the developer and an indication of the main reasons for the chosen option, taking into account the effect of the proposed development on the environment.
- 7.10.2. The need for the project and the consideration of alternatives is addressed in Chapter 2 (Section 2.2) of the EIAR. It is proposed to relocate the applicant's concrete manufacturing facility from KQL Rathmoyle to the subject site. Increased demand for other high-value precast operations at Rathmoyle has resulted in a requirement to reconfigure this site to reduce lead times and optimise manufacturing

capacity. The majority of aggregates supplied to the existing block yard originate from the adjoining Ballyonan Pit.

7.10.3. The consideration of alternatives includes alternative sources of aggregates, alternative locations and alternative designs / methods. In the short to medium term, there are no real alternatives to the current land-based sources of construction aggregates. Alternative sources of aggregates will be considered when the existing sand and gravel resource on the adjoining site is exhausted. The potential to develop a batching plant at other sites owned by the applicant is severely constrained and at the current time, there are no alternative relocation areas available in the area. The continuation of the existing pit would eliminate the need for additional extraction with longer haul routes from Ballyonan Pit. The consideration of alternative designs / methods included the location of the plant within the site and fixed versus mobile plant. The provision of the batching plant within the existing pit would occupy areas required for aggregate extraction and stockpiling and would preclude the upgrading of the existing site entrance. The proposed location of the batching plant provides the optimum solution, close to a source of aggregates, with an improved site entrance and which does not restrict existing operations. In a do-nothing scenario, the subject site would remain under agricultural land use.

7.10.4. While the Planning Authority's refusals reasons included the failure of the EIAR to provide an assessment of the material to be imported into the site once the adjacent sand and gravel pit is exhausted, I consider it would be unreasonable to refuse permission on this basis as discussed in Section 7.3 above. Thus, having regard to the Guidelines for Carrying out Environmental Impact Assessment (2018) which state that the type of alternatives will depend on the nature of the proposed project and the characteristics of the receiving environment, I consider that the requirements of the Directive in terms of consideration of reasonable alternatives have been discharged.

## **7.11. Population and Human Health**

7.11.1. Population and human health are considered in Chapter 3. The likely effects of the proposed development on population and human health are addressed under several headings of the EIAR, and as such, should be considered as a whole.

## **Receiving Environment**

- 7.11.2. The proposed development is located in a sparsely populated valley in north County Kildare, with the nearest settlements being Enfield and Clonard in Co. Meath. The topography is generally rolling lowland, with tillage and beef farming being dominant. The site of the proposed development is currently a tillage field.
- 7.11.3. The site is located in the electoral division of Ballynadrummy, with commerce and trade workers being the largest occupational groups for males in this division based on 2016 Census results. The applicant has employed up to 2 no. persons on an annual basis on the existing site, both directly and indirectly. Ballyonan Pit is not located in close proximity to any known tourist attractions, with the exception of the River Boyne.
- 7.11.4. The traffic generated by the proposed development would equate to less than 1 additional HGV arrival and departure per working day. Future traffic growth levels will not have a material impact on the operating capacity of the road network.

## **Potential Impacts**

- 7.11.5. The proposed landscaping and habitat plan may enhance the amenity of the local area in the longer term. The proposed development will result in 1 no. additional HGV arrivals and departures per working day. The existing quarry has boosted local employment figures, both on site and indirectly, and it is anticipated that this support of the local and rural economy will continue as a result of the proposed works.

## **Mitigations Measures**

- 7.11.6. Sightline improvement works at the relocated site entrance will benefit the condition and visibility of local road L1011 for all road users. A Traffic Management Plan has been developed to ensure the safety of site operatives, visitors and the general public and to ensure all drivers are aware of traffic restrictions and the haulage routes in place.

## **Residual Impacts**

- 7.11.7. No residual impacts are anticipated as the proposed development will be operated in compliance with relevant guidelines.



## **Population and Human Health – Conclusion**

7.11.8. I have considered the submissions on file and this chapter of the EIAR. I am satisfied that potential effects on population and human health would be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed 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 population and human health.

### **7.12. Biodiversity**

7.12.1. The impact of the proposed development on biodiversity is considered in chapter 5 of the EIAR.

#### **Receiving Environment**

7.12.2. A total of 8 no. habitat classes and habitat mosaics were identified within the applicant's overall landholding (i.e. planning application site and adjoining sand and gravel pit). The dominant habitat feature within the application site is the tillage field. There are no records for the presence of any protected plant species within the relevant 1km grid squares of the proposed development. No invasive plant species were recorded on the landholding.

7.12.3. Badger tracks and a disused sett were identified near the existing site entrance. Fox and hare were also evident on site. Other mammals that likely use the pit, at least for foraging purposes, include rodents, bat species, hedgehogs, stoats. Treelines and hedgerows within and surrounding the site are likely to be used as foraging corridors by commuting bats. One mature tree to the south of the site is noted to have potential to be used as a bat roost.

7.12.4. A total of 12 no. bird species were recorded on site, though none are of conservation concern. The bird populations present are evaluated as being of local importance. No sand martin nest holes were recorded on site. A number of invertebrates were observed on site, including butterflies. The quarry would also provide suitable basking habitats for the viviparous lizard.

#### **Potential Impacts**

7.12.5. The proposed development is not located within any designated conservation site and there are no potential direct impacts identified. Given the separation distance to

other plans and projects, there will be no cumulative impact associated with the proposed development of the subject site or the ongoing sand and gravel operation. The potential for indirect or cumulative impacts are assessed as being unlikely and not significant, taking account of the absence for pathways for significant adverse effects.

- 7.12.6. Construction stage impacts will involve the transport of material through the site from the new entrance in the east of the quarry. The potential for impacts as a result of this temporary disturbance is evaluated as being low and imperceptible in the local context. The potential for impacts as a result of the temporary loss of habitats is evaluated as being low, temporary and negative in the local context. The proposed construction works give rise to potential for increased mobilisation of silt and suspended solids via surface water run-off. The potential for significant impacts affecting water quality and aquatic ecological receptors is evaluated as being low and imperceptible in the local context. Potential effects on birds are evaluated as imperceptible and limited to the local context. The potential for impacts affecting bats is evaluated as imperceptible in the local context.

### **Mitigation Measures**

- 7.12.7. Following the recolonisation and habitat enhancement in Area A (north-eastern side of sand and gravel pit) and the relocation of the site entrance, the key ecological receptors (trees, treelines, hedgerows), will be maintained in situ. The relocation of the entrance will remove traffic from the area around the badger sett. A heavily maintained hedgerow will be widened and allowed to grow to its optimum height to provide further screening to the east of the site.
- 7.12.8. Any invasive species that may be identified in the landholding will be fenced off and remain undisturbed in accordance with best practice. Prevention measures will be taken to prevent invasive plant species from arriving on site.
- 7.12.9. No tree and /or branches will be pruned / lopped or removed in the area adjoining the potential tree bat roost to the south of the Q45 site. Breeding bird habitats will not be removed, cleared or trimmed between 1<sup>st</sup> March – 31<sup>st</sup> August. An ecologist will visit the site to confirm the absence of sand martin. A pre-construction survey is recommended prior to the commencement of works.

## **Residual Impacts**

- 7.12.10. Potential residual impacts are of low magnitude in the temporary to short-term and are therefore insignificant. No residual impacts are identified.

## **Biodiversity – Conclusion**

- 7.12.11. I have considered the submissions on file and this chapter of the EIAR. I am satisfied that potential effects on biodiversity would be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed 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 biodiversity.

## **7.13. Land, Soils and Geology**

- 7.13.1. The impact of the proposed development on land, soils and geology is considered in chapter 6 of the EIAR.

### **Receiving Environment**

- 7.13.2. The topography of the site varies from 66 m OD to approx. 68 m OD at the highest point. The dominant soil type within Ballyonan Pit is shallow, well-drained mineral soil derived from mainly basic parent materials and includes soil groups lithosols and regosols. The subsoil within the application area is described as till chiefly derived from limestones. To the south of the site and within the sand and gravel pit, the subsoils are described as glaciofluvial limestone sands and gravels. The pit site is underlain by carboniferous era dark limestone and shale.

### **Potential Impacts**

- 7.13.3. Potential effects of the proposed development and ongoing operation include movement and placement of soils, which can result in temporary and permanent impacts on the geological environment. Potential effects may include materials being carried onto the local roads and contamination of the ground as a result of fuel spillages from plant operating on site. A spill has the potential to indirectly pollute water if the soil and subsoil act as a pathway from any source of pollution. There is potential for a slight negative effect on soil due to the erosion of inappropriately stored excavated materials. There is a potential impact associated with exposed soil surfaces relating to sediment laden run-off.

7.13.4. There will be no additional cumulative impact as a result of the development. A slight beneficial impact may occur in the recolonisation and habitat enhancement of Area A and the sand and gravel pit in the longer term.

### **Mitigation Measures**

7.13.5. The following mitigation measures are identified:

- Works to be operated in accordance with an established Environmental Management System.
- Works carried out above the water table.
- Emergency response kit on site to prevent any leaks of petroleum-based products from reaching the water table.
- No proposed or existing fuel tanks on site.
- No direct discharge of surface water run-off from site.
- Wheel-wash will prevent materials being carried onto the local road network.

### **Residual Impacts**

7.13.6. The removal of 1 ha of land from agricultural use will result in a minor impact on agricultural activity in the area.

### **Land, Soils and Geology - Conclusion**

7.13.7. I have considered the submissions on file and this chapter of the EIAR. I am satisfied that potential effects on land, soils and geology would be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed 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 and geology.

## 7.14. Water

7.14.1. The impact of the proposed development on the water environment is considered in chapter 6 of the EIAR.

### Receiving Environment

7.14.2. Ballyonan Pit and its environs are primarily located within the Boyne and Blackwater catchment. The nearest surface water features include the River Boyne located 0.4km to the west of the landownership boundary and the River Glash located 0.2 km to the south.

7.14.3. The surface water features within the pit include historical temporary surface water collection sumps within the working areas and temporary standing water areas at topographical lows. Any rainfall on the quarried site either recharges the sand and gravel aquifer and bedrock aquifer or becomes surface water run-off which collects to the west of the site. The site is located in Flood Zone C. There are currently no known surface water abstractions from surface features either upstream or downstream of the pit.

7.14.4. According to EPA Water Quality Data, the quality of surface water upstream of the pit is described as “moderate” upgradient of the River Boyne, with a marked improvement in the water quality towards the Boyne and Deel River. The River Glash is at moderate status. According to the EPA Water Framework Directive data, surface water in the area around Ballyonan Pit has an overall risk rating of “not at risk of not achieving good status”.

7.14.5. There are no proposed surface water or groundwater abstractions or discharges from the proposed development. Based on water levels taken at Ballyonan Pit, works have been completed above the water table and there has been no direct impact on the groundwater environment within the application area.

7.14.6. The bedrock aquifer underlying and surrounding Ballyonan Pit is classified as a locally important aquifer which is moderately productive. The gravel subsoil deposits overlying the bedrock in the sand and gravel pit are described as locally important, sand/gravel aquifer. There are no source protection zones within or in the immediate area surrounding Ballyonan Pit or the proposed development. No karst features are recorded within 2 km. The groundwater vulnerability within Ballyonan Pit and the

surrounding areas is high and is moderate within the planning application boundary. Groundwater flow on a regional scale is towards the River Boyne.

### **Potential Impacts**

- 7.14.7. The movement of vehicles within the application site represents a potential risk of leakages and spillages to ground. Uncontrolled emissions of sediment laden waters can result in sedimentation of natural watercourses and can impact on fisheries potential. The proposed development will not significantly alter the surface water environment and runoff generated on site will be reused in the concrete batching process.
- 7.14.8. There will be no cumulative impact associated with the proposed development of the subject site and the sand and gravel pit. A slight beneficial cumulative impact may occur in the restoration of the sand and gravel pit.

### **Mitigation Measures**

- 7.14.9. The following mitigation measures are identified:
- Any surface water runoff that does not infiltrate to ground is directed to settlement tanks, with no proposed discharge to surface waters.
  - All HGV vehicles exiting the site will be diverted through the wheel wash. Water used in the wheel wash will be recycled and reused in the wheel wash.
  - Cement and other additives will be stored in a covered store and not exposed to the elements. Spill kits will be retained on site and staff trained in their proper use.
  - Water used for dust suppression within the site is sourced from the surface water pond.
  - Use of settlement tanks to ensure that input suspended solids concentrations are minimised at source.

### **Residual Impacts**

- 7.14.10. Any impact on the local and regional water environment will be negligible.

## **Water - Conclusion**

7.14.11. I have considered the submissions on file and this chapter of the EIAR. As discussed in Section 7.5 of this report, I am not satisfied that potential effects on water would be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. Therefore, I am not satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on water. As such, I recommend that planning permission be refused on this basis.

## **7.15. Climate**

7.15.1. The impact of the proposed development on climate is considered in chapter 8 of the EIAR.

### **Receiving Environment**

7.15.2. Approximately 57% of the total annual rainfall at Ballyonan Pit is recorded during the winter period. Prevailing winds are from the southwest.

### **Potential Impacts**

7.15.3. On a local, regional and global scale, the climate has not been altered to date by the activities at Ballyonan pit and will not be impacted as a result of the proposed development. There has been no net contribution to greenhouse gas emissions, and this will continue. Ballyonan Pit has not created and will not create any temperature inversions, alter any current wind circulation patterns, nor affect the sunshine or any other climatic factors in the area beyond the site boundaries of the pit.

### **Mitigation Measures**

7.15.4. The following mitigation measures are identified:

- Management of staff and contractors to ensure site machinery is properly maintained and switched off when not in use to avoid unnecessary dust and exhaust emissions.
- The site and all plant equipment operated according to BAT guidelines.

### **Residual Impacts**

7.15.5. None identified.

## **Climate - Conclusion**

7.15.6. I have considered the submissions on file and this chapter of the EIAR. I am satisfied that potential effects on climate would be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed 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 climate.

### **7.16. Air Quality**

7.16.1. The impact of the proposed development on air quality is considered in chapter 9 of the EIAR.

## **Receiving Environment**

7.16.2. All dust levels recorded at Ballyonan pit between March 2017 and November 2018 are below the compliance threshold limit of 350 mg/m<sup>2</sup>/day for dust as stated in condition no. 9 of Kildare Quarry Ref. Q45 and recommended by the TA Luft/VDI 2119/Bergerhoff Method.

## **Potential Impacts**

7.16.3. There will be some dust and exhaust emissions from construction activities during the proposed works. Dust generation from the site is likely to arise due to the transportation of material in / out of the site, on-site vehicle movements, process of material and movement of material. Given the limited amount of plant and loads delivered per day, as well as minor use of haul roads, the proposed development is considered similar to a construction site with soiling effects occurring at 25 m and PM deposition and vegetation effects occurring at 10 m. Vehicle emissions from the site are not considered significant. Due to the distance to sensitive receptors and the nature of the works, it is expected that the potential impact on air quality will be minor to negligible.

7.16.4. Further clarification in relation air quality was provided by the applicant in response to Item Nos. 15 (a) – (g) of the Request for Further Information. No significant impacts are identified with respect to PM<sub>10</sub>, PM<sub>2.5</sub>, NO<sub>2</sub> and CO. In relation to the dwellings to the north and northwest of the existing pit and the proposed development, given the infrequency of potential dust generation and the distance to



the receptors (>310 m), the potential for significant air quality impacts does not arise. In relation to the dwellings to the south, given the infrequency of potential dust generation and typical wind direction, the potential for significant air quality impacts does not arise. The sand and gravel to be extracted from the batching plant will have a relatively high moisture content, which will reduce the potential for dust emission when handling the material.

### **Mitigation Measures**

7.16.5. The following mitigation measures are identified:

- All stockpiles will be conditioned with water to minimise dust.
- On-site speed limits to prevent unnecessary generation of fugitive dust emissions.
- HGVs exiting the site will divert through the wheel wash.
- Hard standing provided between the entrance and wheel wash.
- A water bowser will operate along the main access road to ensure all material is dampened prior to exiting the site.
- Dust monitoring will continue to be carried out at the pit on a monthly basis.
- Soil handling will only take place when soils are in optimum condition.
- Grasslands and wet grassland will be promoted in Area A (sand and gravel pit) to promote good fibrous root growth and encourage soil structure development, as well as providing good ground cover.
- The implementation of dust suppression measures during periods of dry weather.

### **Residual Impacts**

7.16.6. No residual impacts are identified.

### **Air Quality – Conclusion**

7.16.7. I have considered the submissions on file and this chapter of the EIAR as supplemented by the applicant's Further Information response. I am satisfied that potential effects on air quality would be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed 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 air quality.

### **7.17. Noise and Vibration**

7.17.1. The impact of the proposed development with respect to noise and vibration is considered in chapter 10 of the EIAR.

#### **Receiving Environment**

7.17.2. The nearest noise sensitive locations within 500 m of the site boundary include residential properties 300 m to the south, a farmyard and residential dwelling 420 m to the northwest and residential properties 350 m to the north. A baseline daytime noise survey was undertaken at 3 no. monitoring locations within and adjoining Ballyonan pit in January 2019. All results are stated to be within the 55dB(A) daytime limit. The main noise source noted during the survey was distant traffic from the local roads.

7.17.3. Noise monitoring was undertaken at a similar batching facility while it was in normal operation with a L(A)eq result of 89 dBA at 10 m. The processes being undertaken within the sand and gravel pit are similar to the proposed development with the addition of the proposed concrete batching plant and block laying machine.

7.17.4. Additional noise monitoring was undertaken by the applicant in September 2020 at 4 no. noise sensitive locations (SR1 – SR4) surrounding the appeal site and adjoining quarry in response to the Planning Authority's Request for Further Information. Noise levels associated with the existing facility, which include various plant and machinery on the site, are stated to be compliant with the relevant daytime noise limits for the site of 55dBA LAeq between 0800 and 1900 hours.

#### **Potential Impacts**

7.17.5. The main noise sources associated with the proposed development will be those from traffic movements at the site, the transfer of raw material via conveyors, and the block forming machine. Noise generation at the site will be non-continuous, limited to the hours of operation and the lifetime of the facility.

7.17.6. Potential noise levels at the nearest noise sensitive locations (SR1 – SR4) have been predicted using an acoustic model of the site and range from 51.1 – 53.4 LAeq

at the nearest noise sensitive receptors. A lower noise limit of 45dB LAeq, T applies between 0700 and 0800 hours. It is not proposed to operate the batching plant or processing during this time. The facility will not operate in conjunction with any other facilities or proposed developments in the area and therefore there are no cumulative noise impacts from the proposed site.

### **Mitigation Measures**

7.17.7. The following mitigation measures are identified:

- Regular maintenance of items of plant, trucks and site vehicles and machinery turned off when not in use.
- Turn-over time for deliveries kept to a minimum.
- Internal haul roads designed to have as low a gradient as possible to minimise excessive revving of vehicle engines.
- Equipment located away from noise sensitive receptors.
- Erection of screening berm along western boundary or temporary noise barriers, where practicable and necessary, to avoid acoustic screening.
- No unnecessary sounding of horns on site.
- Deliveries to minimise noise disturbance.
- Investigation and recording of any noise complaints.

### **Residual Impacts**

7.17.8. No residual impacts are identified.

### **Noise and Vibration - Conclusion**

7.17.9. I have considered the submissions on file and this chapter of the EIAR as supplemented by the applicant's Further Information response. Based on the information which has been provided on the existing baseline noise environment, I am not satisfied that the potential noise effects of the proposed development, in-combination with the operation of the existing sand and gravel pit, would be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures or through suitable conditions. As

such, I consider that planning permission should be refused for the proposed development on this basis.

## **7.18. Traffic**

- 7.18.1. The impact of the proposed development with respect to noise and vibration is considered in chapter 11 of the EIAR.

### **Receiving Environment**

- 7.18.2. Access to the site is from the R148 via the L1011 Ballyonan Road at a priority-controlled T-junction 2.8 km to the east of Clonard village centre. An 80kmph speed limit applies to both the regional and the local roads. The existing site entrance is on the east side of L1011. Seasonal vegetation growth can impact visibility to the right-hand side of the access. The hedgerow and slight rise in the road alignment reduces the available sightline to the left side of the entrance.
- 7.18.3. The total number of daily HGV movements at the pit is an average of 4 no. movements each way. An average of 3 no. light vehicles arrives on site per day, with 3 no. departures. A review of Road Safety Authority collision statistics for 2005 – 2014 does not identify any serious or fatal collisions at the existing quarry entrance or at the junction with the R148. Traffic flow data on the R148 over a 24-hour period indicates that the total HGV content is in the order of 10.8% of the overall daily traffic volume.
- 7.18.4. Traffic volumes entering and exiting the L1011 at the R148 junction are low. Across the typical weekday period when operations are taking place, the total traffic volumes passing along the L1011 towards the R148 ranges from 10-20 vehicles each way per hour, including haul trucks and other local movements.

### **Potential Impacts**

- 7.18.5. The proposed new entrance will provide a visibility splay of 3.0 x 160 m in either direction in accordance with NRA standards. The increase in traffic associated with the proposed development will not have a significant effect on pedestrians.
- 7.18.6. The proposed facility will import a total of 2,000 tonnes of cement materials and export 20,000 tonnes of ready-mix concrete and blocks per annum over a 20-year period. The existing permitted traffic volume granted in accordance with the permission for the quarry is 20,000 tonnes per annum. The additional volume of

concrete per annum would equate to 0.4 additional HGV arrivals and 0.4 departures per working day based on a 250 day per annum operation. No additional traffic will leave the site during the AM or PM peak and no deliveries will occur during these times.

7.18.7. In considering future traffic growth on the L1011, it is determined that background traffic growth will increase the AADT flow by approx. 10 vehicles (2-way, 24 hr total). This level of traffic growth will not have a material impact on the operating capacity of the road network. There is no proposed increase in output from the facility.

### **Mitigation Measures**

7.18.8. The following mitigation measures are identified:

- No haul traffic will enter or exit the site from the north via the L1011/R160 junction.
- All traffic will operate at a maximum speed of 30kmph between the site access and the L1011/R148 junction.
- Sightlines at the site entrance will be improved by the relocation of the entrance further north along the L1011, with maintenance of adjoining hedges.
- Warning signage on the L1011 for the proposed new entrance.
- Parking areas provided within the site area to accommodate HGVs and light vehicles.
- Provision of a wheel wash at the site entrance.

### **Residual Impacts**

7.18.9. The sand and gravel currently produced from the site and hauled to the applicant's site at Rathmoylon for block manufacture will cease. The overall traffic impact will reduce in the Kildare / South Meath area as the haulage in and out of the Rathmoylon facility will reduce by 20,000 tonnes each way.

### **Traffic – Conclusion**

7.18.10. I have considered the submissions on file and this chapter of the EIAR as supplemented by the applicant's Further Information response. I am not satisfied that potential effects with respect to traffic would be avoided, managed and mitigated by

the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions having regard to the potential conflict between traffic entering/exiting the site and other road users travelling on the L1011 as demonstrated on the swept path analysis drawings. As such, I consider that the proposed development has the potential to endanger public safety by reason of traffic hazard and obstruction to road users and I recommend that planning permission be refused on this basis.

## **7.19. Landscape and Visual**

7.19.1. The landscape and visual impacts of the proposed development are considered in chapter 12 of the EIAR.

### **Receiving Environment**

7.19.2. Ballyonan Pit is surrounded by lowland rolling hills made up of tillage and grassland, with a few areas of broadleaf woodland plantations located to the south, west and north of the site. The site is situated in the North-Western Lowland Landscape Character Type as defined in the development plan. Views of the application site are generally restricted to close and medium distance views from areas within 0.25 km to the north and west of the site. Potential views from public roads located to the north and west are generally blocked by either topography or existing intervening vegetation. The landscape within the study area is considered to be of low sensitivity to workings within a sand and gravel pit. There are no significant views or scenic views in the vicinity of the site.

7.19.3. Ballyonan Pit is located on lands which are generally undulating to flat. Views from the north of the pit are enclosed. The landform is a broadly undulating landscape rising from north to south with numerous hills and relatively gentle slopes. Farming is the primary land use. The views of the landscape looking south and west from the site are enclosed due to a raised ridge. The subject site is of irregular shape and comprises a tillage field under active land management. Existing site boundaries consist of mounding, hedgerows and trees.

### **Potential Impacts**

7.19.4. The main landscape impact arising from the proposed development is the change in landform within the tillage field. The potential landscape effects would largely be confined inside the boundary of the pit with short visibility from the L1011. The

mature hedgerows and trees and the embankment boundaries around the application site screen potential views of the proposed development from the surrounding area. The character of the surrounding landscape would not be affected.

7.19.5. Photomontages were undertaken at 7 no. locations surrounding the site, including the L1011, R148 and R160 in response to the Planning Authority's Request for Further Information. These images demonstrate that the proposed development will have no significant visibility in the areas surrounding the subject site.

7.19.6. Due to the screening provided by existing site boundaries and the nature of the surrounding topography, there would be no change to the existing visual amenity of the receptors within the study area on foot of the proposed development. There will be no cumulative impact on foot of the operation of the proposed batching plant and the adjoining sand and gravel pit.

### **Mitigation Measures**

7.19.7. The following mitigation measures are identified:

- The majority of landscape features (internal field hedgerows and mature trees) will be retained and maintained.
- Additional hedgerow or tree planting on the proposed berm to provide screening and reduce views into the site.
- Hedgerows around the perimeter and within the site will be bolstered with additional whip planting and managed to a height of approx. 3 m.
- Selection of native species of trees, shrubs and hedgerows.
- Implementation of restoration plan at Ballyonan Pit.

### **Residual Impacts**

7.19.8. On completion of all mitigation measures, it is anticipated that the restoration area within Ballyonan Pit will be restored to align with the surrounding topographical levels which may be described as a positive impact in the long-term.

### **Landscape and Visual - Conclusion**

7.19.9. I have considered the submissions on file and this chapter of the EIAR as supplemented by the applicant's Further Information response. I am satisfied that potential landscape and visual effects would be avoided, managed and mitigated by

the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative landscape and visual effects.

## 7.20. Land

7.20.1. The impact of the proposed development on land is considered in chapter 13 of the EIAR.

### Receiving Environment

7.20.2. The planning application boundary is confined to a landbank of approx. 1 ha which consists of the flat lying and gently undulating topography typical of north Kildare. There are no public amenities on the subject site and no commercial horticultural or commercial forestry activities take place. The existing land use is agricultural.

### Potential Impacts

7.20.3. The proposed development will continue the emerging trend within the applicant's landholding of land changing in use from agriculture to sand and gravel extraction and associated facilities. Direct and permanent change to the land will occur locally where the proposed development will be physically located. The magnitude of change is considered to be of slight impact.

### Mitigation Measures

7.20.4. The following mitigation measures are identified:

- Retention of all existing and perimeter planting and regenerating vegetation where possible.
- Long-term mitigation includes the staged topsoil and grassing of the area.

### Residual Impacts

7.20.5. No residual impacts are identified.

### Land - Conclusion

7.20.6. I have considered the submissions on file and this chapter of the EIAR. I am satisfied that potential effects on land would be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation



measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects with respect to land.

## **7.21. Cultural and Archaeological Heritage**

7.21.1. The impact of the proposed development on cultural and archaeological heritage is considered in chapter 14 of the EIAR.

### **Receiving Environment**

7.21.2. The closest Protected Structure to the application area (Ballyonan Corn Mill) is located 0.48 km to the south-west. There are no additional structures listed on the NIAH within the application area or study area (1 km). There are no additional upstanding non-designated structures in the vicinity of the application area. There are no Recorded Monuments in the application area, with the closest monument being located 0.7 km to the north-west. There are no monuments included in the Sites and Monuments Records within the application area.

7.21.3. There are no previously unrecorded archaeological sites or monuments in the study area. Google imagery from 2018 indicated several linear features appearing as cropmarks in the application area which are the remains of field boundaries. These levelled field boundaries are not considered to be of archaeological or cultural heritage significance.

### **Potential Impacts**

7.21.4. There are no direct or indirect impacts on known items of cultural heritage, archaeology or buildings of heritage interest in the application area or the vicinity. No interactions with other impacts were identified. In a worst-case scenario, soil stripping of land may impact previously unknown subsurface archaeological deposits or artefacts without preservation by record.

### **Mitigation Measures**

7.21.5. It is recommended that archaeological monitoring of soil stripping be undertaken within the site.

### **Residual Impacts**

7.21.6. No residual impacts are identified.

## **Cultural and Archaeological Heritage - Conclusion**

7.21.7. I have considered the submissions on file and this chapter of the EIAR. I am satisfied that potential effects on cultural and archaeological heritage would be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects with respect to cultural and archaeological heritage.

### **7.22. Interactions of the Above and Cumulative Impacts**

7.22.1. I have considered the interrelationships between factors and whether these may, as a whole, affect the environment even though the effects may be acceptable when considered on an individual basis. The details of all interrelationships are set out in Chapter 15 of the EIAR. In my assessment of each environmental topic, I have considered the likelihood of significant effects arising as a consequence of interrelationship between factors. Most interactions are considered under individual topic headings.

7.22.2. I am not satisfied that effects as a result of interactions could be avoided, managed and/or mitigated in relation to the interaction between human beings and traffic, water and noise. As such, I consider that planning permission should be refused on this basis.

7.22.3. Cumulative impacts were assessed in each chapter of the EIAR. Consideration was given to both the construction and operational phases of the proposed development. I am satisfied that the cumulative assessment is robust and fully assesses the impacts of the current proposal in the context of other permitted and proposed developments and projects, as appropriate.

### **7.23. Reasoned Conclusion on the Significant Effects**

7.23.1. Having regard to the examination of the environmental information contained above, and in particular, the EIAR and supplemental information provided by the developer, the reports of the Planning Authority, prescribed bodies and observers in the course of the application and appeal, it is considered that the main significant direct and indirect effects on the environment are:

- 7.23.2. **Noise:** Insufficient noise monitoring results have been provided in the EIAR and in response to the Request for Further Information to demonstrate that the proposed development, in combination with the existing sand and gravel pit, would not have an unacceptable noise impact on the residential amenity of neighbouring dwellings.
- 7.23.3. **Traffic:** The information provided in the EIAR, as supplemented by applicant's response to the Request for Further Information, has not satisfactorily demonstrated that entry/exit traffic movements at the proposed site entrance would not result in a conflict with other road users travelling along local road L1011, and as such, would not endanger public safety by reason of traffic hazard and the obstruction of road users.
- 7.23.4. **Water:** The information provided in the EIAR and the response to the Request for Further Information has not satisfactorily clarified the proposed drainage arrangements on the subject site and as such, it is not possible to conclude that the proposed development would not impact on the existing water environment surrounding the subject site.
- 7.23.5. As such, I am not satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment.

#### 7.24. **Appropriate Assessment (AA) Screening**

- 7.24.1. The applicant has submitted a Screening Report for AA as prepared by Tobin Consulting Engineers. It determines that an AA of the proposed development is not required, as it can be concluded, on the basis of objective information, that the proposed development, either individually, or in combination with other plans and projects, will not have a significant effect on any European sites. Kildare County Council's Planning Officer also concluded that an AA is not required in this instance.
- 7.24.2. Having reviewed the documents and submissions which form part of the application and appeal, including those from the Planning Authority, Prescribed Bodies and Third Parties, I am satisfied that the submitted information allows for a complete examination and identification of all aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.
- 7.24.3. The project is not directly connected with or necessary to the management of a European site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is

examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European site in view of the conservation objectives of those sites.

- 7.24.4. There are no European sites within or near the proposed development boundary, therefore there is no potential for **direct impacts** on any such site to occur. The proposed development is not located on an ex-situ site for Qualifying Interest/Special Conservation Interest populations of any European sites.
- 7.24.5. The closest European sites include the River Blackwater and River Boyne SAC (site code: 002299) and River Blackwater and River Boyne SPA (side code: 004232) which are located approx. 2.2 km to the north-east of the appeal site at their closest points. Mount Hevey Bog SAC (site code: 2342) is located approx. 5 km to the north-west. The applicant has also screened in The Long Derries SAC (site code: 000925) which is located approx. 14 km to the south. The conservation objectives and qualifying interests for each of these sites are set out in Appendix 1 of this report.
- 7.24.6. In considering the potential for **indirect impacts** to occur, I note that there is no hydrological connection between the subject site and the identified European sites and that it does not support any of the habitats or species which are qualifying interests for these European sites (see Appendix 1 for details). Thus, there is no potential for indirect impacts to occur, and as such, any potential **in-combination** impacts can be excluded.
- 7.24.7. In conclusion, in applying the source-pathway-receptor concept, and having regard to the nature and scale of the development and the separation distances arising to the nearest Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually or in combination with other plans or projects, on a European site.

## **8.0 Recommendation**

- 8.1. I recommend that planning permission be refused for the proposed development for the reasons and considerations set out hereunder.

## **9.0 Reasons and Considerations**

- 9.1. Having regard to the location of the proposed development and its proximity to residential dwellings, and to the lack of adequate baseline information in respect of sensitive receptors as presented in the application and appeal documentation, it is considered that the proposed development, notwithstanding the mitigation measures proposed in the Environmental Impact Assessment Report submitted at application stage, would seriously injure the amenities of properties in the vicinity by reason of noise and general disturbance. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- 9.2. The HGV turning movements which would arise on entering and exiting the proposed site access would result in a conflict with oncoming traffic travelling along local road L1011, and as such, the proposed development would endanger public safety by reason of a traffic hazard and obstruction of road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- 9.3. On the basis of the information submitted with the planning application and appeal, the Board is not satisfied that the overall water management and drainage system as proposed, is at a level of detail to draw satisfactory conclusions in relation to the proper and satisfactory management of surface water and groundwater. The proposed development would, therefore, give rise to a potential source of water pollution, would be prejudicial to public health and be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Louise Treacy  
Senior Planning Inspector

4<sup>th</sup> October 2023

**Appendix 1: Designated Sites - Conservation Objectives and Qualifying Interests**

<b>River Blackwater and River Boyne SAC (Site code: 002299)</b>	
<b>Conservation Objectives</b>	<p>(1) To maintain the favourable conservation condition of Alkaline fens in River Boyne and River Blackwater SAC</p> <p>(2) To restore the favourable conservation condition of Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)* in River Boyne and River Blackwater SAC</p> <p>(3) To restore the favourable conservation condition of River Lamprey (<i>Lampetra fluviatilis</i>) in River Boyne and River Blackwater SAC</p> <p>(4) To restore the favourable conservation condition of Atlantic Salmon (<i>Salmo salar</i>) in River Boyne and River Blackwater SAC</p> <p>(5) To maintain the favourable conservation condition of Otter (<i>Lutra lutra</i>) in River Boyne and River Blackwater SAC</p>
<b>Qualifying Interests</b>	<p>Alkaline fens [7230]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>

<b>River Blackwater and River Boyne SPA (Site code: 004232)</b>	
<b>Conservation Objectives</b>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
<b>Qualifying Interests</b>	Kingfisher ( <i>Alcedo atthis</i> ) [A229]

<b>Mount Hevey Bog SAC (site code: 002342)</b>	
<b>Conservation Objectives</b>	To restore the favourable conservation condition of Active raised bogs in Mount Hevey Bog SAC
<b>Qualifying Interests</b>	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]

<b>The Long Derries SAC (site code: 000925)</b>	
<b>Conservation Objectives</b>	(1) To restore the favourable conservation condition of Semi-natural dry grasslands and scrubland facies on calcareous substrates ( <i>Festuco-Brometalia</i> ) (* important orchid sites) in The Long Derries, Edenderry SAC
<b>Qualifying Interests</b>	Semi-natural dry grasslands and scrubland facies on calcareous substrates ( <i>Festuco-Brometalia</i> ) (* important orchid sites) [6210]