Inspector's Report

ABP-312864-22

Development	Extension of the existing sand and gravel quarry and for continued use of the site entrance, access laneway, weighbridge, maintenance shed, settlement lagoons, site office, toilet, plant and machinery.
Location	Ballybeg and Aghnameadle, Toomevara, Co. Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	2124
Applicant(s)	Seamus Ryan Sand and Gravel Ltd.
Type of Application	20 Year Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Thomas Duggan
Observer(s)	None
Date of Site Inspection	20.02.23 and 23.01.23

Inspector	Una O'Neill

Contents

1.0 Site Location and Description

1.1. The site is located within the townland of Ballybeg and Aghnameadle, Toomevara, Co. Tipperary. The existing quarry is accessed from a 150m long laneway to the south, off the L3240, with an existing access to the greenfield part of the site (which is currently farmed) from a farm entrance and track 1.2km northwest of the existing quarry entrance. The farm track runs for a section along the southern boundary of the existing quarry to the applicant's farmyard. The site is approx. 1km south of the border with County Offaly. Toomyvara is about 4km west-north-west of the site. There is a small crossroads village at Gortagarry, about 2 km south of Ballybeg. The site is c. 5km from the M7. The site is located in an upland area between the towns of Templemore and Toomyvara. Visible in the distance and forming the backdrop in this area are the hills of Knockanora to the south, Devils Bit Mountain to the southeast and Borrisnoe Mountain to the east. The Ollatrim River is located to the east of the site, c. 40m from the entrance to the laneway off the L3240, which flows northwards and then east toward Nenagh.

1.2. The appeal site is 30.19ha in area (13.818ha relates to the proposed extension currently in agricultural use; 16.38ha relates to the existing adjoining quarry). The greenfield part of the site comprises four small agricultural fields and one large field in agricultural use. The existing quarry is in operation extracting sand and gravel with associated working area including weighbridge, maintenance shed, settlement lagoons, site office, toilet, plant and machinery. The extension proposed is located to the northwest end of the existing quarry. There is a farmyard to the north of the site and the applicant's existing farmyard to the south. The nearest residential dwelling is to the west of the existing quarry entrance, which is within the landholding of the applicant's family. There are four additional dwellings to the south of the proposed quarry area along the L3240, which are c. 210m-260m from the excavation area. There is a house to the northeast which is c. 250m from the proposed extraction area. There is an abandoned quarry c. 200m to the northwest and there is a large active quarry c. 1km to the north, across the border in Offaly.

2.0 Proposed Development

2.1. The proposed development comprises the following:

- Extension of the existing sand and gravel quarry and
- Continued use of the site entrance, access laneway, weighbridge, maintenance shed, settlement lagoons, site office, toilet, plant and machinery.

2.2. The existing quarry area has a stated area of 16.38ha. It is stated that the existing quarry is almost exhausted, therefore this application seeks to extend the quarry site to the northwest, to an area of 13.818ha. It is intended to extract 1,615,000m3 to 1,815,000m3 of sand and gravel. The submitted EIAR states that based on recent extraction history, 1 acre/0.4047ha of land is extracted per year, which would equate to approx. 185,838 tonnes of sand and gravel removed from the site per annum, noting this can vary significantly year on year, depending on demand. The submitted Transport Impact Assessment sets out in table 2.1 the level of annual extraction from the existing quarry over a five year period. The annual average production over the five-year period from 1996 to 2020 is stated to be 195,762 tonnes per annum, with 1996 being the highest year with 242,969 tonnes extracted.

2.3. In terms of process, it is stated within the documentation (section 2.3 of EIAR) that the quarry is to be extended by removing c. 0.5m-1m of topsoil/subsoil along a 10-12m wide strip of land twice per year. This process takes 2-3 days for each phase, or 4-6 days annually. Once the topsoil/subsoil is removed, this is stored along the perimeter of the site in the form of berms c. 1m high, and all remaining extraction operations then take place from within the sand and gravel pit, from the base of the pit. All materials extracted from the pit are loaded onto a conveyor belt or trucks and taken to the crusher/washer/screen for processing, prior to being stockpiled and then transported to the customer.

2.4. It is proposed to continue to use the facilities of the existing quarry for the proposed extension, namely the existing site entrance, access laneway, weighbridge, maintenance shed, settlement lagoons, site office and other associated site works/facilities.

2.5. A 20-year permission is sought.

2.6. As part of a FI request, the applicant has identified a section of the site to the north which will not be excavated as there are no reserves in that location. The area not being excavated is referred to as Area A and is shown on Figure 2 of submitted document ‘Revised Quarry Restoration & Aftercare Plan’, dated November 2021.

2.7. The application is accompanied by an EIAR, with additional documentation submitted by way of Further Information in response to a request from the PA and Further Information submitted following a request from the Board.

2.8. The following reports (in addition to the EIAR) accompany the application:

- Traffic Air Impact Assessment (dated 1st November 2021)
- Hydrogeological and Hydrological Assessment (dated October 2021)
- Surface Water Management Assessment (dated September 2021)
- Invasive Species Survey Report
- Archaeological Test Excavation Report (dated September 2021)
- Geophysical Survey Report (dated 9th July 2021)
- Ambient Dust Assessment (dated August 2021)
- Noise Assessment (dated June 2021)

2.9. In response to a Further Information request from ABP, received on 8th September 2023, the following documents were submitted and the application readvertised:

- Biodiversity Assessment and Surface Water Management Assessment (6th September 2023)
- Compendium of all Mitigation and Monitoring Commitments (September 2023)

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority, following a further information request on 8th March 2021 and issuing of an extension of time to the 7th December 2021, received Further Information from the applicant on 29th November 2021.

The PA, following receipt of the FI, issued a decision to GRANT permission on 31st January 2022. The permission was subject to 15 conditions, including inter alia the following:

- C2: Development authorised for a maximum of 15 years. Site restoration plan states it will be fully restored by 2037.
- C3: Extent of activities.
- C4: Construction methodology required in relation to settlement/pumping ponds.
- C5: Blasting control/hours of operation.
- C6: Dust.
- C7: Annual environmental audit to be submitted.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report of the Planner (05.03.21) concluded further information was required. The planner's report is summarised hereunder:

- Existing quarry is a source of sand, gravel and crushed stone and has been excavated to c. 30m below ground level. The current process consists of extraction, grading, washing, and stockpiling, followed by transportation to various locations. A nearby asphalt/tar company is supplied as well as other companies within a 10-20km radius. It is considered acceptable to extend the existing sand and gravel pit at the location proposed.
- Proposal is considered to be in accordance with development plan policies (North Tipperary County Development Plan 2010-2016, as varied).
- Time frame of 20 years for extraction and restoration is considered acceptable.
- Screening Report – AA is not required.
- In terms of EIA alternatives, PA accepts the applicant is restricted to this general area due to presence of sand and gravel, land ownership, and that in order to maximise efficiencies it is preferable to extend the existing development at the current rate rather than develop a new quarry.
- FI required in relation to the progressive restoration of the existing and proposed quarry.

- Daily traffic generated is approx. 24 HGVs and 9 no. cars. The proposed extension will not increase traffic volumes and it is proposed that business will continue at the same pace. Upgrade works to the roads were carried out by the applicant in 2007.
- TIA has not been submitted and is requested.
- The southern boundary of the site is unexcavated which minimises its visual impact from public view.
- The PA has concerns in relation to potential dust nuisance and noise nuisance, which is not addressed in the submitted EIAR in relation to the early stages of extraction from the new quarry area as opposed to the existing scenario which is 30m bgl. Existing quarry impacts are mitigated by the existing below ground operations of the existing quarry, but this will not be the case for the extended area. Applicant requested to re-assess noise and dust levels having regard to the higher ground levels of the proposed quarry.
- Hedgerows exist along the southern, northern and northwest boundaries of the proposed extension, which will be maintained. A new electric fence proposed along the western boundary with shrubs and trees to be planted on the quarry side of the fence.
- The PA accepts that subject to mitigation, the negative impact on biodiversity will be minimal.
- The PA has concerns in relation to impact on water in the vicinity, noting a decline in water quality in the Ollatrim_010 and 020 waterbodies. Additional hydrogeological and hydrological assessments required to produce a baseline study of the existing environment and identify potential effects on surface and ground water.
- Landscape and visual impacts will be localised and will not be significant, subject to mitigation measures. However, concerns in relation to impact if existing quarry is not restored or if it is postponed until extended area completed. Interim restoration works requested.
- FI in relation to archaeology requested, as per department request.

- In terms of cumulative impacts, the quarry is in existence pre-1964 and is long established. Cumulative impacts in terms of traffic, landscape and water addressed.

Further information requested and a response received on 29.11.21, following a 3 month extension from the PA. The Report of the Planner following receipt of FI (27.01.22), which recommended a grant of permission, is summarised as follows:

- Satisfied with archaeological report submitted.
- Information submitted in relation to Air Assessment and mitigation acceptable.
- Noise and Vibration Assessment and mitigation measures proposed acceptable.
- Revised restoration plan/programme submitted.
- TIA submitted. Mitigation measures for future traffic movements included. Air impact from traffic demonstrated to be negligible/imperceptible or neutral.
- Hydrogeological and Hydrological reports demonstrate that groundwater monitoring from existing wells is good and the site is well maintained. Overall risk to GWB from expansion of operations is projected to be low once mitigation measures implemented.
- SW management system operates on a closed loop system and does not discharge waters to any receiving water bodies. Proposal comprises new surface water management system and lagoon for extension.
- No terrestrial non-native invasive species recorded.
- Development contributions to be levied on basis of 12.32ha, given that 1.5ha of the proposed area will not undergo extraction, or quarry processing or storage and will continue to be used as agricultural land.

3.2.2. Other Technical Reports

District Engineer – Report dated February 2021 – TIA required to address traffic movements; implications on capacity, operation, level of service and safety of roads; quantify vehicle exhaust emissions; quantify road traffic noise implications; deposition of material on roads and potential impacts.

- Updated report – TIA recommends quarry access road and junction to be monitored on a regular basis in terms of the surface treatment.

Environment – Report dated March 2021 – Concern in relation to potential impacts on Ollatrim 010 and 020 water bodes which are suffering decline due to forestry or quarrying or both; continuous monitoring of dust is meant to be carried out as part of condition of previous permission, but dust monitoring in EIAR is carried out over one month; additional noise monitoring locations should be located in the proposed quarry extension to include new noise sensitive locations; invasive species not addressed.

- Updated report – Following receipt of FI, conditions recommended: Construction of settlement/pumping ponds to be in accordance with department of agriculture requirements; Mitigation measures in Hydrogeological & Hydrological Assessment and in Surface Water Management Assessment shall be re-phrased to eliminate any ambiguity, eg should be carried out to be replaced with shall be carried out; boundary audit to be carried out to ensure no transgression of red line boundaries, eg stock pile overruns.

3.3. **Prescribed Bodies**

Offaly County Council – No observations.

Department of Housing, Local Government and Heritage – Archaeology –

- Report dated February 2021 requested further information requiring a geophysical survey to be undertaken, excavation of chosen test trenches and submit a written report.

- Email dated 12th January 2022 requested a site plan confirming that applicant is no longer including 'Area A' as part of the proposed quarry extension, and requesting confirmation as to whether all archaeology revealed during geophysics and/or testing were fully archaeologically excavated during the course of testing and whether there are any known/recorded archaeological features currently preserved in situ within the proposed site.

Department of Housing Local Government and Heritage – Nature Conservation

Report dated 21st January 2022:

- The proposed development is at its closest point approx. 4.1km from Kilduff, Devilsbit Mountain SAC (00934).

- 854m of hedgerow are to be removed, representing a significant area of local habitat loss. Where possible all native hedgerow/mature trees should be retained. Where necessary, removal should take place outside of the bird nesting season. All internal hedgerows must be re-established as part of the restoration plan. A new hedgerow should be planted along the proposed western boundary.

- There were signs of badger activity on site. A possible sett was identified. A badger survey should be carried out by a suitably qualified ecologist prior to a decision being made. If a badger sett is encountered, care must be taken when working adjacent to sett entrances and the NRA guidelines followed.

- Bats may be present in the trees along the hedgerows. A bat survey should be carried out by a suitably qualified ecologist prior to a decision being made on planning. If bat species are found to be roosting in trees, a derogation licence is needed.

- All mitigation proposed in the EIAR must be followed.

An Taisce – The current quarry operates under 14/600418. Planning compliance of the existing operation should be addressed as a preliminary matter.

Geological Survey Ireland – There are no County Geological Sites in the vicinity.

3.4. Third Party Observations

Two observations were submitted, one on the basis that the development is not sustainable and the other submission raises issue with works done to the site entrance and on neighbouring property for which no permission or consent was given and concern that any development permitted would not impact on neighbouring property or on potential of neighbouring property to quarry further their land. Submission also requests that a centre line marking be put in place on Ballybeg Road to help slow lorries down.

4.0 **Planning History**

- ABP ref 22.SU.0032 – Substitute Consent Permission GRANTED on 6th March 2014, with 5 conditions:
    - C1: This grant of substitute consent shall be in accordance with the plans and particulars submitted to An Bord Pleanála with the application on the 29th day of April, 2013, as amended by the further information received by the Board on the 2nd day of October, 2013. This grant of substitute consent relates only to development already undertaken as described in the application and does not authorise any future development on this site.
    - C2: A detailed phasing for implementation for the restoration scheme proposed for the site.
    - C3: The site entrance shall be upgraded in accordance with the requirements of the planning authority, which shall include provision of road markings and signage. These works shall be completed within three months of the date of this order.
    - C4: Financial contribution.
    - C5: A bond of an insurance company, or other security to secure the satisfactory restoration of the site.
- PL92.245499 [PA Reg Ref 14/600418] – Permission Granted for extension to existing sand and gravel quarry and for continued use of existing access, weighbridge, settlement lagoons, site office/toilet, and ancillary works. The extension area will be 8.19ha to the northwest. An Environmental Impact Statement is submitted with the application.
    - Appeal of condition 13 only of the permission, S48(2)(c) special development contribution condition, on file reg ref 14/600418. Contribution related to upgrade of 2km stretch of road between the quarry and Gortagarry Village. Contribution condition removed.
- Enforcement cases UD-01-083 and UD-06-131 in relation to the quarry were closed in 2007 and the quarry was deemed to be pre-1964.

5.0 **Policy Context**

5.1. **National Guidance**

- Project Ireland 2040 National Planning Framework (NPF) (2018) – Section 5.4 provides that aggregates and minerals extraction will continue to be enabled where this is compatible with the protection of the environment in terms of air and water quality, natural and cultural heritage, the quality of life of residents in the vicinity, and provides for appropriate site rehabilitation.

- National Policy Objective 23 of the NPF states that it is policy to facilitate the development of the rural economy through the support of a number of sectors, including '…the energy and extractive industries', while at the same time noting the

- Quarries and Ancillary Activities Guidelines for Planning Authorities, DOEHLG, 2004.

    - These guidelines recognise the importance of the industry to the economy and also the potential environmental impacts that can be associated with such developments.

    - Section 3 of the Guidelines covers the environmental implications of developments and the principal environmental impacts that occur are listed at Appendix A. Environmental impacts identified include noise, dust / air quality, water supplies / groundwater and natural heritage. In the case of dust, it is noted that residents up to 0.5km from the source can be impacted although 'continual or severe concerns about dust are most likely to be experienced within about 100 metres of the dust source'.

- Guidelines for Environmental Management in the Extractive Industry (EPA, 2006).

5.2. **Tipperary County Development Plan 2022-2028**

<u>Chapter 8 Enterprise and Rural Development</u>

- The Council will facilitate the development of extractive industries, and will also, in assessing new development, seek to protect mineral deposits from development

that would adversely impact a site of geological importance or known high quality aggregate reserves (refer to Figure 8.2 and to the Geological Survey Ireland website for more specific detail), while ensuring that the environment and rural and residential amenities are protected.

- Policy 8-7 Support the extraction of minerals and aggregates, and to have regard to;

  a) Quarries and Ancillary Activities, Guidelines for Planning Authorities, (DEHLG 2004), where such activities do not have a significant impact on the environment, landscape or residential amenities of the area.

  b) In considering new development, to have regard to potential adverse impacts on sites of geological importance or known high quality aggregate reserves as set out in the County Geological Sites record (and any review thereof) as maintained by the GSI.

  c) Where development proposals involve the redevelopment, rehabilitation or reuse of historic mining sites in the county, the Council may seek the preparation of a Master Plan for the entire landholding of the former mine to ensure the appropriate level of co-ordination of the entire landholding and protection of the environment

Chapter 11 Environment and Natural Assets

- Section 11.6 Mineral Deposits and Geology

Volume 3, Development Management Standards

- Section 5.10 Quarries and the Extractive Industry: Proposals for new, or the expansion of existing quarries or extractive development shall have regard to the following:

  - a) Section 261 and Section 261A of the Planning Act.
  - b) The Quarries and Ancillary Activities Guidelines (DEHLG, 2004).
  - c) The Guidelines for Environmental Management in the Extractive Industry (EPA, 2006).
  - d) Where extractive developments may impact on archaeological or architectural heritage, regard shall be had to the Architectural Conservation

Guidelines (DEHLG, 2004) and the Archaeological Code of Practice 2002 in the assessment of planning applications and the requirements of this Plan.

- e) Where extractive development may significantly affect the environment or a European site or sites, regard shall be had to EIA guidelines and Appropriate Assessment of Plans and Projects, Guidance for Planning Authorities (DEHLG, 2009) and the requirements of this Plan.

- f) Reference should also be made to the Geological Heritage Guidelines for the Extractive Industry (GSI, 2008).

- g) The visual impact of the development, a detailed landscape and visual assessment shall be submitted.

- h) A scheme of rehabilitation and after care for the site upon abandonment / exhaustion of resource shall be submitted. Details to be submitted should include a report with plans and section drawings, detailing the following:

    - Anticipated finished landform and surface/landscape treatments (both of each phase and the whole excavation),
    - Quality and condition of topsoil and overburden,
    - Rehabilitation works proposed,
    - Type and location of any vegetation proposed,
    - Proposed method of funding and delivery of restoration/reinstatement works etc.

A bond will be required to ensure the adequate restoration of the site. This bond shall be index linked.

5.3. Natural Heritage Designations

Kilduff Devilsbit Mountain pNHA and SAC (Site no. 000934) is c.4 km from the appeal site (as the crow flies). Slievefelim to Silvermines Mountains SPA (004165) is 12km to the southwest; Lower River Suir SAC is 12km to the south; Lough Derg (Shannon SPA) is 23km to the northwest; Lough Derg North-East Shore SAC is 23km to the southwest; and Lower River Shannon SAC is c.31km to the southwest.

Ballintemple Bog pNHA is c. 6km to the north, on the far side of the M7. Killavalla Wood pNHA is c. 8km to the southwest.

5.4. EIA Screening

5.4.1. The application is accompanied by an EIAR and section 8.0 of this report below relates to EIA.

5.4.2. The proposed development relates to the extraction of sand and gravel from an extraction area of c. 13.818 ha and therefore, exceeds the threshold of 5ha set out in Class 2 of Part 2 of the Fifth Schedule of the Planning and Development Regulations, 2001 (as amended). In addition, Class 13, of Part 2 'Changes, extensions, development and testing', requires EIA for any change or extension of development, already authorised, executed or in the process of being executed, which would result in an increase in size greater than 25 percent or an amount equal to 50% of the appropriate threshold, whichever is greater. The existing quarry of 16.38ha is proposed to be extended by 13.818ha.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by a third party and the issues raised are summarised below:

- Development is contrary to EU policy on climate action, protection and management of land, and reduction of gas emissions.
- Planning application is invalid as FI wasn't submitted within 6 months.
- Development will have a negative visual impact given its scale. A 15m wide green belt should be placed around the complete perimeter of the quarry. Stockpile of material adjoining the public road has a negative visual impact and is a public safety risk for road users given the height of the stockpiles – photos of stockpile submitted. A berm inside any greenbelt would also reduce noise as well as dust.

- Extension of the quarry will do irreversible damage to the environment. Restoration should be done in a piecemeal manner.
- Damage being caused to public road and danger to road users. Access road should be of concrete and should have to cover trucks before they go on public road.
- Access at gate 1 is a danger to road users. Access should be via gate 2, current agricultural entrance. Roadway between gate 1 and gate 2 has a bad bend and this section of road could be avoided.
- Access road slope causes runoff which leaves the quarry and enters the Ollatrim river in wet weather. This river feeds into the Shannon and pollutes the public drinking water system downstream.
- Hours of operation of the quarry are unreasonable and not adhered to, negatively impacting residential amenity and a detriment to health. Issues around excessive dust and noise. Hours should be 7am-6pm Monday to Friday and 8am-1pm on Saturdays. Crushers and screeners should operate no later than 5pm.
- Level of truck traffic cannot be accommodated on roads which are deficient in width, composition, and carrying capacity, posing substantial risk to public life.
- One-off development contribution is inadequate. An annual contribution should be ringfenced for local roads.

6.2. Applicant Response

The applicant has responded to the grounds of appeal which is summarised as follows:

- The Climate Action Plan 2021 acknowledges that society needs construction materials and activities to deliver on our needs. The site will be progressively restored to agricultural grassland as outlined in the Revised Quarry Restoration Plan, submitted under FI.

- The applicant sought from the PA an extension of time of three months to respond to the FI, which changed the final date for FI submission to 07/12/21. FI was submitted on 29/11/21. The application is not invalid.
- Mitigation measures as submitted with reports undertaken at FI stage address biodiversity, landscape, restoration dust and noise. The issue of stock piles near the entrance and public roadway is addressed in the mitigation measures. A min. 5m buffer zone/green belt will be left between the quarry working face and the existing and proposed boundaries of the development as outlined in the EIAR. Mitigation measures also proposed for existing and proposed hedgerows.
- In response to statement that quarry will do irreversible damage to the environment, applicant states there is a Revised Quarry Restoration and Aftercare Plan, which must be carried out. Extraction and restoration will be implemented concurrently as the site moves into newly extended areas.
- Surrounding roads are in good condition. Exhibit D from third party is taken at the access point, not on the public road. It is proposed to concrete the access lane/road from the gate entrance back to the weighbridge. Condition 9 of the permission requires the applicant to repair and maintain the access road/public road.
- The development only has one access point, Gate 1. There is a farm laneway that the appellant appears to be referring to as Gate 2. This is in use by a dairy farmer. ‘Gate 2’ is used by the quarry approx. twice a year for digger access to the top of the quarry face during the topsoil/subsoil removal process, which takes 2-3 days, as outlined in the Ambient Dust Assessment. It is not possible to access this area from Gate 1. It is not an option to use Gate 2 for access to the quarry as quarry is 30m below existing ground level and this would not work given the way operations are directed on site. Gate 1 provides adequate width and visibility as outlined in TIA. Route is suitable for HGVs.
- Rainwater runoff from the laneway is directed into a soakpit to the west of the access laneway. This soakpit has been in place since the quarry commenced. The Ollatrim River is 40m east of the soakpit. Rainwater from the L3240 road

flows downhill, past the site entrance, and enters the Ollatrim River. The PA determined AA was not required.

- In relation to hours of operation, the site closes at 7pm Mon-Fri. Crushers, screeners, and other processing machinery only operate Monday to Friday. There are limited deliveries on a Saturday and site is closed on Sundays. Condition 5 states the hours of operation. Ambient Dust Assessment and Noise Assessment do not indicate nuisance dust levels or noise levels.
- The road is in good repair as outlined in the TIA. TIA also addresses road safety. Road improvement works were undertaken by applicant in 2007 along a stretch of road, which accommodates 80% of all deliveries from the site. The Environmental Health Officer for the HSE states roads are in good condition. Condition 9 of the permission addresses maintenance of the road.
- Condition of the permission requires payment of a development contribution, which will be used for roads.

6.3. Planning Authority Response

None.

6.4. Observations

None.

6.5. Further Responses

None.

7.0 Assessment

7.1. Introduction

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

- Principle of Development
- Impact on Residential Amenity – Dust, Noise, Visual Amenity
- Roads and Traffic

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

7.1.3. Tipperary County Development Plan 2022 – 2028 was made on the 11th July 2022. I note the Planning Authority's assessment of this application was undertaken under the previous development plan, which was also in force at the time of the appeal submission. I assess hereunder the application against the operative development plan, namely Tipperary County Development Plan 2022-2028.

7.2. Principle of Development

7.2.1. The proposed development comprises an application to extract sand and gravel from an area of 13.81ha, which is an extension onto the existing 16.38 ha quarry area (the original quarry/pre-1964 was 10.9ha in area and this was extended by 8.19ha following a permission for an extension in January 2016, however there was an overlap of c.2.7ha of site area, therefore the total operational quarry area is c. 16.3ha). This appeal represents a second extension to the original quarry. The material extracted from the new area is to be processed within the original quarry area using the existing facilities. It is stated that material extracted serves companies in the wider local area/approx. 10-20km radius and that it is not generally feasible to transport sand and gravel over long distances as a result of its low value-to-weight ratio, with therefore only occasional deliveries to Clare and Limerick.

7.2.2. At a national level, National Policy Objective NPF 23 of the National Planning Framework states that it is an objective to facilitate the development of the rural economy through the development of a number of identified sectors, including extractive industries while also protecting the landscape and built heritage of rural areas. The Tipperary County Development Plan 2022-2028 recognises that minerals make a valuable contribution to development. It is stated that Tipperary contains extensive and important reserves of sand, gravel and other minerals, including lead

and zinc ore. The development plan recognises that quarrying provides direct and indirect employment in many areas of the county and the Council, in line with the provisions of the NPF, will seek to protect the potential of the extractive industries sector by identifying, and protecting important reserves of aggregates and minerals from development that might prejudice their utilisation. The Plan also recognises that due to the nature of quarrying, it is important to ensure that the environment and rural and residential amenities are protected. It therefore supports the development of the industry, subject to environmental safeguards (see Section 5.0 Policy Context above in relation to development management criteria to consider).

7.2.3. The proposed development would in my opinion be consistent with national and local policy objectives as the continuation of the quarry would continue to contribute to the local economy as well as providing for an important resource and product to the construction sector. I note a third party raises concerns that the proposal is contrary to EU policy on climate action, protection and management of land, and reduction of gas emissions. The government is committed in the national Climate Action Plan 2023 (and draft CAP 2024) to supporting the adoption of modern methods of construction, including the use of circular design, which will contribute to reducing the material footprint of the construction sector and to utilise low carbon construction materials. Sand and gravel are required basic materials in the construction industry and there is a balance to be achieved in allowing for the basic resources for industry to function, while developing construction methods to reduce embodied carbon and emissions. I do not consider the proposed development to be contrary to EU policy and having regard to the existing policy and operational context of the development, I consider that the proposed development is in principle acceptable. I acknowledge that there is a change of landuse, however this is, relatively speaking, temporary in nature with restoration of land required following closure of the quarry. I further acknowledge that issues of environmental impacts and emissions must be considered, and this is addressed in greater detail hereunder and in Section 8, however, I am overall satisfied that the principle of development at this location is acceptable.

7.3. Impact on Residential Amenity

7.3.1. The third party observation submitted against the proposed development, cites the impact on residential amenity as a significant concern, with particular reference to the operation of the existing quarry in terms of dust, noise, visual impacts, as well as impacts on the local road network and hazard to road users.

Dust and Noise

7.3.2. With regard to dust, as set out at Section 8.10 of the EIA below, the existing dust environment at the site is such that dust emissions are low. The nature of the extraction method with removal of soil/subsoil periodically from the surface and extraction then from the pit floor 30m below ground level, and the separation distance between the closest dust generating source on the site and sensitive receptors, are such that significant dust impacts are not considered likely to arise. The assessment of dust impacts as set out in the EIAR are further detailed in the Ambient Dust Assessment (August 2021) submitted following an FI request from the PA, which indicates that no significant adverse dust related impacts are predicted to arise at any sensitive receptors in the vicinity of the site and that dust arising, following analysis of monitoring surveys, is within the limits established under the existing permission of 350 mg/m3/day. I am satisfied that significant negative impacts in terms of dust will not arise with mitigation in place.

7.3.3. Similarly, in the case of noise, as detailed at Section 8.10 of the EIA below and the submitted Noise Assessment (June 2021), the predicted noise impacts arising at noise sensitive locations are below the 55dBA daytime emission limit when assessed against the noise arising from workings of the existing quarry and when assessed against noise generated during topsoil removal from the existing quarry, which is reflective of the future noise environment of the initial stages of quarry development.

7.3.4. Overall, subject to mitigation the impact of the proposed development in terms of noise and dust is considered to be acceptable, consistent with recognised emission levels, and no significant negative impacts on residential amenity would be generated.

7.3.5. In the case of both issues (dust and noise), the impacts would be temporary as the land will ultimately be restored to agricultural use.

Visual Amenity

7.3.6. In terms of visual amenity, I have had regard to long terms views and more immediate local views. I refer the Board to section 8.12 of the EIA hereunder.

7.3.7. At present, when viewed from the local road network, the site entrance of the quarry is highly visible given the presence of a large stockpile of material at the entrance, extending parallel along a section of the L3240. There is very little visibility of the quarry from the surrounding road network, with the quarry more visible from higher areas in the distance than from local roads and dwellings along these roads.

7.3.8. Measures are proposed to mitigate the visibility of the quarry extension in the form of boundary planting to the western boundary, set back of quarry works by 5m from boundary edges, and mounding of topsoil along the external boundaries. While I acknowledge the large scale of the expansion proposed, I consider the existing quarry operation through its siting and design has limited negative visual impacts (with the exception of the quarry entrance). I consider that the proposed development, while having an impact on local visual amenity given the change in land use proposed, will not have a significant negative impact given the levels of the adjoining lands, mitigation measures proposed, and proposed restoration of parts of the existing quarry alongside the extension. A map of where mounding is proposed relative to planting proposed/retained should be sought by way of condition in the interests of clarity, should the Board be minded to grant permission.

7.3.9. The issue of the topsoil at the site entrance, given its siting, does have a significant negative visual impact on the immediate locality. While the applicant has committed to addressing this issue in the restoration plan, I am not satisfied that the stockpile is being adequately addressed. I note under the 2016 permission for an extension to the existing quarry that it was stated in the documentation in relation to site restoration, that

> '…the removal of the core gravel stockpiles at the front of the site and the re-instatement of grassland in line with the Quarry Restoration & Aftercare Pan will continue and is due to be completed by August 2017'.

7.3.10. In the current application, it is stated in Appendix 3 of the EIAR 'Quarry Restoration & Aftercare Plan 2020' that the large stockpile of core gravel at the front of the site has accumulated over years due to a lack of demand for this grade of gravel but that

a source has materialised in Irish Water and the demand is expected to last until the summer of 2021. It is stated that ‘re-instatement of grassland at the front of the site will commence in August 2022’.

7.3.11. Upon site inspection in February 2023 and in January 2024, there was still a large stockpile present at the front of the site which does not appear to have diminished in scale between my site visits. A comparison of a google street image from 2011 to my site photos indicates the area of stockpile has increased significantly in the intervening years. I am not clear if any of the stockpile has been removed since 2016 as proposed in that application, or if it has been removed and replaced with new stockpiles. It is clear however that the stockpile remains and predictions in terms of its removal through demand by August 2022 have not materialised.

7.3.12. The use of the land to the front of the site for stockpiling of material has a negative visual impact on the landscape extending as it does right along the roadside boundary, with no landscaping to screen the impact, as well as posing a risk to the Ollatrim River. The use of this portion of the site, which appears to be partially outside the redline boundary, relates as much to site management than restoration per se and the issue has at this stage been ongoing for at least seven years. While it continues to form part of the quarry restoration plan into the future, this area should not be used as a stockpile location as part of this application. I note it is stated in the EIAR that this area will not be used for stockpiling of material from the proposed quarry extension, but equally it is unclear how one would determine if this is occurring given the scale of the issue at present. A condition in this regard would be warranted in the interests of clarifying the extent of any permission and prior to the commencement of any development related to this application, the stockpile should be removed. The removal of the stockpile at the entrance is also a matter of enforcement, which is within the remit of the PA to pursue.

7.3.13. In terms of long distance views of the quarry from surrounding upland areas, I consider that the proposed extension, if developed alongside restoration of the existing quarry as proposed in the Revised Quarry Restoration and Aftercare Plan (dated November 2021), will mitigate its visual impact from distant views. I furthermore note the lower level of this area relative to the surrounding uplands, the manner in which it is currently screened and I note there are no protected views in this area which the quarry would impact upon.

Traffic and Residential Amenity

7.3.14. The grounds of appeal contend the existing road network is insufficient to cater for the proposed development, with the existing roads deficient in width, composition, and carrying capacity, posing substantial risk to public life. It is suggested that access at gate 1 (existing entrance) is a danger to road users and access should be via gate 2, current agricultural entrance. It is further contended that a one-off development contribution is inadequate. An annual contribution should be ringfenced for local roads.

7.3.15. The appeal site is occupied by an existing quarry with the proposed extension located to the northwest, which is to facilitate continuation of extraction as the existing quarry nears exhaustion. The existing vehicular entrance is off the L3240. The current proposal seeks to retain access via the existing entrance and extend the quarry to the northwest from within the existing quarry pit, removing topsoil in strips and then digging from the base (as described in Section 2 of this report above). There is an existing agricultural entrance to the site further north along the L3240. It is not proposed to use this entrance, with the exception of up to 6 days annually to facilitate topsoil stripping.

7.3.16. The applicant in response to the grounds of appeal has stated that the agricultural entrance is in use for farming and would not be compatible with full time quarry use, while being used 3-6 times a years at present for that purpose. It is stated that there would be no route to descend into the quarry from the agricultural side.

7.3.17. I accept the applicant's comments in relation to the entrance arrangements and note the PA raises no concerns in relation to the existing road network or notes any past concerns in relation to traffic safety along the local road network or continued use of the existing site entrance. I noted upon site inspection that the local road network was in relatively good condition, as confirmed in submissions from the PA and HSE, and in the submitted TIA.

7.3.18. I note the applicant states road improvements were undertaken in the area as part of the development of the quarry, including the section of road from the site to the northwest. I do not consider there exists special requirements for additional contributions to be warranted. I note it is stated in the TIA under section 4.4 on mitigation that the applicant plans to concrete the access lane from the gated

entrance at the public road back to the weighbridge within the site. A condition in relation to the detailed finish of the road would be warranted should the Board be minded to grant permission.

7.3.19. Based on my site inspection and review of all documents and submissions made, I am satisfied that the existing entrance is safe for continued use in terms of sightlines.

7.3.20. With regard to the potential for traffic generated by the proposed development to lead to a loss of residential amenity, it is noted that the existing traffic levels are not proposed to increase from the existing, given the rate of extraction is not proposed to change from existing rates. I note the existing quarry is stated to be nearly exhausted and no additional equipment is proposed to increase output. As road traffic levels are not proposed to increase above the existing and on-site equipment is to remain the same, I do not anticipate a significant increase in emissions from traffic or degradation of air quality. The existing site access meets required sightline standards, and given the limited additional traffic generated by the development relative to the existing volumes on this road, traffic generated by the proposed development is not considered to be likely to have a significant negative impact on residential amenity.

7.3.21. I refer the Board to Section 8 of my report hereunder in relation to Traffic and Transport for a more detailed analysis.

7.4. **Surface Water**

7.4.1. The grounds of appeal contends that the access road slope causes runoff to leave the quarry and enter the Ollatrim river in wet weather, with this river feeding into the Shannon and polluting the public drinking water system downstream.

7.4.2. The applicant in response states that runoff from the laneway is directed to a soakpit to the west at the entrance; wheels on trucks leaving the quarry are cleaned; any sand and gravel that may fall off truck wheels will be filtered through the soakpit; and the river is located 40m east of the existing site entrance, on the other side of the access laneway. The applicant states that rainwater form the L3240 passes the site entrance and enters the river through gullies and drains.

7.4.3. The applicant has submitted an EIAR with Section 6 addressing Water. Following a FI request from the PA, the applicant submitted a Hydrogeological and Hydrological

Assessment (October 2021, by IE Consulting) and Surface Water Management Assessment (September 2021, by IE Consulting). Following a request for FI from the Board in relation to biodiversity, the applicant has submitted a revised Surface Water Management Assessment (August 2023, by IE Consulting). Having compared the two surface water assessment reports submitted, I note additional detail is now provided in relation to how surface water on the access road is addressed and its associated maintenance. I refer the Board to Section 8.9 of this report, which should be read in conjunction with this section.

7.4.4. In terms of how existing surface water is managed, the permitted quarry on site operates a closed loop system and this system is to continue to be utilised for the newly extended area and the continued operation of the existing processing layout. A new surface water management lagoon is proposed to serve the extended area, in addition to the existing lagoon, and new lagoon will be located to the northwest corner of the existing quarry area where no extraction currently takes place. It is stated that extraction levels will not take place below the ground water table. Extraction is currently to 30m bgl, which is above the watertable.

7.4.5. There is no discharge of water to the ground or to any external surface water management system from within the quarry. There is surface water runoff from the existing entrance laneway, between the road and the quarry pit. It is indicated that surface water from the laneway is minimal in volume and the area of the laneway is stated to be 0.329ha. Run off is stated at present to be managed through discharge to be a soakpit at the laneway entrance to the site. It is also noted in the file that there is a grassed area to the east of the laneway between the site and the Ollatrim River.

7.4.6. I noted upon site inspection in January 2024, on a very wet day, water from the laneway was being diverted into the area of the soakpit. Notwithstanding this, I note the area of the soakpit does appear to be poorly maintained at present with the adjoining stockpile quite proximate to it, posing a risk to its function and to the Ollatrim River. In the updated surface water assessment report (August 2023), the applicant has committed to provide additional measures along the access road to address potential of surface water run-off from the laneway, with a surface water conveyance swale proposed to collect any runoff which shall be attenuated to a greenfield run off rate in a new attenuation pond system, with an attenuation volume

of 180m3. From there the water will discharge to an existing surface water channel along the roadside.

7.4.7. Maintenance measures are proposed for the entire surface water management system, including, inter alia, visual inspection of the lagoon/attenuation area and stormwater conveyance channel once a week or after heave or prolonged rainfall to check for blockages; check depth of solids in the lagoon, attenuation area and conveyance channel once per month and if it exceeds 0.5m, solids should be removed and suitably stockpiled within the quarry extraction area; visual inspection of the lagoon/attenuation area after heavy of prolonged rainfall to check water levels and if pond depths exceed 1m carry out over-pumping for dust suppression within the quarry until water levels drop to less than 0.5m.

7.4.8. I consider the surface water management system will adequately address surface water on the site, including that from the laneway, and it is unlikely that the development will affect the quality of water in the Ollatrim River on the basis of existing and proposed measures.

7.4.9. There is no evidence that quarrying activities at this quarry has had an adverse impact on the existing private wells in the vicinity, the public water supply, the groundwater, or the local river downstream. Results of groundwater monitoring undertaken at the quarry annually indicates the groundwater is of good quality. The assessments of the Ollatrim River downstream from the site (I refer the Board to the Biodiversity Assessment, September 2023) indicate the water quality in this section is good. The PA following receipt of FI of a Hydrogeological and Hydrological Assessment raises no further concerns in this regard. Continued operation of a closed loop surface water management system will ensure no impact on the water quality of the Ollatrim River and mitigation measures are proposed in terms of the entrance laneway and management of dust to ensure operations have no impact on the Ollatrim River water quality.

7.4.10. I note the issue of the stockpile of existing material at the entrance to the quarry remains an issue (see Section 7.3.9-7.3.12 above). As per the previous and existing restoration plan, this stockpile is proposed to be removed as a first phase of development and timelines given for projects that would use up this material do not appear to have materialised in the intervening time period. Given the longstanding

nature of this issue and given the proximity of the stockpile to the existing soakpit/proposed attenuation pond, I consider that no development relating to this application should be commenced prior to the stockpile that exists being removed in order to ensure the efficient functioning of the proposed swale and attenuation pond.

7.4.11. Overall, I am satisfied that surface water management measures proposed relate to the protection of water quality and do not relate to the protection of European sites. As detailed in Section 9 hereunder, due to the distance of the site from European sites in the wider area, there is unlikely to be any impact from this development on European sites, notwithstanding the potential for an indirect hydrological connection via the Ollatrim River.

7.5. **Ecological Impact**

7.5.1. The Department of Housing Local Government and Heritage – Nature Conservation raised concerns in relation to lack of biodiversity surveys undertaken, specifically in relation to bats and badgers given the scale of hedgerow removal proposed and given the department was aware of an indication that badgers may have been identified using this area.

7.5.2. Following a FI request from the Board in relation to this matter, the applicant has submitted a Biodiversity Assessment (dated 6th September 2023), a new Surface Water Management Assessment (August 2023), in addition to a Compendium of all Mitigation and Monitoring Measures proposed.

7.5.3. As set out in the Biodiversity Assessment, a field survey was undertaken on 17th April 2023 with further walkover and habitat/mammal surveys undertaken on the 14th and 18th June 2023. A bat survey was undertaken on 8th June 2023 and three Anabat Express static detectors were set up on the site for six nights from 8th to 14th June 2023. All potential bat roosts features were assessed in the field survey. A walkover non-volant mammal survey was undertaken and three trail cameras were set up for six nights on the site and a baited trail camera was left on site for five additional days. An otter survey was also undertaken.

7.5.4. The dominant habitat at the site is classified as Improved Agricultural Grassland, which is typically species poor. Other habitats identified were transitional zones of Dry Calcareous and Neutral Grassland, Dense Bracken and Scrub (in the centre and

at the northern/northeastern boundary), and Hedgerow equating to 2.2km along the northern boundary, crossing the middle of the site in a south-easterly direction, as well as forming the boundary of fields in the southwest. The quality of the hedgerow is described as degraded and patchy in places. The hedgerow habitats are considered of local importance due to the ecosystem services they provide in the context of the surrounding habitats, therefore mitigation measures are proposed. There will be direct habitat loss during the construction and operational phase. Mitigation is proposed in terms of additional landscaping and buffer zones to be established around the perimeter of the quarry extension. Habitat restoration will take place when the quarry extension closes, with some phased restoration and rehabilitation works to the existing quarry as the extension progresses. Hedgerow planting on the western boundary is to be undertaken prior to the commencement of site expansion works.

7.5.5. Following site investigation and surveys, it is stated that there is no evidence of active badger setts on the site or of badgers using the site. It is stated that the lack of badgers present may be due to the absence of any streams of standing water on the site or due to a badger/TB management program in place in relation to dairy farming in the area.

7.5.6. In relation to bats, the scrub and hedgerow would provide suitable foraging or commuting habitat, in addition to hedgerows and treelines in the wider area. Trees to the north and east of the site are noted. There is a low potential for roosts on the site. The most common species recorded in the surveys were soprano pipistrelle, followed by common pipistrelle. Leislers bats were also recorded. In terms of mitigation, it is proposed that removal of mature vegetation along the site boundary should only be undertaken outside of the active bat season (late August to late October/early November). Planting of additional boundary hedgerows prior to the commencement of site expansion works will provide for foraging and commuting habitats for bats.

7.5.7. During the walkover surveys only common passerine bird species were recorded. However, sand martin nest sites are present within the existing quarry, therefore mitigation to protect this colony is proposed.

7.5.8. In terms of aquatic ecology, the Ollatrim River is examined in the Biodiversity Assessment (September 2023) submitted. It is noted the Ollatrim River is c. 40m south of the entrance to the existing quarry (with this entrance to continue to be used for the quarry extension). The stream flows past the entrance in a north-easterly direction, changing direction 2km downstream to a north-westerly direction, where is continues to flow parallel to the site c. 1km to the north. The Ollatrim River has its confluence with the Nenagh River c. 15km to the northwest at Nenagh town, from where the Nenagh River flows downstream to meet Lough Derg, 8km northwest of its confluence with the Ollatrim River. Lough Derg is a SPA and SAC and forms part of the Lower Shannon subcatchment and is hydrologically connected with the Lower River Shannon SAC.

7.5.9. The latest EPA assessment of the Ollatrim River in July 2023 noted the river's biological status is unsatisfactory along most of its length, with a decline from good to moderate at two surveyed points. These points were High quality in 2015. There is an EPA monitoring station on the River Ollatrim located proximate to the entrance of the existing development/upstream which was rated as Poor water quality in 2021. The next downstream station at Aghnameadle Bridge on the River Ollatrim was rated as Moderate in water quality in 2021. Ecofact Consultants (authors of the Biodviersity Assessment) have undertaken extensive lamprey surveys at multiple sites throughout the Nenagh River Catchment, including two sites directly downstream of the proposed development, which were found to have extensive areas of good habitat for lamprey species, although large sections of the Nenagh River are of poor habitat quality. Mention is also made of salmon spawning habitat, both of which are linked to the Lower River Shannon SAC.

7.5.10. While the site entrance is proximate to the Ollatrim River, the only watercourses on the existing development site consist of open drainage channels, which drain into the settlement lagoon in the southeast corner of the site. The existing quarry and proposed extension operate a closed loop surface water management system comprising drainage channels, conveyance swales, settlement lagoons and attenuation ponds therefore impacts on water quality are unlikely. I note a small area of surface water relating to the entrance laneway does ultimately discharge from the site to the adjoining road drainage, however, I note prior to this any surface water

from this laneway discharges to a soakpit and works proposed as part of this application provide for an upgrade of this to a swale and attenuation pond.

7.5.11. I refer the Board to Section 8 hereunder which also addresses biodiversity. Overall, I am satisfied that given the low species value of the existing habitat, and given mitigation and restoration measures proposed, the proposed development, subject to condition, will not have a significant negative impact on biodiversity in the area.

7.6. Other Matters

Hours of Operation:

7.6.1. The current operation hours of the site are stated in the documentation (section 2.3 of EIAR) to be from 8am-6pm Monday to Friday, and 8am-4pm on Saturdays. It is stated there is no crushing or washing carried out on Saturdays and two workers carry out deliveries.

7.6.2. The grounds of appeal contend the hours of operation of the quarry are unreasonable and not adhered to, negatively impacting residential amenity and are a detriment to health.

7.6.3. In terms of hours of operation, the Board is referred to Section 4.7 of the 'Quarries and Ancillary Activities, Guidelines for Planning Authorities, 2004' which states the following:

> 'It is recommended that normal operations should be confined to the hours between 07:00 and 18:00, Monday to Friday inclusive (excluding Bank Holidays) or as may be agreed with the planning authority, and between 07:00 and 14:00 on Saturdays, with no quarrying, processing or associated activities being permitted on Sundays or public holidays. Where market conditions to the nature of particular ancillary processes (such as concrete batch manufacture) would require greater flexibility of working hours, it is imperative that such flexibility be discussed with the planning authority at the pre-application stage, and addressed in the planning application'.

7.6.4. Having regard to the 'Quarries and Ancillary Activities, Guidelines for Planning Authorities, 2004', the existing hours of operation appear reasonable, however, the extent of Saturday hours of operation for the new area should be in line with the

guidelines and continue under 14:00 instead of 16:00. In the interests of clarify, a condition in relation to operating hours for the extended area should attach to any grant of permission.

7.6.5. Where the hours of operation are not being adhered to by the applicant, this is a matter of enforcement within the remit of the planning authority.

Validity of Application:

7.6.6. The grounds of appeal raise concerns that the FI request was submitted late and it is not therefore valid. I note from the documentation on file that an extension of duration for the date of submission of the FI was granted by the PA and the FI request was addressed within this timeframe.

8.0 Environmental Impact Assessment

8.1. Statutory Provisions

8.1.1. The development is for the extraction of sand and gravel from a site, 13.81ha in area, located in the rural area of Toomevara, Co. Tipperary. The site adjoins and will be an extension to an existing quarry of 16.38ha. The material extracted from the new area is to be processed within the original quarry area. The ground level across the site varies significantly, however it is indicated that where the ground level is 186m it will be excavated to the level of 160m, therefore c. 26m deep. The existing quarry is 30m deep. The applicant states it is intended to extract 1,615,000 to 1,815,000m3 of sand and gravel over a 15-20 year period and a 20 year permission is sought.

8.1.2. The requirement for the submission of an EIAR in this case derives from Class of Part 2 of the Fifth Schedule of the Planning and Development Regulations, 2001 (as amended) which states that the following shall be development for the purposes of Part 10 of the Act (requiring EIA):

> (b) Extraction of stone, gravel, sand, or clay, where the area of extraction would be greater than 5 hectares.

In addition, Class 13, of Part 2 ‘Changes, extensions, development and testing’, requires EIA for any change or extension of development, already authorised,

executed or in the process of being executed, which would result in an increase in size greater than 25 percent or an amount equal to 50% of the appropriate threshold, whichever is greater. The existing quarry of 16.38ha is proposed to be extended by 13.818ha, which is a 72% increase in site size.

8.1.3. The application is accompanied by an EIAR prepared by Q.E.D Engineering Limited. The contributors to the EIAR are listed on page 10 of the EIAR, as part of the non-technical summary. The document is laid out in one volume, with additional reports submitted by way of Further Information contributing to various chapters of the EIAR.

8.1.4. The opening section of the EIAR document comprises a non-technical summary. Chapter 1 sets out the regulatory environment and addresses in section 1.4 Alternatives. Chapter 2 provides a description of the site context and proposed development. Interactions and cumulative impacts are addressed within Chapter 12. Mitigation measures are addressed within each chapter. Appendix 1 comprises a survey on dust generated; appendix 2 comprises a noise survey report; and appendix 3 comprises a quarry restoration and aftercare plan. Additional reports (see Section 2 of this report) following a request for FI, have been submitted which are supplementary to the EIAR, including Archaeological Testing report (related to Chapter 12), Biodiversity Assessment (relating to Chapter 4), a Traffic Impact Assessment (relates to Chapter 11), Hydrogeological and Hydrology Assessment (relates to Chapter 6), Surface Water Management Assessment (dated September 2021 and revised document dated August 2023) (relates to Chapter 6), Traffic and Local Air Quality Impact Assessment and Ambient Dust Assessment (relates to Chapter 7), Noise Assessment (relates to Chapter 8), Invasive Species Survey Report (related to chapter 4), a Revised Quarry Restoration Plan (November 2021) and a new report Compendium of all Mitigation and Monitoring Commitments (September 2023).

8.1.5. I have carried out an examination of all the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the results of the submissions made by the planning authority, appellant, and applicant has been set out at Sections 3.0 and Section 6.0 of this report. The main issues raised specific to the EIA can be summarised as follows:

- Water and Surface Water Management

- Landscape and Visual Impacts
- Dust, Noise and Air Quality
- Traffic and Road Safety

These issues are addressed below under the relevant headings, and as appropriate in the reasoned conclusion and recommendation.

8.2. Likely Significant Direct and Indirect Effects

8.2.1. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.

8.2.2. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality. I am satisfied that the information contained in the EIAR complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014.

8.2.3. This EIA has had regard to the application documentation, including the EIAR, and the observations received. A number of the environmental issues relevant to this EIA have also been addressed in the Planning Assessment at Section 7.0 of this report. This EIA Section of the report should therefore, where appropriate, be read in conjunction with the relevant parts of the Planning Assessment.

8.3. Major Accidents/Disasters

8.3.1. With regard to the vulnerability of the project to Major Accident Hazards, Natural Disasters and Climate Change, the appeal site is not located close to and the proposed development is not connected with any Seveso establishment or activity. No element of the proposed development is located within an identified flood extent

area and no flood events are recorded for the immediate vicinity of the site. The nature of the proposed development is such that the development is not vulnerable to a major accident hazard. Having regard to these factors, it is considered that the risk of major accident hazards or potential implications arising from natural disasters and climate change are negligible.

8.4. Alternatives

8.4.1. Consideration of alternatives is addressed in Section 1.4 of the submitted EIAR.

8.4.2. I am satisfied that alternative locations are not relevant to the proposal. The applicant refers to consideration of alternatives in terms of design/layout of the site and states the design has been influenced by the location of the existing quarry services which it is proposed to retain and use and by the proposal of being able to restore as the extension continues. While the applicant has not elaborated in terms of a do nothing scenario, I consider such a scenario would not be a viable or desirable alternative given the ongoing high demand for aggregate and the favourable characteristics of the existing deposit on the site.

8.4.3. I am satisfied that the information contained in the EIAR with regard to the main alternatives provides a justification in environmental terms for the chosen scheme and phasing and is in accordance with the requirements of the 2014 EIA Directive (2014/52/EU).

8.5. Assessment of the Likely Significant Direct and Indirect Effects

8.5.1. The likely significant direct and indirect effects of the proposed development on the environment are considered under the headings below which follow the order of the factors as set out in Article 3 of the EIA Directive 2014/52/EU:

- Population and human health
- Biodiversity, with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC
- Land, soil, water, air and climate
- Material assets, cultural heritage and the landscape

- The interaction between the factors referred to in points (a) to (d).

8.5.2. With respect to interactions and cumulative impacts this issue is addressed within chapter 13. While I note that not all impacts under the various headings are rated, the information presented allows me to undertake a full assessment of the environmental impacts.

8.5.3. My assessment is based on the information provided by the applicant, including the EIAR, in addition to the additional reports and submissions made in the course of the application, as well as my site visits.

8.6. Population and Human Health

8.6.1. Chapter 3 of the EIAR addresses population and human health.

8.6.2. The proposed development has the potential to impact on local populations in terms of employment in a positive way. There are nine employed at present with the aim to maintain that employment into the future with the quarry extension.

8.6.3. There are potential impacts in terms of amenity and on human health by way of impacts relating to noise and dust / air emissions from works at the site and from traffic. The impact of the proposed development on these latter factors of the environment is addressed in more detail in subsequent sections of this EIA, as well as in an additional reports received as FI titled Ambient Dust Assessment (August 2021) and Noise Assessment (June 2021) and the impact on human health is considered in light of these factors. As discussed in more detail elsewhere, no significant impacts in terms of air including dust or noise emissions are predicted to arise such as would impact negatively on human health.

8.6.4. With regard to traffic, it is stated the existing quarry is nearing completion and it is anticipated the quarry will operate at the same levels in the new area as in the existing area, therefore no significant increase in traffic is anticipated. Daily traffic generated at presented is c. 24 HGVs and 9 cars, with 9 full time staff. The vehicular access to the site is to remain the same. It is stated that the applicant has carried out improvement and upgrade works to the local road network in 2007 on a 2.5km stretch of the L3240 in the direction of Tooomevara, which is used for 80% of all deliveries. No significant impacts in terms of traffic or associated disturbance are predicted to arise such as would impact negatively on human health.

8.6.5. With regard to water quality, the proposed development is not connected to any surface water courses in the vicinity of the site and no significant negative impacts on such watercourses are predicted to arise such as would impact on local populations or human health.

8.6.6. With regard to groundwater, the operations at the site have the potential to pollute groundwaters and to impact on local water supplies. However, the extraction operation is proposed to operate at above the water table and as such there would be no direct impacts on groundwater generated. Two boreholes were installed in the existing quarry, both are which are used for monitoring of ground water quality, one of which supplies water to the office/toilet and owners house and farmyard. Monitoring data indicates the quality of the groundwater is good. The proposed extended extraction area is located outside of the identified source protection areas around the public water supplies in the vicinity of the site. No significant negative impacts on groundwater are predicted to arise such as would impact on local populations or human health.

8.6.7. In terms of noise, two noise assessments have been undertaken as set out in chapter 8 of the EIAR and separate report received in response to FI titled Noise Assessment (June 2021). No significant impacts in terms of noise are predicted to arise such as would impact negatively on human health.

8.6.8. With regard to visual impact, it is acknowledged that the stockpiles at the entrance to the quarry detract from the visual amenity of the area. This issue is elaborated further upon in the landscape section of the EIAR and in Section 7 above.

8.6.9. A number of mitigation measures are set out in relation to population and human health in section 3.3 of the EIAR, which I consider reasonable.

8.6.10. In conclusion, on the basis of the information submitted with the application including that in the EIAR, and the submissions on file, I do not consider that the proposed development would have any significant adverse direct or indirect effects on population and human health.

8.7. **Biodiversity**

8.7.1. With regard to the submitted EIAR, Chapter 4 of that document addresses biodiversity. Following a FI request from the PA, a further report titled Invasive

Species Survey Report (dated September 2021) was submitted and following a FI request from ABP, a Biodiversity Assessment (September 2023) was submitted.

8.7.2. The grounds of appeal contend the proposal will negatively impact on the environment and restoration should occur in a piecemeal manner. A submission was received from the Department of Housing Local Government and Heritage in relation to Nature Conservation, dated 21st January 2022. The report highlights that 854m of hedgerow are to be removed. It states that there were signs of badger activity on site and a possible sett was identified. The report states a badger survey should be carried out by a suitably qualified ecologist prior to a decision being made. If a badger sett is encountered, care must be taken when working adjacent to sett entrances and the NRA guidelines followed. It further states that bats may be present in the trees along the hedgerows and a bat survey should be carried out by a suitably qualified ecologist prior to a decision being made on planning. If bat species are found to be roosting in trees, a derogation licence is needed. The PA in response stated the submission from the department was received after FI had been requested and therefore it was not possible for the PA to request a bat and badger survey. The PA states that the applicant's response to the PA on the department submission states that a badger sett or active sett has not been confirmed and they are happy to engage with an ecological clerk of works being present during hedgerow removal and topsoil stripping.

8.7.3. Further to a FI request from the Board to address the submission from the Department of Housing Local Government and Heritage in relation to Nature Conservation, a report titled Biodiversity Assessment (6th September 2023) was submitted by the applicant, which includes additional surveys in relation to bats, badgers and additional information in relation to the Ollatrim River. I refer the Board to section 7.6 of this report above which should be read in conjunction with the assessment hereunder.

8.7.4. In relation to Chapter 4 of the EIAR, the dates of surveys and the methodology adopted was not clear, however, the submitted Biodiversity Assessment (dated 6th September 2023), clearly identifies survey work undertaken and sets out the methodology adopted, which in my opinion is robust. In the Invasive Species Report it is stated that walkover surveys were carried out from July to September (10th July and 13th August), which is considered optimum timing for a survey.

8.7.5. The site comprises five fields with boundaries of trees/hedgerows, is in agricultural use and is used by grazing animals. Four different habitat types were classified, with improved agricultural grassland being the dominant habitat. A treeline habitat was identified on the northern boundary and hedgerow habitats were found to divide individual fields, with a large section of bracken and scrub in the centre of the site and to the northeast boundary. The Invasive Species Report surveyed field boundaries, bracken and grassland for hazardous invasive species. No high impact invasive species were recorded, with one medium impact species of Sycamore identified at one location and this tree will be removed as part of the quarry expansion. The Invasive Species report states it is imperative that this tree is felled outside the period 1st March to 31st August to prevent impact on nesting birds and to prevent seed dispersal when disturbed. Dense bracken was observed in field 5 and no high impact terrestrial invasive species were found within the Bracken.

8.7.6. Chapter 4 of the EIAR states the fields comprise improved grassland, with the larger field also comprising overgrown scrub with this field dropping off steeply on the eastern side. The internal hedgerows are stated to be of low quality and highly maintained. The hedgerows and scrub are stated to provide some seminatural habitat to wildlife and provide ecological corridors. This is supported with more detail given within the Biodiversity Assessment submitted (see section 7.6 of this report above).

8.7.7. Internal hedgerows and overgrown scrub are proposed to be removed on a phased basis as the extraction of the quarry progresses. A new hedgerow is proposed along the western boundary, which is to be planted prior to further development, which will decrease the visual impact of the quarry, and hedgerows will be replaced as part of the restoration plan. Specific recordings of animals, birds and bats from the site are listed within Biodiversity Assessment. No badgers were recorded on the site and mitigation is proposed in relation to removal of habitats which are used by bats and birds for foraging/commuting, as well as mitigation measures to protect them.

8.7.8. I note there is a large area of woodland/scrub on neighbouring lands at the northeastern boundary of the site, which extends into the site. The Biodiversity Assessment (dated 6th September 2023) identifies this area on the habitat mapping as scrub and it is stated that such habitat is not pristine or uncommon in this area (see Figure 6, Biodiversity Assessment). I note a small area to the north and

northeast will not be excavated as there are no reserves at that location. I am satisfied that the proposal will not have a significant negative impact in terms of loss of woodland or scrub habitat, with the impact rated as being slight negative in terms of habitat and flora. The proposal will not have a significant negative impact on the adjoining woodland/scrub area.

8.7.9. The site is not located within or adjacent to a European site. The site is stated to be approx. 3.5km from Kilduff, Devilsbit Mountain SAC (000934). Slievefelim to Silvermines Mountains SPA (004165) is indicated to be located c.12km to the southwest; Lower River Suir SAC (002137) is c.12km to the south; Lough Derg (Shannon) SPA (004058) and Lough Derg North-East Shore SAC (002241) are 22km to the northwest. I note there are no water courses or drains on the site with no source-pathway-receptor to any European site. The Ollatrim River is in close proximity to the entrance of the existing quarry (c. 40m) to the site. The existing quarry operates on a closed loop system with no discharge of surface water from the system to any existing surface water network or to groundwater, which is monitored. There is a discharge of surface water from the relatively small area of the entrance laneway to an existing surface water route alongside the existing road, following treatment via a soakpit. This is addressed within the stormwater management system, where a new swale and attenuation pond is proposed. Appropriate Assessment is assessed under Section 9 of this report and I refer the Board to that section. I note measures proposed here relate to best construction practice to protect water quality in the area and are unrelated to the management of European sites.

8.7.10. Mitigation for biodiversity is proposed in Section 4.3 of the EIAR and updated within the Biodiversity Assessment (September 2023), with all measures laid out in the document ‘Compendium of all Mitigation and Monitoring Commitments (September 2023), which includes inter alia the following: phased removal of internal hedgerows and scrub/grassland to ensure protection of fauna and bats; timing of hedgerow removal outside of bird nesting season; all internal hedgerows removed to be re-established as part of the restoration plan; a new hedgerow to be planted along the proposed western boundary prior to the commencement of development; existing hedgerows along the northern and eastern boundaries and those in the existing quarry will be left in place; a minimum 5m buffer zone will be left between the quarry working face and the existing and proposed external boundaries of the development;

and the site will be restored to agricultural use on completion of the extraction. Mitigation is also proposed in relation to sand martins within the existing quarry.

8.7.11. Residual impacts are classified as slight negative.

Conclusion – Biodiversity

8.7.12. I have considered all of the written submissions made in relation to biodiversity, including from the Department of Housing, Local Government and Heritage in relation to nature conservation. I am satisfied that the potential for impacts on biodiversity, specifically relating to badgers and bats, has been adequately identified and addressed within the documentation submitted, namely chapter 4 of the EIAR and the Biodiversity Assessment (6th September 2023) and that any impacts would be avoided, managed or mitigated by the measures which form part of the proposed scheme, proposed mitigation measures or through suitable conditions. I am satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of biodiversity**.**

Land, Soil, Water, Air and Climate

8.8. Land and Soils

8.8.1. Chapter 5 of the EIAR addresses land, soils and geology. Geology maps and soil maps are provided.

8.8.2. The site is classified by EPA maps as comprising AminDW - deep well drained mineral (mainly acidic) soils. In terms of subsoils, the majority of the site is underlain with GLPDSs – sands and gravel subsoil. The northern portion of the soil is underlain with TLPSsS – sandstone and shale till of predominately clayey texture, while cut – cutover peat is found at the site's entrance. In terms of geology, bedrock formation mapping shows the entirety of the site is underlain by the Hollyford Formation, with greywhacke, sandstone and siltstone. No bedrock outcrops were identified on the site. No karst features are recorded in the vicinity of the site.

8.8.3. The existing quarry comprised topsoil to a depth of 0.3m, overburden to a depth of 0.5-1m and then sand and gravel excavated to c. 30m.

8.8.4. In terms of the impact of quarrying, the proposed development will result in the loss of agricultural land with the recovery of aggregates from the site, which will involve

stripping of soil (which is to be stored on site for restoration use later) and excavation of sands and gravels for sale off site.

8.8.5. One mitigation measure is proposed, which is that the GSI will be contacted if any unusual geological features are found during exaction. While not expanded upon in this section of the EIAR, I note the applicant has submitted a quarry restoration plan as part of the EIAR (Appendix 3 of EIAR and updated following FI request from PA) and the land will in 20 years ultimately be restored for agricultural use, with phased restoration of the existing and extended quarry area. Mitigation in the form of the restoration plan is therefore a consideration.

8.8.6. I consider the proposed development would have a short to medium term negative impact on soils and subsoils due to the direct loss / removal over the proposed extended extraction. No significant long-term impacts on soil or geology, resulting from the proposed development are predicted.

8.8.7. I am satisfied that any risks outlined above can be managed and mitigated through good construction management practices and that cumulative impacts are not likely to arise.

8.8.8. I have considered all of the written submissions and information submitted in relation to land, soils and geology. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable long term direct or indirect impacts in terms of land and soils.

8.9. Water

8.9.1. Water is addressed within Chapter 6 of the EIAR. The PA requested further information from the applicant and an additional two reports were submitted which contribute to Chapter 6 of the EIAR: ‘Hydrogeological and Hydrological Assessment’ (dated October 2021) and Surface Water Management Assessment (Dated September 2021). Following a FI request from the Board, the applicant has submitted an updated Surface Water Management Assessment (dated August 2023), with a new section in this report addressing surface water from the existing entrance laneway to/from the site.

8.9.2. The PA request for FI arose from concerns in relation to impact of the development on water in the area, given the site is within the WFD Ollatrim_010 and 020 waterbodies, where a decline in quality has been noted in EPA Biological water quality assessments, with this decline reported to be due to heavy substrate siltation in the water body from forestry or quarrying or both. I note the Hydrogeological and Hydrological Assessment does not offer any insight into the issues around the Ollatrim River, but shows results from groundwater analysis at the quarry indicating that the quarry is not negatively impacting the groundwater in the area. The submitted Biodiversity Assessment includes an analysis of the Ollatrim River, and results of lamprey surveys undertaken by the consultant downstream of the quarry in 2020 showed the habitat downstream of the quarry was found to be good notwithstanding large sections of the Nenagh River Catchment are poor. While sections of the Ollatrim river have suffered a deterioration in recent years, this has not been linked to the existing quarry. The revised Surface Water Management Report further provides for preventative operational measures around the entrance laneway to ensure no silt or pollutants will be contained within the run off to the Ollatrim River, with no likely impact on existing water quality.

8.9.3. Chapter 6 of the EIAR describes the surface water and groundwater regime in the area, examines water management within the quarry, hydrogeological regime at the quarry site, and water quality. The Hydrogeological and Hydrological Assessment submitted addresses the same information in chapter 6. The Surface Water Management Assessment examines the existing closed loop system in the existing quarry and requirements for an extension, augmentation or addition to the existing system to adequately cater for a proposed extension to the existing quarry facility.

8.9.4. The site is located within the Lower Shannon WFD Catchment and within the Ollatrim SC 010 and 020 WFD sub-catchment. I note the EPA mapping show the water immediately upstream within Ollatrim_10 to be poor and immediately downstream at Ollatrim_20 to be moderate. No field drains are present on the site, therefore there is no direct hydrological connection between the quarry expansion area and the Ollatrim stream. While the existing quarry and proposed quarry operates a closed loop system, there is run-off from a small portion of the site, ie the entrance laneway, which passes through a soakpit. An additional swale and attenuation pond is now proposed as best practice measures. I consider this

acceptable, and I consider it highly unlikely that there will be any negative impacts on the Ollatrim River as a result of the construction/operation of the quarry, subject to the identified mitigation being installed. I further note the mitigation is proposed in the interests of water quality.

Groundwater

8.9.5. The site is within the Nenagh Groundwater Body, which I note had a 'good' status in the 2016-2021 monitoring period, with a review underway at present. Regional water quality is therefore good.

8.9.6. GSI data indicates that the site is located on a bedrock aquifer which is generally unproductive except for local zones with a 'poor' classification. The bedrock aquifer is mapped as highly vulnerable to pollution, therefore the excavation of gravels/subsoils overlying it will increase the groundwater vulnerability of this Poor aquifer.

8.9.7. In terms of site specific water quality, data was provided from two existing boreholes on the site. Groundwater flow is indicated to follow the topography of the site, generally flowing to the south/southeast towards the Ollatrim River. GW1 is used for the on-site toilet and office, as well as for the owners' house and farmyard to the southeast of the quarry. Both boreholes assess groundwater quality annually (as per condition 8 of reg ref 146000418). Results of groundwater monitoring indicate the groundwater is of good quality. There is no evidence that the quarrying activity negatively impacts the groundwater.

8.9.8. As is the case with the existing development on the site, proposed extraction of sand and gravel will not be undertaken below the established water table on the site. Cross Section F submitted indicates the finished level of extraction will be 4m above the water table. The proposed development will not therefore have the potential to have a direct impact on groundwater from the extraction activity on the site.

8.9.9. Section 3 of the submitted Hydrogeological and Hydrological Assessment assesses the potential for groundwater risk. Risk is stated to exist in terms of potential leakage from fuels, chemicals and other liquid materials on site, chemifloc dosing, leaks from machinery and static plant, repairs to machinery and plant, wastewater loading from onsite office and toilets/poor maintenance of treatment system, run-off from the laneway to the Ollatrim River. It is stated that the chemifloc solution used on site is

environmentally friendly and it is highlighted the surface water system on site is managed by way of a closed loop system with no surface water discharges from the quarry to the ground or to surface networks outside of the site, with the exception of a short section of the entrance laneway which discharges to a soakpit and then to an existing stormwater drain alongside the local road which drains to the Ollatrim River (see section hereunder on surface water).

8.9.10. Mitigation measures are set out in section 6.3 of the EIAR and also on page 5 of the Hydrogeological and Hydrological Assessment. Mitigation measures include inter alia the following elements (I note the mitigation measures in both documents are largely the same): storage of all machinery and plant and any re-fuelling should take place in the site compound in the storage shed; the two existing diesel tanks on site are self bunded; all diesel tanks and oil tanks will be bunded; refuelling areas will comprises high absorbency mats etc. to contain any spills; spillage kits will be in place in the maintenance shed; waste oil is not stored on the site; and the septic tank and percolation area was upgraded and permitted in 2014; the septic tank was registered in 2013; and groundwater will continue to be monitored annually.

8.9.11. Subject to the implementation of the mitigation measures as outlined in the EIAR and summarised above, I do not consider that the proposed development would have any significant adverse impact on the groundwater during the construction or operational phases of the development. Post operation and the site reinstatement phase, no significant adverse impacts are considered likely to arise.

Surface Water

8.9.12. The closest surface water course in the vicinity of the site is the Ollatrim Stream, located c. 40m to the south of the existing site entrance and c. 780m from the proposed quarry extension area. There are no surface water drains or streams located on or in close proximity to the site and drainage of the lands is currently managed by way of a closed surface water loop system, which is also proposed to be utilised and expanded upon for the quarry extension.

8.9.13. The existing quarry facilities are to be utilised in the expanded quarry area, ie the existing site entrance, access laneway, weighbridge, maintenance shed, settlement lagoons, site office and other associated site works/facilities. A new surface water management lagoon is proposed in addition to the existing lagoon, both of which will

serve the extended area. The new lagoon will be located to the northwest corner of the existing quarry area. Consideration has been given to a storm return period of 100 years, plus climate change. A surface model of the site was developed using specialist software to determine flow directions, velocities, and discharge locations (see figure 2 and figure 3 of Surface Water Management report, 2023). The topography of the site and method of extraction has been considered in the location of the proposed lagoon to ensure surface water drains to the lagoon.

8.9.14. The surface water system at the existing quarry is a closed system with no discharge of surface water to existing surface water networks in the area, with the exception of surface water from the entrance laneway which is directed to a soakpit after which it discharges to the existing surface water system on the adjoining local road, from where it discharges into the Ollatrim River.

8.9.15. Water is required on site for the wash plant. Water comes from the pumping pond located to the southeast boundary of the existing pit, which comprise spring water and recycled water from the system. The water is continuously recycled and is not discharged from the pit. It is stated that recycled water is also used on site for dust suppression and wheel washing, as well as for the washing of extracted materials.

8.9.16. When water is required for the wash plant, it is automatically pumped form the pumping pond. Excess water draining from the wash plant is returned to the settlement pond with clean water then infiltrating from the settlement pond back to the pumping pond for reuse. Water from stockpiles or other rainwater run off within the quarry pit drains over ground to a semi-circle collection point where it is pumped to the settlement pond for reuse once finer particles settle out in the settlement pond. The silt, clay and sediment that is washed from the sand and gravel in the wash plant, is pumped from the wash plant to the southern side of the settlement lagoon via a buried sediment pipe. Heavy materials settle in the settlement lagoon and lighter materials are filtered from the wash plant water in the northern side of the settlement lagoon through a sand and stone permeable barrier before entering the settlement pond. The suspended solids are allowed to settle further in the settlement pond. Another stone and gravel permeable barrier is located between the settlement pond and the pumping pond which allows for sufficient retention time for suspended solids to settle in the settlement pond before clean water infiltrates to the pumping pond.

8.9.17. The surface water run-off risk highlighted in the Surface Water Assessment report (August 2023) relates to the potential of a storm and capacity of the lagoon system. The new lagoon location has been determined on the basis of topography and the size has been modelled to have regard to a 1 in 100 year flood event plus climate change rainfall event of 60 minutes duration. The scale of the lagoons has been sized accordingly and calculations are presented in relation to the settlement capacity of the lagoons. Maintenance measures are also proposed as part of the lagoon system to ensure its efficient operation.

8.9.18. Following a FI request from the PA and subsequent submission of a Hydrogeological and Hydrological Report, no further concerns were raised by the PA in relation to potential impacts on the water quality of the Ollatrim River arising from this quarry. I note the applicant submitted a Biodiversity Assessment following a request from the Board which sets out in more detail the existing quality of the Ollatrim River and addresses issues of its quality as per past results from the EPA. Upstream of the site the Ollatrim River is of poor quality, while downstream of the quarry site the river is of moderate quality. Overall the biological quality of the river as per the latest EPA report (July 2023) is unsatisfactory along most of its length, however the surface water management system proposed as part of this development will not have an impact on the water quality.

8.9.19. With regard to the access road run off, the applicant's response to a third party concern in this regard states that runoff from the access road is directed into a soak pit to the west of the access laneway, which has been in place since the commencement of the development. It is stated the wheels on the trucks leaving the quarry are clean and any sand and gravel that may fall from truck wheels would be filtered through the soak pit. It is further noted that the Ollatrim River is 40m to the east of the soak pit on the other side of the access lane. It is stated that rainwater from the L-3240 flows downhill past the site entrance and enters the Ollatrim River through gullies and drains. No issue was raised in relation to this by the PA. Following a FI request from the Board, an updated Surface Water Management report (August 2023) was submitted by the applicant, with Section 5 of the submitted report addressing separately the management of runoff from the access road to the site. It is proposed to provide for a surface water conveyance swale along the access road which will discharge any surface water run-off to an attenuation pond (in place

of the existing soak pit), having regard to the GDSDS standards for greenfield run off rates and a 100 year rainfall event in the sizing of the pond. It is stated that the proposed pond system will be capable of providing significant reduction in suspended solids that may be contained in the surface water run-off from the road.

8.9.20. While concerns were raised in relation to the potential impact of the development on Ollatrim River from surface water run off from the access laneway, I have no information before me to suggest that the proposed development currently impacts or would in the future impact on the quality of water within the stream. I note the small area of the entrance laneway where run off of suspended silt/gravel/stone could occur and I am satisfied that given the existing and additional measures proposed by the applicant as a preventative/best practice operation measure, no significant impacts on the Ollatrim River are likely. Furthermore given the closed loop surface water management system currently in place and proposed as part of the extended quarry area, no impacts on water quality in the area are likely with the lagoon system sufficiently sized to ensure storm events are catered for.

8.9.21. I have considered all of the written submissions made in relation to water. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, 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 water.

8.10. Air and Climate

Air and Dust

8.10.1. Air and dust are addressed in Chapter 7 of the EIAR and Appendix 1 ‘Determination of Dust Precipitation with Collecting Pots made of Glass’ (dated October 2020). An additional report was submitted following a request for FI from the PA in relation to dust, which is relevant to Chapter 7, and is titled Ambient Dust Assessment (dated August 2021). Impact from traffic on air is addressed in a report submitted in response to FI titled Traffic Air Impact Assessment (dated November 2021).

8.10.2. Chapter 7 states ambient dust monitoring is carried out on an annual basis in accordance with condition 8 of reg ref 14600418. Results of dust monitoring at four

locations across the existing quarry were carried out in September/October 2020 are given and readings are below the limit value of 350mg/m3/day. The northeast sample point at the face of the quarry has in the past failed the applicable limit, however it is noted that impacts reduce with distance and all the existing vegetation will reduce levels. The nearest house at that corner of the site is 250m away. The site currently operates at 30m below ground level and it is stated that the slopes form a barrier to dust movement. Mitigation measures are proposed including no earth stripping or moving in dry windy weather if practicable; overburden stripped from the ground surface will be stockpiled and form barriers around the quarry where practicable; the entrance laneway and haul roads in the quarry will be maintained to minimise dust; all screens, conveyors and crushing machines will be well maintained; speed restrictions within the quarry set to 15km/hr to reduce rising of dust; existing hedgerows on the boundaries of the quarry will be left in place and form screening between sensitive receptors; a new hedgerow will be planted along the western boundary of the extended quarry.

8.10.3. The 'Ambient Dust Assessment' subsequently submitted at FI stage assesses the potential implications of dust on sensitive locations during the early stages of excavation. The early excavation process is described, whereby a 10-12m wide strip of lands is removed twice a year and approx. 0.5m topsoil is removed and stored in stockpiles around the perimeter of the quarry forming a barrier that reduces ambient dust levels. The removal of topsoil for each strip removed takes 2-3 days, or 4-6 days in total per year as two strips per year are removed. Once removed the sand/gravel is dug from the base of the pit face. A dust monitoring assessment was undertaken at three locations at the boundary of the quarry and three at the nearest sensitive receptors (dwelling to the northeast; to the north; and to the west – see map in appendix 1 of report). The survey was carried out during a period when topsoil and subsoil were being stripped from the top of the existing quarry in order to record the impacts of that element of the work. No adverse impacts were recorded.

8.10.4. Mitigation measures in relation to dust are set out in Section 7.3 of the EIAR and the same measures are reflected in Section 5 of the Ambient Dust Assessment. In the interests of clarity a plan to indicate which boundaries the topsoil will be stored along/where berms are proposed should be sought by way of condition and agreed with the PA, should the Board be minded to grant permission, to ensure all locations

are within the red line boundary, do not affect existing or proposed hedgerows along the boundary and to ensure further stockpiling of overburden or material is not proposed and does not occur at the site entrance to the existing quarry from this extended area.

8.10.5. In relation to impact of traffic on air quality, the submitted Traffic Air Impact Assessment addresses the FI request to quantify vehicle exhaust emissions from traffic and the impacts on local air quality, with a focus on NO2 and PM10. The assessment sets out the methodology adopted, which I consider thorough and reasonable in its approach. A model including four nearby high sensitive receptors was undertaken and the Air Quality Standards Regulations 2011, which incorporates applicable EU directive 2008/50/EC, were applied, and existing standards/levels of NNO2 and PM10 were informed by the report Air Quality in Ireland 2019 by the EPA. A do nothing and do something scenario was applied. There is predicted, based on TIA traffic increase figures, to be an increase in NO2 and PM10 levels, but the figures indicated are graded as imperceptible. The impacts are considered to be long term, negative, and imperceptible for the operational phase. It is noted in the report that no regard is had for potential increase in electric vehicle use, which is likely to have a positive impact on worst case scenario modelled. Given the impact is negligible, no mitigation is considered necessary.

8.10.6. Given the nature and scale of the development proposed, and distance from other quarries, and given no significant increase in the predicted level of traffic generated, I am satisfied that no cumulative impacts would arise in respect of air and climate during the construction and operational phases.

8.10.7. I have considered the written submissions made in relation to air quality and climate. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of air quality and climate.

Noise

8.10.8. Noise is addressed in Chapter 8 of the EIAR and Appendix 2 Noise Survey Report (dated July 2020). An additional report was submitted following a request for FI from

the PA, which is relevant to Chapter 8, and is titled Noise Assessment (dated June 2021).

8.10.9. Noise monitoring is carried out on an annual basis in line with Condition 8 of reg ref 14600418. Noise sensitive receptors are identified as Seamus Ryan's own dwelling adjoining the southeast boundary of the existing quarry, dwellings to the northeast (c. 219m-224m from the quarry boundary), and dwellings to the south (c. 256m and c.270m from the quarry boundary). All plant associated with the quarry is located in the quarry pit and will continue to operate from there. Noise levels are predicted to be similar as to what exists as the existing quarry is nearly exhausted and the expansion continues to the northwest from the existing base. Noise levels are indicated to be within the limit of 55dBA. It is stated the extended quarry pit will be located at similar distances to the nearest residential properties. Mitigation in terms of noise is as set out in Section 8.3 of the EIAR and include measures such as, inter alia, equipment to be well maintained to ensure noise not an issue, topsoil/subsoil from initial site excavations will be stored along the boundary of the quarry to form a barrier or screen to reduce noise transmission and a 5m buffer to be left in place between the quarry excavation area and the site boundary.

8.10.10. The additional noise assessment (Appendix 3 of FI submission) includes additional noise monitoring locations (page 12 of Appendix 3) proximate to the extended quarry area, and assessment of potential noise arising from early stages of excavation as opposed to from within the quarry pit. An additional survey scenario was set up whereby noise was assessed during the excavation of upper soil and subsoil lands at the existing quarry edge. The methodology adopted is set out in section 3 of the additional noise assessment and I consider the methodology adopted to be acceptable. The early excavation process is as described in section 8.10.3 above. Once topsoil and subsoil is removed, diggers begin digging out the sand/gravel from the base of the face pit, with materials transported from there across the base of the quarry to be processed at the crusher/washer/screen, and are then stockpiled on the site and transported to the customer. Noise measurement results, including potential for tonal noise, are set out in section 4 of appendix 3 and the noise thresholds as per condition 6 of the parent application are not breeched. It is stated that there will be no cumulative impact between the existing and proposed

quarry as the level of production is to remain the same as no new plant or processes will be added.

8.10.11. I am satisfied that potential noise risks arising can be addressed through the mitigation measures outlined in Section 8.3 of the EIAR (with same measures reflected in section 6/page 11 of the additional noise report) and that no significant impacts would arise. There are no expected cumulative impacts due to the separation distances involved.

8.10.12. I have considered all of the written submissions made in relation to noise. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise.

Climate

8.10.13. Section 9.2 of Chapter 9 of the EIAR addresses Climate. It is stated that there will be no significant impacts or emissions from the quarry that will affect the climate or general micro climate.

8.10.14. Third party concerns are raised in relation to compliance with EU climate action directives and policies in relation to the protection of land and management of land and the reduction of green house gases. The applicant in response states the government's Climate Action Plan recognises that society needs construction materials and activities, and highlights the site will be progressively restored to agricultural grassland.

8.10.15. I note in relation to impacts in terms of noise, dust and emission from vehicles such climate issues are assessed in detail elsewhere in the EIAR, and no significant impacts are identified, with the machinery and level of work to be generated similar to what is occurring at present, and the level of traffic will not increase. On the basis of the EIAR and detailed reports submitted at FI stage, I do not consider emissions from this development will have a significant negative impact on the climate. I note the impact in terms of vegetation will be temporary with a restoration plan submitted for when the quarry is returned to agricultural grassland. I consider the extraction of this resource to serve industries within 20km of the site is reasonable and does not

counter other measures required in the Climate Action Plan to address decarbonisation of construction materials.

8.10.16. There is a balance to be achieved between supporting development and extraction of materials required for development, with protection of the environment. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of climate change.

8.11. Material Assets, Cultural Heritage and the Landscape

Material Assets - Traffic and Transport

8.11.1. Chapter 11 of the EIAR relates to Roads and Traffic. It sets out the context of the existing road network, stating there will be no increase in traffic, sightlines meet standards and mitigation measures are set out under Section 11.3 in relation to maintenance of boundary hedgerows to ensure sightlines are clear; cleaning of entrance road and surrounding road network; road signage to east and west of site; and enforcement of low speed of lorries on surrounding road network.

8.11.2. Following a further information request from the PA the following additional documents relevant to Chapter 11 were submitted: Traffic Impact Assessment (dated October 2021) and a Traffic Air Impact Assessment by AWN Consulting (dated November 2021).

8.11.3. Chapter 11 of the EIAR indicates that the quarry operates two artic lorries and two rigid lorries for transportation of sand and gravel. There are up to 24 lorry movements into and out of the site per day. 9 staff cars use the site. The quarry operates from 8 to 6 Monday to Friday and from 8 to 4 on Saturday, with no crushing or washing carried out on Saturdays. The majority of traffic is routed from the quarry through the village of Toomevara and along the L3240. The M7 is 5km from the site and Toomevara village is 3.5km from the site. Road improvement works were undertaken as part of the previous quarry permission along the L3240. The road remains in good condition.

8.11.4. The submitted TIA provides details of traffic survey and evidence of road use. I accept the methodology as set out in the TIA. As part of the TIA, a baseline traffic survey was undertaken on the 4th and 5th August 2021 at the access to the site, at four locations on the adjoining road network, and at the critical junctions at either end of the L3240. It is stated that due to covid the opportunity to undertake a survey during a neutral month was limited. Peak hour traffic flows of the quarry were recorded. A maximum of 138 vehicles were recorded entering and exiting the site on the days surveyed, with an average of 114 vehicles (17 cars/LGVs and 40 HGVs) recorded over a 5 day period.

8.11.5. It is stated that August is typically a high period of production in the quarry and the quarry was operating at full capacity at that time during the survey works. Traffic speeds were also recorded. I consider the methodology as set out is acceptable and while the survey timeline was limited due to covid I do not consider this would significantly alter traffic volumes in this rural area given the dispersed nature of the existing population. I further note the surveys were undertaken during the quarry's busiest time and that this information is important in the assessment.

8.11.6. Given the existing quarry is almost exhausted, it is not anticipated that traffic volumes will increase significantly above existing levels as the quarry extends into the new area with no additional production or processing equipment to be added to the site. However, the submitted TIA in the interests of robustness considers an additional 25% increase in traffic and HGVs to and from the site resulting in total two directional volume of traffic of 144 vehicles over a 5 day week average, with a maximum increase of 9 HGV trips, which equates to 1 inbound and 1 outbound per hour (table 4.1 on pg 17 of submitted TIA). It is also stated that the majority of trips generated would be undertaken outside of peak hours. This rate of development will not result in a significant negative impact on existing roads infrastructure arising from HGV trips generated at the site. The TIA states that the existing road network in the vicinity of the site has demonstrated the capacity to accommodate traffic generated by the development and it is envisaged that the proposed development would not have any significant impacts on the surrounding road network. It is further highlighted that the applicant undertook improvement and upgrade works along the L3240 in the direction of Toomevara (given 70-80% of traffic travels that way) as part of the previous application on this site and that the road network in question remains in

good condition. I note this is not disputed by the PA and a report from the HSE highlights the good condition of the existing road network, which I also observed upon site inspection.

8.11.7. It is stated in the EIAR that mitigation measures include boundary hedgerows to be maintained to ensure sightlines clear; lorries to be cleaned and entrance laneway maintained in good condition; use of road signage to east and west of quarry entrace; low speed policy for lorry drivers on local roads. The TIA highlights the following similar mitigation measures: access routes to be monitored regularly to ensure maintained in good condition; site entrance to be monitored to ensure surface treatment is maintained in current condition; applicant has plans to concrete the access lane form the gated entrance at the public road to the weighbridge within the site which will reduce amount of dust on public road; laneway to be watered to reduce dust; and road signage to east and west of quarry entrance to be maintained.

8.11.8. Other developments in the area are considered and no cumulative impacts are identified.

8.11.9. I have considered all of the written submissions made in relation to traffic and transport. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect or cumulative impacts in terms of traffic and transport.

Cultural Heritage

8.11.10. Chapter 12 of the EIAR addresses cultural heritage and indicates there will be no impact on any known features. It is stated as mitigation that the county council will be contacted if unusual activity is noted.

8.11.11. Following a submission from the Department of Housing, Local Government and Heritage, FI was issued by the PA requesting a geophysical survey be undertaken, excavation of chosen test trenches and submission of a written report. The applicant submitted the following additional reports which are relevant to Chapter 12: ‘Archaeological Test Excavation Report (dated September 2021) and Geophysical Survey Report (dated July 2021). An email from the Department on file, dated 12th January 2022, requested a site plan confirming that the applicant is no

longer including ‘Area A’ as part of the proposed quarry extension, and requesting confirmation as to whether all archaeology revealed during geophysics and/or testing were fully archaeologically excavated during the course of testing and whether there are any known/recorded archaeological features currently preserved in situ within the proposed site. The report from the PA states that the applicant was in contact directly with the department and no further report was received form the department.

8.11.12. The site has been subject to desktop survey, geophysical survey and trench testing following results of the geophysical survey. There are no recorded monuments, protected structures or other cultural heritage designations on the site, with seven listed monuments within reasonable proximity of the site (see page 8 of Appendix 1, Archaeological Test Excavation Report). It is noted that a large area of the northern most and largest field could not be surveyed due to the steep slope and scrub nature of the land. The site is identified as possibly being part of a dispersed archaeological (possibly pre-historic) landscape. Four features were identified associated with agricultural practices, and three small hearths or kilns of an archaeological pedigree were identified with no artefacts found. It is recommended that as topsoil stripping occurs, archaeological monitoring is undertaken, with full archaeological recording and resolution by archaeological excavation of any archaeology encountered. I am satisfied with this approach.

8.11.13. I have considered all of the written submissions made in relation to archaeology, architectural and cultural heritage. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect or cumulative impacts on archaeology, architectural or cultural heritage.

8.12. Landscape and Visual Impact Assessment

8.12.1. Chapter 10 of the EIAR addresses Landscape. The EIAR notes the policy context and existing landscape character, as per the previous county development plan, which was in force at the time the EIAR was written. The application site is located within the Landscape Architype ‘Uplands’ and the landscape character type Mountain and Upland, with the site located within the Devilsbit Uplands area (LCA

22) and the sensitivity rating at the location of the site is indicated as being a less sensitive area. In the Devilsbit Upland Area the use of sand and gravel extraction is classified as 'least' in terms of compatibility in this landscape area, depending on siting and design. There is therefore potential for it to have an impact on the landscape.

8.12.2. I have reviewed the landscape character policy context against the current operative development plan. The site is located within Landscape Architype D Uplands and Landscape Character Area 22, as per the previous development plan. This landscape is classified as having a dominantly vulnerable sensitivity Rating of Class 5 Unique and development management should have regard to the significantly less sensitive lower transition areas that are intrinsically more robust – with capacity to facilitate the continuation of the working farmed landscape – providing that this does not affect the appearance and character of the setting of this unique landscape feature. Under Section 6 of the development plan, it is stated that development should be controlled unless they can demonstrate capacity to sustain existing appearance and character, with the landuse of extraction indicated to have a 'low' compatibility (in comparison to previous plan where states rating was 'least'), where it is compatible in the category of 'agricultural land with natural vegetation', 'if sited and designed with great care'.

8.12.3. There are no preserved Views or Prospects in the vicinity of the site. The site itself is relatively flat with undulating characteristics and limited steep slopes, with distant views of mountains from the site. The EIAR notes the southern boundary of the site masks the majority of the pit area from public view. The stockpiles at the entrance to the quarry cause losses in the immediate area in terms of visual amenity. The proposed development will irreversibly change the character of the site from undeveloped greenfield to a commercial quarry, with a depth of 30m below the existing ground level. It is stated that the manner in which the site is excavated will mean the southern boundary will continue to mask the quarry from immediate views from rural dwellings and from the public road. The stripping of topsoil will be visible and is rated as having a slight negative effect on the rural setting.

8.12.4. In terms of visibility from the wider area from the hills to the east and southeast of the site towards Devils Bit and Borrisnoe mountains, the exposed northern, eastern and western faces will be visible, however, after quarry restoration the western face of

the pit will be the only visible face. Views to and from the site are provided within chapter 11 of the EIAR.

8.12.5. Mitigation measures set out in 10.3 include provision for planting of the eastern and western face of the existing quarry pit to increase visual absorption capacity of the quarry from long distance views. The southern face of the quarry is noted to have already been left to re-vegetate. The northern and western slope will be revegetated when the proposed extraction if complete.

8.12.6. Mitigation in the immediate area of the quarry will take the form of the planting of a hedgerow along the western boundary and placing of topsoil and overburden from the initial stripping along the northern and northeastern boundaries. Removal of the core material at the entrance to the quarry is proposed as part of the site restoration plan and it is not proposed to store any materials from the extension area at this location. Mitigation measures are set out in section 10.3, and include inter alia that a 5m margin will be left in place between the quarry working areas and the existing and proposed hedgerows.

8.12.7. I am satisfied that the localised views will not be significant given the level of the lands and the neighbouring dwellings and the proposed planting and mounding as mitigation along the western and other external boundaries. I am satisfied that the longer views from higher grounds/the mountain area will be mitigated through planting of boundaries and with the restoration of the existing quarry taking place in part alongside the extension of the quarry. In the long term, post site restoration, the area will return to agricultural use and all equipment and structures are proposed to be removed from the site.

8.12.8. No cumulative visual impacts are predicted, and I have had regard to the site and its context including existing and proposed developments in the area. I note there is a large quarry 1km to the north, however, given the separation distance and the undulating nature of the topography, with this appeal site at a lower level, I do not consider that significant cumulative visual impacts arise.

8.12.9. I have considered all of the written submissions made in relation to landscape and visual impact. I have considered the concerns raised in relation to the visual impact of the proposal. It is clear that the scale of development will be visible in both near and distance views. I note that the proposed development is not within the

boundaries or sightlines of any key views or prospects as identified in the operative Development Plan and that immediate views will be masked by the existing topography and proposed boundary treatments.

8.12.10. On the basis of the information submitted with the application including that in the EIAR, the submissions on file and observations at the time of inspection of the site, I do not consider that the proposed development would have any significant adverse direct or indirect effects on material assets, cultural heritage and the landscape. Given the limited impacts predicted under this factor of the environment I do not consider that significant cumulative impacts are likely to arise when the proposed development is considered together with other permitted plans and projects in the vicinity.

8.13. Significant Interactions

8.13.1. Chapter 13 of the EIAR addresses interaction and cumulative impacts. Reference is made to the specific interactions of potential contamination of groundwater, possible impacts on human health, and potential traffic impacts.

8.13.2. Cumulative impacts in terms of an existing development of an active quarry to the north was considered with cumulative impacts of traffic, landscape and water considered, with no significant cumulative impacts identified. There is no hydrological connection between the appeal site and the other quarry and there is no potential for dust or other air impacts to result in cumulative impacts given separation distances involved. I do not consider that significant cumulative impacts are likely to arise when the proposed development is considered together with other permitted plans and projects in the vicinity.

8.13.3. Having considered the mitigation measures in place, I do not consider residual risk of significant negative interaction between any of the disciplines arises.

8.13.4. In conclusion, I am satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions. There is, therefore, nothing to prevent the granting of permission on the grounds of cumulative effects.

8.14. Reasoned Conclusion on the Significant Effects

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

- The proposed development would have potential negative impacts on surrounding sensitive receptors with regard to air quality and noise. Subject to mitigation in the form of on-site practices to control dust generation, noise generation, and the phased extraction of the site, boundary treatment, and the temporary nature of the impacts and attenuation by distance, it is not considered that these impacts would be significantly negative.
- The proposed development would have potential negative impacts on surface water and groundwater that would be mitigated by the design of the surface water management system and on-site storage arrangements that would minimise the risk of discharge of fuels, oils, or other contaminants to groundwater.
- The proposed development would have potential negative impacts on the landscape and views in the vicinity of the site. These potential impacts would be successfully mitigated by screening of the site including through boundary berms, boundary planting and by attenuation by distance, and by the restoration plan. Having regard to the above, I am satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts on the environment.
- Biodiversity - Potential biodiversity impacts would arise due to the removal of 854m of hedgerow, removal of topsoil, and extraction of materials from the site. Appropriate mitigation has been considered as part of the development and I am satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts on the environment.

8.14.2. The proposed development is not likely to have significant adverse effects on human health, biodiversity, land and soil, climate, material assets and archaeological, architectural and cultural heritage. Further it is not likely to increase the risk of natural disaster.

8.14.3. Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed and I consider that the EIAR is compliant with Article 94 of the Planning and Development Regulations, 2001, as amended.

9.0 Screening for Appropriate Assessment

9.1. Compliance with Article 6(3) of the Habitats Directive

9.1.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

9.2. Background on the Application

9.2.1. The planning authority has issued a Habitat Screening Report which concludes there is no potential for significant effects therefore Appropriate Assessment is not required. The European site included in the report is Kilduff Devilsbit Mountain SAC (000934), which is c. 4km from the site.

9.2.2. The applicant has not submitted a screening report for Appropriate Assessment. The applicant has considered European sites within the submitted EIAR (December 2020; chapter 4 on Biodiversity) and in the submitted Biodiversity Assessment (September 2023), which includes information on European sites in the area. European sites considered include Kilduff Devilsbit Mountain SAC (000934), Slievefelim to Silvermines Mountains SPA (004165), Lower River Suir SAC (002137), Lough Derg (Shannon) SPA (004058), Lough Derg North-East Shore SAC (002241) and Lower River Shannon SAC (002165). It is stated in the submitted EIAR that there is no potential for impacts at any of these sites due to distance, geographical separation, and no potential direct hydrological pathways off-site for impacts. The Biodiversity Report notes there is no direct hydrological links to European sites, however, given the proximity to the Ollatrim River and link to the Lower River Shannon SAC, it is stated that consideration needs to be given to potential water quality issues which may arise from runoff from the entrance laneway to the site where dust and silt could connect via the existing road surface water channel to the Ollatrim River.

9.2.3. I note the following reports accompany the application: Surface Water Management Assessment (August 2023), Hydrogeological and Hydrological Assessment (October 2021), Biodiversity Assessment (September 2023), and best-practice mitigation measures arising from the EIAR as set out in separate document Compendium of all Mitigation and Monitoring Commitments (September 2023).

9.2.4. Having reviewed the documents and submissions made, I am satisfied that the information available allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

9.3. Screening for Appropriate Assessment - Test of likely significant effects

9.3.1. 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).

9.3.2. 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.

Brief Description of the Development

9.3.3. The applicant provides a description of the project in Chapter 2 of the EIAR. The proposed development is for an extension to the northeast of the existing sand and gravel quarry. It is intended to extract 1,615,000m3 to 1,815,000m3 of sand and gravel over a period of 15-20 years. The existing quarry has been excavated to 30m below ground level for extraction of gravel, sand and crushed stone, with this level being above the water table level and the bedrock level. The proposed development proposes to continue extraction operations utilising infrastructure within the existing quarry. The expansion works will be phased, with extraction over a 15-20 year timeline. The existing contour height, while varied, is at 186m and it is proposed to excavate to a depth of 160m. There is an area of the site to the north where no extraction or storage of materials will occur as there are no reserves in that area (see figure 1 of applicant's FI response to the PA, dated November 2021).

9.3.4. The development site and results of biodiversity surveys are described on pages 8 – 34 of the Biodiversity Assessment (September 2023), as well as elsewhere in the submitted EIAR. The part of the site to be developed for the quarry extension is classified as Improved Agricultural Grassland, which is typically species poor. Other habitats identified were transitional zones of Dry Calcareous and Neutral Grassland, Dense Bracken and Scrub (in the centre and at the northern/northeastern boundary), and Hedgerow equating to 2.2km along the northern boundary, crossing the middle of the site in a south-easterly direction, as well as forming the boundary of fields in the southwest. The quality of the hedgerow is described as degraded and patchy in places. The hedgerow habitats are considered of local importance due to the ecosystem services they provide in the context of the surrounding habitats.

9.3.5. No features of any ecological significance in the context of European sites are present on the development site. No invasive alien plant species listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011-2015 are known to be present on the proposed development site. No evidence of any habitats or species with links to European sites was recorded during either the field surveys or desk study and no habitats which have the potential to support Qualifying Interest/Special Conservation Interest species in any European site were found.

9.3.6. The nearest watercourse is located 40m to the south of the existing access laneway to the site, the Ollatrim River, which supports lamprey habitat (see also Biodiversity Assessment, September 2021). I note there are no water courses or drains on the site. The existing quarry operates on a closed loop water management system with no discharge of surface water from the quarry to any existing surface water network or to groundwater. This system is proposed to remain in place and be extended for the quarry extension. There is a discharge of surface water from the relatively small area of the entrance laneway via an existing soakpit to an existing surface water route alongside the adjoining road, which ultimately discharges to the Ollatrim River and this is addressed within the stormwater management system.

9.3.7. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Construction related - uncontrolled surface water/silt/construction related pollution
- Habitat loss/ fragmentation
- Habitat disturbance /species disturbance (construction and or operational)

European Sites

9.3.8. The development site is not located in or immediately adjacent to a European site.

9.3.9. A summary of European sites that occur within a possible zone of influence of the proposed development is set out below.

European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)	**Location Relative to the Proposed Development Site** (c. distance as the crow flies)	**Connectivity**
Kilduff, Devilsbit Mountain SAC (000934)	4km to the southeast	No source-pathway-receptor
Slievefelim to Silvermines Mountains SPA (004165)	12km to the southwest	No source-pathway-receptor
Lower River Suir SAC (002137)	12km to the south	No source-pathway-receptor
Lough Derg (Shannon) SPA (004058)	23km to the northwest	No source-pathway-receptor
Lough Derg North-East Shore SAC (002241)	23km to the northwest	Potential indirect pathway via Ollatrim River
Lower River Shannon SAC (002165)	30.9km to the southwest	Potential indirect pathway via Ollatrim River.

Table 1: European sites

9.3.10. All other European sites in the wider area can be excluded on the basis of no source-pathway-receptor and distances involved.

9.3.11. Utilising the source-pathway-receptor modal, there is a potential indirect link from the entrance laneway of the site to the Ollatrim River which is 40m from the site entrance. The Ollatrim River flows northwest a distance of 15km until its confluence

with the Nenagh River. From here the river flows 8km northwest to Lough Derg North-East Shore SAC, which forms part of the Lower River Shannon SAC, located south of Ballina town. There is therefore a potential indirect link to these sites that needs to be considered further.

9.3.12. The remaining sites listed above, having regard to their conservation objectives and qualifying interests; lack of a hydrological link; and distances involved between the sites and the application site; can be excluded from further examination.

Identification of Likely Effects

9.3.13. With regard to habitat loss and fragmentation, given the site is not located within or adjoining any European sites, there is no risk of direct habitat loss impacts and there is no potential for habitat fragmentation. The proposed development site does not support populations of any fauna species linked with the QI/SCI populations of any European sites. There is therefore no potential for any in combination effects to occur.

9.3.14. With regard to hydrological links, surface water is not discharged to ground or to any surface water network, with the development working a closed-loop surface water management system. There are no drains or streams within the site. The exception is a small area of the entrance laneway into/out of the site. Surface water run-off on the laneway is at present treated via a soakpit before discharge to the adjoining surface waste network associated with the adjoining road, which discharges to the Ollatrim River, which is indirectly connected to the Lower River Shannon SAC via Lough Derg SAC.

9.3.15. The risk of contamination of the Ollatrim River or groundwater is extremely low, and it is reasonable to assume that this would not be perceptible in any European sites, for the following reasons:

- The scale and location of the proposed access laneway relative to OIllatrim River;
- The relatively low volume of any surface water run-off or discharge events from the entrance laneway relative to the receiving surface water of Ollatrim River and the presence of standard pollution control measures in terms of an existing soakpit and proposed swale and attenuation pond intended to maintain water quality of the river and not being proposed for the purpose of managing a European site;

- The separation distances from the site to the Nenagh River, and Lough Derg SAC which is connected to the Lower River Shannon SAC;
- The level of mixing, dilution and dispersion of any surface water run-off/discharges from the proposed development site laneway into the receiving watercourse, prior to subsequently discharging to the Nenagh River.

9.3.16. I note that the surface water management system relating to the quarry works is a closed loop surface water management system with no discharge to ground or any surface water network, with the exception of the short section of entrance laneway. This laneway has been designed to comply with the GDSDS with a swale and attenuation pond proposed and there is an existing soak pit present. I note these measures exist to ensure protection of water quality for fish and associated habitat and are not intended for the protection of European sites. Operational impacts as a result of the proposed development relating to surface water management on European sites or otherwise, can therefore be excluded. I have considered in combination effects and I note this is a rural area, with no new significant developments in the environs identified. There is an existing quarry development to the north, however this is upstream of this site and no in-combination impacts are considered.

9.3.17. There is no possibility of any other potential direct, indirect or secondary impacts on any European site during the construction phase. There will be no land-take from any European site and there will be no resource requirements such as water abstraction. There will be no emissions to air from construction vehicles that could remotely impact any European site. Dust, noise and vibration arising during construction will similarly be entirely remote from any European site. There will be no loss, fragmentation, disruption, disturbance or other change to any element of any European site as a result of the construction of the proposed development, and no interference with the key relationships that define the structure or function of any European site. Construction-related impacts as a result of the proposed development, on European sites or otherwise, can therefore be excluded.

9.3.18. A summary of the outcomes of the screening process is provided in the screening matrix Table 2 below.

European Site	Qualifying Interests and Conservation Objectives	Screening Conclusion
Kilduff, Devilsbit Mountain SAC (000934) <u>Conservation Objective</u>: To maintain the favourable conservation condition of European dry heaths in Kilduff, Devilsbit Mountain SAC; To restore the favourable conservation condition of Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)* in Kilduff, Devilsbit Mountain SAC; To restore the favourable conservation condition of Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain	European dry heaths [4030] Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]	No significant effects on water quality, and therefore on the site's QIs, are predicted. Surface/ground water arising is managed within a closed loop system and is not discharged to any existing surface water network or to groundwater, with the exception of a small area of laneway which is managed in accordance with the GDSDS and will not discharge significant quantities of surface water to the Ollatrim River. There would be no significant effects on the conservation objectives of the European site given the nature, size and location of the proposed development. There is a significant separation between the proposed development site and the European site. There will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this site as a result of the proposed development. In addition, no operational impacts on this European site will occur as a result of the proposed development.

areas, in Continental Europe)* in Kilduff, Devilsbit Mountain SAC. The NPWS website comprises a list of attributes and targets for each objective www.npws.ie)		
Slievefelim to Silvermines Mountains SPA (004165) <u>Conservation Objective:</u> To restore the favourable conservation condition of hen harrier in Slievefelim to Silvermines Mountains SPA. The NPWS website comprises a list of attributes and targets for this objective www.npws.ie)	Hen Harrier (Circus cyaneus) [A082]	The site is not within the foraging distance of the hen harrier and does not comprise habitat suitable to the hen harrier. There will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this site as a result of the proposed development.
Lower River Suir SAC (002137) <u>Conservation Objective:</u> To maintain or restore the	Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]	No significant effects on water quality, and therefore on the site's QIs, are predicted. Surface/ground water arising is managed within a closed loop system and is not discharged to any existing surface water

favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. The NPWS website comprises a list of attributes and targets for each specific objective www.npws.ie).	Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Taxus baccata woods of the British Isles [91J0] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Austropotamobius pallipes (White-clawed Crayfish) [1092] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Alosa fallax fallax (Twaite Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355]	network or to groundwater, with the exception of a small area of laneway which is managed in accordance with the GDSDS and will not discharge significant quantities of surface water to the Ollatrim River. There would be no significant effects on the conservation objectives of the European site given the nature, size and location of the proposed development. There is a significant separation between the proposed development site and the European site. There will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this site as a result of the proposed development. In addition, no operational impacts on this European site will occur as a result of the proposed development.
Lough Derg (Shannon) SPA (004058) <u>Conservation Objective:</u> To maintain or restore the favourable conservation condition of the bird	Cormorant (Phalacrocorax carbo) [A017] Tufted Duck (Aythya fuligula) [A061] Goldeneye (Bucephala clangula) [A067] Common Tern (Sterna hirundo) [A193] Wetland and Waterbirds [A999]	The site is a significant distance from Lough Derg SPA. No significant effects on water quality, and therefore on the site's QIs, are predicted. Surface/ground water arising is managed within a closed loop system and is not discharged to any existing surface water network or to groundwater.

species listed as Special Conservation Interests for this SPA; To maintain or restore the favourable conservation condition of the wetland habitat at Lough Derg (Shannon) SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.		There will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this site as a result of the proposed development.
Lough Derg North-East Shore SAC (002241) <u>Conservation Objectives:</u> To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.	Juniperus communis formations on heaths or calcareous grasslands [5130] Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210] Alkaline fens [7230] Limestone pavements [8240] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Taxus baccata woods of the British Isles [91J0]	No significant effects on water quality, and therefore on the site's QIs, are predicted. Surface/ground water arising is managed within a closed loop system and is not discharged to any existing surface water network or to groundwater, with the exception of a small area of laneway which is managed in accordance with the GDSDS and will not discharge significant quantities of surface water to the Ollatrim River. There would be no significant effects on the conservation objectives of the European site given the nature, size and location of the proposed development. There is a significant separation between

		the proposed development site and the European site. There will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this site as a result of the proposed development. In addition, no operational impacts on this European site will occur as a result of the proposed development.
Lower River Shannon SAC (002165)	Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]	No significant effects on water quality, and therefore on the site's QIs, are predicted. Surface/ground water arising is managed within a closed loop system and is not discharged to any existing surface water network or to groundwater, with the exception of a small area of laneway which is managed in accordance with the GDSDS and will not discharge significant quantities of surface water to the Ollatrim River. There would be no significant effects on the conservation objectives of the European site given the nature, size and location of the proposed development. There is a significant separation between the proposed development site and the European site. There will be no loss of habitat or species, fragmentation or disturbance to the qualifying interests of this site

	Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Tursiops truncatus (Common Bottlenose Dolphin) [1349] Lutra lutra (Otter) [1355]	as a result of the proposed development. In addition, no operational impacts on this European site will occur as a result of the proposed development.

Table 2: European Sites and Potential Impacts Arising

9.4. Screening Determination

9.4.1. In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. In this project, no measures have been especially designed to protect any European Site and even if they had been, which they have not, any potential run off of silt from the entrance lane would be small in volume, European Sites located downstream are so far removed from the subject lands and when combined with the interplay of a dilution affect, such potential impacts would be insignificant. I am satisfied that no mitigation measures have been included in the development proposal specifically because of any potential impact to a European site or associated species.

9.4.2. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out

Screening for Appropriate Assessment of the project, it is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European site 002241 (Lough Derg North-East Shore SAC), 002165 (Lower River Shannon SAC (002165), or any other European site, in view of the said sites' conservation Objectives, and a Stage 2 Appropriate Assessment is not, therefore, required.

9.4.3. This determination is based on the following:

- The nature and scale of the proposed development,
- To the intervening land uses,
- To the distance from European sites, and
- Lack of direct connections with regard to the source-pathway-receptor model.

10.0 Recommendation

10.1. It is recommended that permission be granted for the reasons and considerations set out hereunder.

11.0 Reasons and Considerations

Having regard to

(a) the policies set out in the National Planning Framework,

(b) the policies of the planning authority as set out in the Tipperary County Development Plan 2022-2028

(c) the nature of the proposed development that comprises the extension of an existing sand and gravel extraction facility, and the planning history of the site,

(d) the distances of the proposed development to dwellings or other sensitive receptors,

(e) the proposed phased extraction and proposals for the restoration of the site,

(f) the nature and scale of the proposed development and the contents of the Environmental Impact Assessment Report, and further information submitted by the applicant,

(g) the range of mitigation measures set out in the documentation received, including the Environmental Impact Assessment Report and further submissions from the Applicant to the Board in the course of the appeal,

(h) the separation distance from the site of the proposed development to sites designated as part of the Natura 2000 network and the nature of the connections between them,

(i) the topography and character of the landscape of the area and the character of the landscape in which the proposed expanded extraction area would be located and

(j) the submissions made in the course of the planning application and appeal,

it is considered that, subject to compliance with the conditions set out below, that the proposed development:

- would be in accordance with national and local policy relating to the extractive industry,
- would be in accordance with the provisions of the Tipperary County Development Plan, 2022-2028, including the policies relating to extractive industries, and the protection of landscapes and scenic amenity,
- would not seriously injure the visual amenities of the area or have a significant negative impact on the landscape,
- would not seriously injure the amenities or depreciate the value of properties in the vicinity of the site,
- would not give rise to a risk of pollution,
- would not detract from archaeological features,
- would be acceptable in terms of traffic safety and convenience and
- would not be prejudicial to public health.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 **Conditions**

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and details submitted on the 29th day of November 2021 to the Planning Authority and by the further plans and details submitted on the 8th day of September 2023 to An Bord Pleanala, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, and the development shall be carried out and completed in accordance with the agreed particulars. **Reason**: In the interest of clarity.
2.	All mitigation measures and environmental monitoring requirements identified in the EIAR, in the Compendium of all Mitigation and Monitoring Commitments (September 2023) and in all other plans and particulars submitted with the application shall be complied with in the development. **Reason**: In the interests of clarity and the protection of the environment.
3.	The period during which the development hereby permitted may be carried out shall be 20 years from the date of this order. Activities at the facility shall be restricted to the excavation, processing, haulage and storage of sand and gravel materials won from within the development site. This grant of permission relates only to the areas outlined for excavation on drawing no. Figure 1 of the further information received by the planning authority on the 29th day of November 2021. The extraction volumes on site shall not exceed 195,762 tonnes per annum. **Reason**: In the interests of clarity, orderly development and to ensure the appropriate restoration of the site.

4.	No extraction of aggregates shall take place below the level of the water table as specified. **Reason**: To protect groundwater in the area.
5.	The quarry, and all activities occurring therein, shall only operate between 0800 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. **Reason**: In order to protect the amenities of property in the vicinity.
6.	The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. This shall include the following: (a) Proposals for the suppression of on-site noise. (b) Proposals for the on-going monitoring of sound emissions at dwellings in the vicinity. (c) Proposals for the suppression of dust on site and for the monitoring of dust at the site boundaries. (d) Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage. (e) Management of all landscaping. (f) Monitoring of ground water quality, levels, and discharges. (g) A permanent benchmark set up on the site in a location to be submitted to the planning authority before any new excavation occurs. (g) Details of site manager, contact numbers including out of hours and public information signs at the entrance to the facility. **Reason**: In order to safeguard local amenities.

7.	Surface water within the extended quarry area shall be discharged via the existing and proposed siltation lagoon network on site. No groundwater or surface water from the quarry pit shall be discharged to the adjoining road network, or to adjacent lands. **Reason**: In order to protect groundwater and surface water quality in the area, and in the interest of traffic safety.
8.	Prior to commencement of extraction within the greenfield area to the northwest of the existing quarry, the developer shall: • Remove the entire existing stockpile of quarry material at the entrance to the site adjoining the L3240. • Complete the hedgerow planting along the western boundary of the site. • Submit a comprehensive boundary and landscaping plan for the written agreement of the planning authority identifying details of native hedgerows to be planted, hedgerows to be retained, and location and details of all fencing and berms around the boundaries of the site. **Reason**: In the interest of orderly development, visual amenity and to safeguard the amenities in the vicinity during the operating phase of the development.
9.	(a) Primary vehicular access to the quarry extension shall be via the existing access from the public road to the quarry, with limited access via the existing agricultural entrance to facilitate topsoil stripping. All vehicles transporting material from the quarry shall be covered before exiting the site and all vehicles shall exit the site via wheel wash facilities. (b) Details of the concrete finish to the access lane from the gated entrance at the public road back to the weighbridge within the site, including associated swale and attenuation pond, shall be submitted to the planning authority for written agreement prior to the commencement of development.

	(c) Any damage cause by the development to the roads, kerbs, or footpaths in the vicinity of the site shall be reinstated as may be required to the specifications and reasonable satisfaction of the Roads section of the local authority. (d) The developer shall be responsible for maintaining the adjoining public road in a clean state, free from mud and other debris. Site management shall provide for the routine removal of any such mud or debris (including loose material in verges) in the public roadway on a daily basis towards the close of business each day. **Reason:** In the interest of traffic safety and orderly development.
10.	The restoration of the quarry shall be phased alongside the quarry extension in accordance with a detailed phasing scheme, which shall include timelines for restoration linked to new extraction areas, with progression of extraction only permitted once the restoration works within each phase are complete. Details of the phasing scheme shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The revised phasing scheme shall be incorporated into a new updated version of the submitted 'Revised Quarry Restoration and Aftercare Plan', dated November 2021. Restoration of the existing and proposed quarry shall be completed within 20 years of the date of grant of permission. **Reason**: To ensure the satisfactory restoration of the site, in the interest of visual amenity.
11.	Details in relation to the construction methodology for the settlement/pumping ponds shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. **Reason**: In the interests of environmental amenity.
12.	The developer shall facilitate the preservation, recording and protection of archaeological materials or features which exist within the site. In this regard, the applicant is required to engage the services of a suitably qualified archaeologist to monitor all topsoil stripping within this site. Having

	completed this initial monitoring, the archaeologist shall submit a written report to the Planning Authority and to the National Monument Section of the Department of Culture, Heritage and the Gaeltacht. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required. In the event of archaeological material being uncovered during the course of such monitoring, the archaeologist shall have works ceased in the vicinity of such material pending receipt of advice from the National Monuments section of the Department of Culture, Heritage and the Gaeltacht with regard to additional mitigation measures that may be required and these requirements shall be implemented in full. Following completion of all monitoring and other possible archaeological investigation the archaeologist shall prepare a report for submission to the Planning Authority and the Department of Culture, Heritage and the Gaeltacht. **Reason**: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site
13.	The following requirements relating to noise shall be complied with in the development: (1) During the operational phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed: (a) an Leq,1h value of 55 dB(A) between 0700 hours and 1800 hours, Monday to Friday and between 0700 hours and 1600 hours on Saturdays (b) an Leq, 15 min value of 45 dB(A) at any other time. Night time emissions shall have no tonal component. (2) During temporary site set up works such as the construction of perimeter berms and stripping of soil, the noise level measured at noise sensitive locations in the vicinity shall not exceed a limit of 70dB(A) LAeq 1 hour up to a maximum period of 8 weeks in any year. Details of the noise monitoring locations and methodology for recording noise levels and demonstrating compliance with the above limit values shall be agreed in

	writing with the planning authority prior to the commencement of development. **Reason**: In order to protect the residential amenities of property in the vicinity.
14.	Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details to be submitted shall include monitoring locations, commencement date, the frequency of monitoring results, and details of all dust suppression measures. **Reason**: To control dust emissions arising from the development and in the interest of the amenity of the area.
15.	(a) The developer shall monitor and record groundwater, noise, ground vibration, and dust deposition levels at monitoring and recording stations, the location of which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. (b) the developer shall submit quarterly reports with full records of dust monitoring, noise monitoring, and groundwater monitoring. Details of such information shall be agreed in writing with the planning authority. Notwithstanding this requirement, all incidents where levels of noise or dust exceed specified levels shall be notified to the planning authority within two working days. Incidents of groundwater pollution or incidents that may result in groundwater pollution, shall be notified to the planning authority without delay. (c) Following submission of the audit or of such reports, or where such incidents occur, the developer shall comply with any requirements that the planning authority may impose in writing in order to bring the development in compliance with the conditions of this permission. **Reason**: In the interest of protecting residential amenities and ensuring a sustainable use of non-renewable resources.

16.	The developer shall submit annually, for the lifetime of the permission, a map of the progression of the phased development of the quarry and of the quarry perimeter, surveyed against established perimeter beacons, the form and location of which shall be agreed in writing with the planning authority prior to commencement of quarrying works. **Reason**: In order to facilitate monitoring and control of the development by the planning authority.
17.	The developer shall provide all landowners within 500 metres of the site with appropriate contact details which may be used in the event that any such landowner wishes to inform the developer of any incident, or otherwise to make a complaint in respect of an aspect of quarry operation. **Reason**: In the interest of the protection of residential amenity and planning control.
18.	Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination. **Reason**: To ensure the satisfactory restoration of the site in the interest of visual and residential amenity.
19.	The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The

	application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine. **Reason**: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Una O'Neill
Senior Planning Inspector

30th January 2024