



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314881-22

<b>Development</b>	Construction of entrance wall in place of fence, 3 mass concrete aggregate storage bays and 1 concrete reclaimer unit
<b>Location</b>	Naul Td., Clashford, Naul, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	22/153
<b>Applicant(s)</b>	Kilsaran Concrete Unlimited Company
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant, subject to 6 conditions
<b>Type of Appeal</b>	Third Party -v- Decision
<b>Appellant(s)</b>	Geraldine & Terence Dunne
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	9 <sup>th</sup> January 2024
<b>Inspector</b>	Hugh D. Morrison

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## 1.0 Site Location and Description

- 1.1. The site is located on the R108, which runs between Swords and Drogheda. It lies to the north of both Naul Village and the Delvin River. It is accessed off a 60 kmph section of the regional road, which rises from a bridge over the River in a northerly direction. The access from this road serves two adjoining sites with separate gated entrances. To the north-east is the entrance to the site of Clashford Recovery Facility Ltd, and to the south-east is the entrance to the applicant's site.
- 1.2. The site is amorphous, and it runs between its half of the access point, and a short section of road frontage, to a short section of the Delvin River. This site has an area of 0.615 hectares, and it is presently used by the applicant as a concrete batching plant.

## 2.0 Proposed Development

- 2.1. The proposal comprises the following elements:
  - The removal of the existing roadside boundary concrete post and chain-link fencing beside the site entrance, and its replacement with the construction of a new stone clad entrance wing wall, pillars, boundary wall, and mesh panel fencing,
  - The construction of 3 no. mass concrete aggregate storage bays adjacent to the north-eastern boundary of the site,
  - The installation of 1 no. concrete reclaimer unit adjacent to the south-western corner of the working area of the site, and
  - All ancillary works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Following the receipt of further information, permission was granted, subject to 6 no. conditions.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The case planner stated that the ready-mix concrete development is an established use of the site. He also stated that, under the 1980s parent permission for the site, the existing plant is authorised.

The following further information was requested. It is summarised below, along with the applicant's responses, and the PA's commentary where it arises.

- With respect to Irish Water:
  - Pre-connection enquiry to seek confirmation that applicant's proposal would be compatible with the upgrade of the Naul WWTP.

Applicant: The site is already connected to the public water mains and sewerage system (WPRN 3088082). Water for on-site industrial use is sourced from private wells.

PA: Advises that Irish Water was reconsulted, but no further comments were forthcoming.

- Clarify surface water run-off rates and how any potential risk to the River Delvin would be mitigated.

Applicant: Under the proposal, the existing surface water drainage system would continue to function. A low constructed embankment prevents run-off into the River Delvin. The proposed concrete reclaimer would remove fines from the water it uses. This clean water would be recycled on site.

- Clarify water abstraction rates from, e.g., the private wells on the site and the River Delvin.

Applicant: The maximum daily abstraction rate from the wells is 60 cubic metres. This water is used to make ready-mix concrete. The proposed concrete reclaimer would not consume water.

Normally, abstraction from the River Delvin does not take place. In the event that the wells' pumps breakdown, water could be abstracted on an emergency basis. Such abstraction would be short-lived, and so it would

have no significant effect on the River's assimilation capacity and hence the operation of the Naul WwTP.

- Clarify existence of licencing for water abstraction.

Applicant: Abstraction from the well and the River on an emergency basis is registered with the EPA (reg. no. R01551).

- The following baseline information:

- The amounts of aggregate materials imported/exported from the site, including their origins.

Applicant: The existing concrete batching plant was authorised under 80/572. The applicant acquired the site in 1985 and has operated the concrete batching plant continuously since then. The said permission does not limit input/output from the site. On average the site requires 150,000 tonnes of sand and stone chips annually. Presently, the former aggregate comes from the applicant's quarry near Summerhill and the latter comes from its quarry near Duleek.

PA: Condition No. 2 attached to its permission cites 150,000 tonnes.

- Daily HCV movements to/from the site.

Applicant: Based on an average production rate, 60 in/out trips by HCVs occur daily, i.e., aggregate deliveries 19 loads, ready mix deliveries 36 loads, cement tankers 4 loads, and 1 other load.

PA: Condition No. 3 attached to its permission cites 120 HCV movements.

- Details of waste generated and of its removal from the site.

Applicant: The proposed concrete reclaimer will recover aggregate above 63 microns in size to make concrete, water will be cleaned and recycled, and the cementitious sludge by-product will be filtered and the resulting cake disposed of on a licenced landfill site, i.e., c. 20 tonnes weekly.

- The submission of a noise impact assessment.

Applicant: The NIA concludes that "Noise levels from the proposed long term operational activities will not exceed existing background noise levels at residential receptors."

PA: Condition No. 6(c) attached to its permission cites noise parameters.

- The submission of a dust impact assessment.

Applicant: The air quality impact assessment concludes that “Overall, with the implementation of existing and proposed mitigation measures the effects of the proposed development on air quality are considered to be acceptable or insignificant for all receptors.”

PA: Condition No. 6(b) attached to its permission cites dust parameters.

- Respond to the third parties.

Applicant

- Planning history: Objectors allege that 80/572 is either invalid or it was withdrawn. However, no evidence accompanies these allegations. (The applicant appends a copy of 80/572 for ease of reference). Objectors also cite 87/1056. However, this permission does not relate to the applicant’s site but the adjoining site to the north and east.
- Road safety: Objectors have not been sufficiently detailed or specific to enable a response to be made.
- Baseline information: Such information was submitted under further information.
- Water abstraction from the River Delvin: See the applicant’s response above.
- Property ownership: One objector draws attention to land within the site, which he alleges the applicant does not own. The applicant has submitted a plan showing the entire site, which it purchased in 1985. This site includes the said land, although it is unregistered and so it has no Land Registry folio.
- Monuments: The proposed development would not lie in any archaeological exclusion zone.
- Identified habitats of conservation value on the River Delvin: Water abstraction for the site is set out above. The River Delvin is not a

European site and it has no hydrological link with the European site, the River Nanny Estuary & Shore SPA.

PA: Conservation and Heritage Officers consulted but no comments forthcoming.

### 3.2.2. Other Technical Reports

- Meath County Council
  - Water Services: Works to comply with Greater Dublin Strategic Drainage Study.
  - Fire Officer: Advises that fire safety certificate is required.
  - Transportation: No objection.
  - Environment: No objection from a flood risk perspective.
- Irish Water: Further information requested, on receipt no further comments received.

### 3.3. Prescribed Bodies

- TII: No observations.
- An Taisce: Suitability of site for development questioned due to its proximity to the River Delvin. Following receipt of further information, concern expressed over abstraction from the River Delvin during periods of low rainfall/river levels and HCV traffic usage of the historic bridge over the River Delvin and its passage through Naul.

### 3.4. Third Party Observations

See appellants' grounds of appeal.

## 4.0 Planning History

Lands, including site and adjoining lands to the north and east of the site, all on the east side of the R108:

- 76/1265: Sand and gravel quarry: Permitted.
- 80/351: Extension of sand and gravel quarry: Permitted.

- 80/572: Ready-mix concrete development: Permitted.
- 84/463: Concrete block plant: Permitted.
- 85/512: Sand and gravel quarry: Permitted for 10 years (PL17.72181) from 26<sup>th</sup> January 1987.
- 86/349: Modified entrance gateways and related boundary fencing: Permitted.
- 87/1056: Ready-mix concrete development: Further information requested.
- 95/781: Sand and gravel quarry over 4.9 hectares: Permitted for further 10 years.
- SA/20053: Revision of conditions attached to 95/781 to allow restoration by means of importation of uncontaminated soil and stone: Permitted for a 2-year period (PL17.129670) on 29<sup>th</sup> November 2002.
- SA/40448: 15-month extension to complete restoration: Permitted.
- QY36: Quarry registration, QC36: Quarry conditioning, and QC17.QC2085 appeal of bond and financial contribution conditions: the amount specified in the former was reduced and the latter was omitted.
- AA18/0893:
  - Applicant: Clashford Recovery Facilities Ltd
  - Site: c. 0.8 hectares
  - Proposal: The recovery of construction and demolition waste using mobile crushing and screening plant to produce secondary aggregates. The existing site office including welfare facilities will be replaced including provision of septic tank and percolation area. The wheel wash will be upgraded and relocated towards the site entrance. The existing palisade fence at the entrance is to be replaced with a stone wall and separate entrance gate provided for access to the site office. A weighbridge, hard standing area with drainage to oil interceptor, semi-mobile crushing and screening plant and other ancillaries will be provided.
  - Decision: Permitted.



Lands to the west of the R108 have been the subject of applications for sand and gravel quarrying (SA/40211, SA/50055 (PL17.212338), SA/60676 (PL17.222547), SA/802633 (PL17.234255), and AA19/1263 (ABP-308009-20)), each of which has been refused permission. They have also been the subject of applications for a concrete batching plant (00/94 and 01/4046, both of which were refused, and SA/20073, which was permitted (PL17.130737) for 10 years from 22<sup>nd</sup> May 2003).

## 5.0 Policy Context

### 5.1. National Planning Guidelines

Quarries and Ancillary Activities

### 5.2. Development Plan

Under the Meath County Development Plan 2021 – 2027 (CDP), the site is shown as lying just inside the eastern boundary of the Bellewstown Landscape Character Area 9, wherein the landscape value, sensitivity, and importance are given the following ratings: very high, medium, and regional.

Under Section 9.11 of the CDP, extractive industry and building materials production are addressed under policies RD POL 21 – 27. Policy RD POL 27 states the following:

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

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

### 5.3. **Natural Heritage Designations**

- River Nanny Estuary and Shore SPA (004158)
- North-West Irish Sea SPA (004236)

### 5.4. **EIA Screening**

Under Parts 1 & 2 Of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2023, the proposal does not come within the definition of an EIA project.

## 6.0 **The Appeal**

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

#### **(i) Introduction**

The appellants refer to their original objection to the application and their subsequent objection to further information, both of which are appended to their grounds of appeal.

#### **(ii) Planning principles**

##### **(a) Planning principles**

- The proposal would be contrary to sustainability,
- Environmental impacts identified by consultees and the public were not taken into account by the PA,
- The precautionary principle was ignored by the PA,
- Given the proximity of dwelling houses and the River Devlin, the proposal would be an incompatible land use,
- The proposal would be seriously injurious to residential amenity,
- The proposal would facilitate an intensification of the use of the concrete batching plant, and
- The proposal would facilitate further incremental planning applications.

(b) Contravention of previous planning permissions

- Attention is drawn to the refusal of planning applications to the west of the site at Ford de Fyne. The reasons for these refusals have not changed in the interim.

(c) Contravention of the CDP

(The appellants cite the Meath County Development Plans 2007 – 2013 and 2013 – 2019 instead of the current Meath County Development Plan 2021 – 2027. I have summarised below their application of the provisions cited on a subject basis).

- Tourism and cultural heritage: The proposal would disturb the tranquil setting of local tourist attractions.
- Naul ACA: The proposal would generate HCV movements through this ACA.
- Cumulative impact: The submitted NIA and AQIA did not allow for other activities on the site and the adjoining site to the north and east.
- Biodiversity: The applicant's alleged track record is critiqued.
- Human beings: The proposal would not achieve a "balance" between the interests of the applicant and neighbours.
- Groundwater: Attention is drawn to the applicant's reliance upon the aquifer without reference to the needs of domestic wells and to its reliance upon the River Delvin.

(d) Damaging environmental impacts

- How long would the proposal operate for, and would it be perpetuated by any future permission that may be obtained for sand and gravel quarrying at Ford de Fyne?

(e) Appropriate assessment

- The proposal should have been assessed cumulatively for the purposes of AA.

### **(iii) Outstanding issues**

#### **(a) Compliance with enforcement**

- Section 35 of the Planning and Development Act, 2000 – 2023, is cited, and reference is made to uncertainty over any parent permission for the site.

#### **(b) Lifespan**

- The PA's permission is open ended: five years is considered appropriate on a precautionary basis.

#### **(c) Flawed basis for the application**

- The appellants question whether permission exists for the concrete batching plant. They also question the need for the proposal insofar as the applicant may be able to use the plant and machinery of the operator of the adjoining site.

(d) The existence of a relevant parent permission is further questioned.

(e) The PA's role is critiqued with respect to the availability of historical planning information and its involvement with the restoration of the quarries with reg. nos. QY28 and QY36.

### **(iv) Environmental impacts**

#### **(a) Traffic**

- The appellants recall traffic figures for the proposed sand and gravel quarry at Ford de Fyne. These figures related to the usage of the concrete batching plant on the site, and they do not tally with the traffic figures for the current proposal.
- By contrast, the tonnage of aggregates cited would tally.
- The applicant and the PA state that the site is presently subject to no limits on HCV trips. Likewise, the adjoining site to the north and east.
- The applicant's expansion plans may generate greater numbers of HCV trips in the future.

(b) Roads and sightlines

- While the proposal would improve access to/egress from the site, the site entrance/exit is on a narrow, sloping section of the R108. Consequently, turning vehicles pose a risk to road safety, and their environmental impact is magnified.
- HCVs travelling to/from the site tend to use the M1, thus necessitating the use of the junction between the R108 and R122 in the centre of Naul.

(c) Air quality

- Attention is drawn to the ability of dust to travel 0.5km from its source. Accordingly, residents of nearby dwelling houses would be potentially affected.
- The PA's assessment of the applicant's AQIA is critiqued.
- Proposed dust mitigation measures are considered to be inadequate, and the likelihood of their consistent implementation is questioned.

(d) Noise

- The appellants reiterate their view that the applicant's NIA was undertaken when other activities on the site and the adjoining site to the north and east were not operational.
- Proposed dust mitigation measures are considered to be inadequate, and the likelihood of their consistent implementation is questioned.

(e) Hydrology and hydrogeology

- Attention is drawn to the high vulnerability of the aquifer and the consequent need to avoid its pollution and its overuse.
- Activities on the site entailing the use of water have not been adequately itemised.
- The applicant should prepare a water management plan.

## **(v) Inadequacy of the planning conditions**

### **(a) Condition Nos. 1 & 2**

- The requirement to agree details/exceptions with the PA is critiqued on the basis that it disenfranchises the public.

### **(b) Condition No. 3**

- A cap on vehicle numbers is in tension with the views of the applicant and the PA that the authorised use of the site is not subject to such a cap.

### **(c) Condition No. 5**

- The conditioned start time of 08:00 is considered to be unrealistic.

### **(d) Condition No. 6**

- Item (A): Environmental management system: Parameters are considered to be too broad.
- Item (B): Dust monitoring to be reported upon annually: Potential flagged for lapse in time between problem occurring and being reported upon.
- Item (C): Noise monitoring: Higher noise levels recorded in the NIA than now conditioned, no reference to construction and restoration phases, and, with annual reporting, potential flagged for lapse in time between problem occurring and being reported upon.
- Item (G): Complaints register: Realism questioned, and no reference to construction and restoration phases.
- Item (H): Reference to settlement lagoons questioned: are they present on the site?
- Item (I): Restoration of domestic drinking water if supplies are affected: Too limited in scope, i.e., livestock omitted, and only drinking water cited, how would this be achieved in practise, and would funding be assured.
- Item (J): Reference to re-routing of drainage ditches questioned: is such re-routing proposed?

(b) Key observations

- A lack of confidence is expressed in what the applicant and PA may agree to under the cited conditions.
- A lack of confidence is expressed in subsequent adherence to and enforcement of conditions.
- Sanctions for non-compliance have not been set.
- In the absence of any opportunity to establish what the parent permission conditions, the existence or otherwise of a restoration bond cannot be ascertained.

(c) Absent conditions

- Reference is made to the PA's conditioning of a permission, which was subsequently overturned by the Board. Conditions attached in this instance included:
  - Quarterly dust monitoring reports,
  - Monitoring of the River Delvin,
  - Cessation of activities if local wells adversely affected,
  - Written records of materials (type and amounts) leaving the site,
  - Provision of weighbridge and wheel wash, and
  - Requirement for the applicant to fund repairs to the public road, including the historic bridge over the River Delvin.

(vi) Planning decision review

(a) Previous planning decisions

- The appellants review the refusal of applications for sand and gravel quarrying to the west of the site at Ford de Fyne. Reasons cited referred to "potential impacts on the environment, including groundwater and the River Delvin, and...the incompatibility of the developments with the surrounding rural area, in close proximity to residential development and the Naul Village ACA." They consider that these reasons are applicable to the current proposal, too.

(b) Planner's review and decision

- The case planner's report is critiqued.

(c) Planning history presented

- The case planner's handling of planning histories is critiqued.
- Attention is drawn to the citation of 80/572 in conjunction with (see idoc). The appellants understood this application to be missing. They do not share the inspector's acceptance of the PA's position that the permission granted to this application is the parent permission for the concrete batching plant on the site (cf. Section 7.6.3 of the report on ABP-308009-20).

(vii) Conclusion

The appellants reiterate their key points and emphasise the importance of the precautionary principle.

## 6.2. Applicant Response

None

## 6.3. Planning Authority Response

The PA considers that the issues raised by the appellants' grounds of appeal have been covered in its case planner's reports, and so it relies upon them.

## 6.4. Observations

None

## 6.5. Further Responses

None

## 7.0 Assessment

- 7.1. I have reviewed the proposal in the light of the Quarries and Ancillary Activities Guidelines, the Meath County Development Plan 2021 – 2027 (CDP), relevant



planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Planning history,
- (ii) Traffic and access,
- (iii) Environmental impacts,
- (iv) Water,
- (v) The PA's permission, and
- (vi) Stage 1 screening for Appropriate Assessment.

**(i) Planning history**

7.2. The proposal comprises three elements: improvements to the means of enclosure of the roadside boundary, the construction of a row of 3 no. storage bays, and the installation of a concrete reclaimer unit. In its cover letter, the applicant outlines that the first of these elements would enhance the visual amenities of the site's entrance, the second would allow for the storage of different sized aggregates to be better managed, and the third would ensure that the residue of concrete from returning ready-mix lorries can be dealt with in a more environmentally sustainable and economically efficient manner than at present. The applicant elaborates on the third element as follows:

*The proposed concrete reclaimer will deal with the issue of returned concrete...by separating the constituents before they fully harden and returns them to a usable form. All returned concrete and plant/truck mixer wash out water will be now processed through the reclaimer unit. Aggregate above 63 microns in size are recycled and the residual wash out water is clean filtered allowing for both to be reused again in the concrete production process. A by-product in the form of cementitious sludge is produced in the reclaiming process. This sludge is returned in cake material format which is disposed of via licensed landfill. The installation of the reclaimer unit will reduce the volume of material going to landfill...*

Each of the three elements of the proposal would be ancillary to the existing use of the site as a concrete batching plant.

7.3. The appellants question whether the existing use of the site as a concrete batching plant is authorised for planning purposes. Specific reference is made to application 80/572 in this respect. At the application stage, this question was raised, and, under further information, the applicant was given the opportunity to respond. It insisted that the existing use of the site is authorised, and, by way of support, it submitted a copy of the permission granted by the PA to the said application. The description of the development thus permitted was as follows: "Readymix Concrete Development at Clashford, The Naul." The attached conditions include Condition No. 2, which states the following:

*The existing and proposed development shall be operated in such a manner that atmospheric pollution from smoke, dust, grit, noxious or offensive gases, or mineral particles, should be kept at such levels as not to be injurious to public health, livestock, vegetation or to amenity. Measures to ensure this shall include the following:*

*(a) the cement silo shall be fitted with an effective filter.*

*(b) all conveyors carrying dry materials shall be completely enclosed to prevent escape of dust.*

*(c) a comprehensive dust suppression programme, including surfacing of trafficked areas, proposals for enclosure and for water spraying of stockpiles, provision of a general water spraying system and provision of screens, shall be submitted to and agreed with the planning authority and shall be put into operation as soon as practicable.*

7.4. I note that the description of the development and the above cited condition are consistent with the existing use of the site. I note, too, that this question has been raised previously and the Board has taken the view that authorisation exists (cf. Section 7.6.3 of the inspector's report on ABP-308009-20). Under the current application/appeal, no new information has been submitted to prompt the taking of an alternative view now.

7.5. The appellants refer to previous planning applications for sand and gravel quarrying to the west of the site at Ford de Fyne, which were refused. They express the concern that the current proposal may be a precursor to further applications, perhaps renewing pressure for quarrying at Ford de Fyne. They also express concern that this proposal would lead to an intensification of use of the current application site.

- 7.6. By way of response, I consider that the current proposal is for ancillary elements to the existing use of the application site. As such, they do not bear comparison with proposals for quarrying. The impetus for these elements is summarised above. They would, not in and of themselves, lead to either pressure for renewed quarrying nearby or an intensification of the use of the site.
- 7.7. I conclude that the existing use of the site appears to be authorised, and, in the absence of evidence to the contrary, there is thus no in principle objection to the current proposal for works that would be ancillary in nature to this use.

**(ii) Traffic and access**

- 7.8. Under further information, the applicant described the scale of the existing concrete batching plant use by reference to the input of raw materials, i.e., on average 150,000 tonnes of sand and stone chips annually, with the sand presently coming from its quarry near Summerhill and the stone chips from its quarry near Duleek. It also described the traffic generated at the site as entailing on average 60 daily round trips, i.e., aggregate deliveries 19 loads, ready mix deliveries 36 loads, cement tankers 4 loads, and 1 other load.
- 7.9. Under the proposal, traffic generation would be similar to that which pertains at present. Nevertheless, the appellants express concern that it may increase in the future. However, given the nature of the three elements of the proposal, I am, again, unable to see why they would, in and of themselves, lead to an increase in traffic generation.
- 7.10. Under the proposal, the existing site entrance would be retained. Its southern sightline would improve marginally as a result of the insertion of the new roadside boundary treatment to the rear of the existing one, and the formal laying out of a kerb and grass verge to the strip of land between the carriageway and the new boundary wall. The existing concrete post and chain link fence with snagged vegetation in it would be replaced by the said stone clad wall with native hedging and a mesh panel fence to the rear. The visual appearance of the site entrance from the roadside would thereby be enhanced.
- 7.11. I conclude that, under the proposal, traffic generated by the existing use of the site would remain as at present. I conclude, too, that, the site entrance would be

provided with a marginally better sightline, and its visual appearance would be enhanced.

### **(iii) Environmental impacts**

- 7.12. Under further information the PA requested that the applicant submit a noise impact assessment (NIA) and a dust or air quality impact assessment (AQIA).
- 7.13. The NIA incorporates the findings of baseline noise monitoring, which was undertaken successively at 3 no. locations between 08:27 and 12:12 on Wednesday 1<sup>st</sup> June 2022. The noise monitoring locations selected were representative of the nearest noise sensitive receptors to the site, i.e., dwelling houses to the north, west, and south-east of the site.
- 7.14. Under Table 4-1 of the NIA, the average noise output of the proposed concrete reclaimer unit is presented alongside that of the existing concrete ready-mix plant and a typical loading shovel/excavator. Under Table 4-3, the operating noise generated by the proposed concrete reclaimer unit at surrounding dwelling houses is presented. At the nearest of these dwelling houses, the operating noise would coincide with the 55 dB(A)  $L_{Aeq, 1hr}$  daytime noise limit. Under Table 4-4, the cumulative effect of adding-in this operating noise to the existing operating noise of the concrete ready-mix plant, i.e., the noisiest existing noise source on the site, is presented. A difference of 1 dB(A) would arise at the nearest dwelling houses, which is deemed to be “minor” in the short-term and “negligible” in the long term. The NIA expresses confidence that with mitigation measures in place, cumulative noise impact in the short term would reduce to “negligible”, too.
- 7.15. Under the proposal, the AQIA identifies fugitive dust emissions as the principal air quality impact. Under Section 4.4, its methodology is outlined: thus, sensitive receptors within 500m of the site are identified, and the following factors are taken into account:
- Wind direction and speed data,
  - Proximity to source,
  - Sensitivity of receptor, and
  - Occurrence of natural dust suppression.

Under Table 5-4, the nearest dwelling houses to the site would experience, in the absence of mitigation, a slight adverse impact, which, following mitigation, would, under Table 7-1, be acceptable.

- 7.16. The appellants critique both the NIA and the AQIA. They state that the baseline noise monitoring was undertaken when the adjoining site was not working. While I am not in a position to confirm or deny this statement, I do note that, insofar as the adjoining site lies to the north and east of the current application site, it is further away from the dwelling houses nearest to the current application site. Intervening distances would, therefore, serve to reduce noise impacts.
- 7.17. The appellants express apprehension that mitigation measures would not be consistently implemented. Insofar as these measures would be the subject of planning conditions, they would be capable of being enforced by the PA.
- 7.18. I conclude that, given the baseline of the existing use of the site, the proposal would be compatible with the residential amenities of the surrounding area.

#### **(iv) Water**

- 7.19. Under further information, the applicant confirmed that the welfare facilities that serve the existing concrete batching plant are connected to the public water mains and foul sewerage system. The applicant also confirmed that water for the concrete batching plant itself is drawn from private wells with a daily maximum abstraction rate of 60 cubic metres. If the pumps for these wells malfunction, then the applicant is registered with the EPA to abstract water from the River Delvin on an emergency basis only. Given this basis of operation, no significant effect on water levels in the River ensues.
- 7.20. Under the proposal, the existing on-site surface water drainage system would continue to function. This system includes an embankment along the southern boundary of the working area to prevent surface water run-off from this area discharging to the River Delvin. As explained above under the first heading of my assessment, the proposed concrete reclaimer would handle the wash out of the cylinders of ready-mix lorries. It would enable fines from such wash outs to be recovered, and the water used in the recovery process to be filtered so that it can be recycled for use in the concrete batching plant.

7.21. The appellants express concern over the applicant's use of private wells, and the impact that such usage is having upon the aquifer with attendant implications for local residents who are similarly dependent upon it. However, insofar as the current proposal would entail the recycling of water used in the concrete reclaimer, it would not entail any increase in water usage.

7.22. The proposal would raise no water issues.

**(v) The PA's permission**

7.23. The PA granted permission, subject to 6 no. conditions and 14 no. advisory notes. The appellants have critiqued these conditions and suggested additional ones.

7.24. In approaching the question of conditioning, I note that the proposal is for ancillary elements to an existing, authorised, concrete batching plant. In these circumstances, it is these elements that fall to be conditioned rather than the existing use. I, therefore, take the view that it is not appropriate to condition the scale of the existing use, or the traffic generated by it, or the days and hours of operation that it runs to. Accordingly, I do not propose to re-attach Conditions Nos. 2, 3, and 5, notwithstanding the absence of any appeal of these Conditions by the applicant. By the same token, I do not consider that the appellants suggestion of conditions that would address the existing use, as distinct from the proposal itself, would be appropriate for attachment.

7.25. Turning to Condition No. 6, the appellants comment on the majority of the items comprised in this Condition. I will discuss this commentary below.

- Item A: Appellants: The envisaged environmental management system (EMS) would be too broad. I consider that an EMS should simply encompass noise and dust monitoring on foot of the proposed concrete reclaimer.
- Item B: Appellants: Annual reporting of dust monitoring is considered to be too infrequent. However, such frequency is standard practice.
- Item C: Appellants: The applicant's ability to meet the noise limits conditioned is questioned, and, again, annual reporting is considered to be too infrequent. The NIA concludes that with mitigation measures in place the stated noise limits would be capable of being kept within. The frequency cited is standard practice.

- Items D, E, & F refer to the storage of hydrocarbons, refuelling, and leak/spill scenarios. The appellants have not critiqued these Items. However, insofar as they relate to the existing use rather than the proposal, I do not consider that conditioning of them would be appropriate.
- Item G refers to a complaints register. The appellants question whether such a register is realistic. Nevertheless, the conditioning of a complaints register is standard practice.
- Item H refers to settlement lagoons. The appellants question their presence on the site. During my site visit, I did not observe such lagoons, as distinct from standing water in the existing wedge pits where ready-mix lorries are washed out at present. The water thus used is recycled for use in the concrete batching plant.
- Item I refers to the restoration of domestic water supplies, should they be adversely affected. The appellants consider that this Item is too narrowly focused. I have discussed the applicant's use of water under the fourth heading of my assessment. Accordingly, the proposal itself would not lead to an increase in water usage.
- Item J refers to the rerouting of a drainage ditch. The appellants question whether this is proposed. I agree that it is not.

7.26. I conclude that some omission and reworking of the PA's conditions would be appropriate.

**(vi) Stage 1 screening for appropriate assessment**

**Compliance with Article 6(3) of the Habitats Directive**

7.27. 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.

**Background to the application**

7.28. A screening report for Appropriate Assessment was not submitted with this application/ appeal case. Therefore, this screening assessment has been carried *de-novo*.

### **Screening for Appropriate Assessment- Test of likely significant effects**

- 7.29. 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).
- 7.30. 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**

- 7.31. The project would entail the following three elements:
- The removal of the existing roadside boundary concrete post and chain-link fencing beside the site entrance, and its replacement with the construction of a new stone clad entrance wing wall, pillars, boundary wall, and mesh panel fencing,
  - The construction of 3 no. mass concrete aggregate storage bays adjacent to the north-eastern boundary of the site, and
  - The installation of 1 no. concrete reclaimer unit adjacent to the south-western corner of the working area of the site.
- 7.32. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issue is considered for examination in terms of implications for likely significant effects on European sites: The uncontrolled run-off of surface water borne pollutants into the River Delvin.

### **European Sites**

- 7.33. The development is not located in or immediately adjacent to a European site. The River Delvin, which passes through the site, flows into the Irish Sea at a point where it is the subject of the recently designated North-West Irish Sea SPA (004236).
- 7.34. The qualifying interests of this SPA are as follows:

*Red-throated Diver (Gavia stellata) [A001]*

*Great Northern Diver (Gavia immer) [A003]*



*Fulmar (Fulmarus glacialis) [A009]*

*Manx Shearwater (Puffinus puffinus) [A013]*

*Cormorant (Phalacrocorax carbo) [A017]*

*Shag (Phalacrocorax aristotelis) [A018]*

*Common Scoter (Melanitta nigra) [A065]*

*Little Gull (Larus minutus) [A177]*

*Black-headed Gull (Chroicocephalus ridibundus) [A179]*

*Common Gull (Larus canus) [A182]*

*Lesser Black-backed Gull (Larus fuscus) [A183]*

*Herring Gull (Larus argentatus) [A184]*

*Great Black-backed Gull (Larus marinus) [A187]*

*Kittiwake (Rissa tridactyla) [A188]*

*Roseate Tern (Sterna dougallii) [A192]*

*Common Tern (Sterna hirundo) [A193]*

*Arctic Tern (Sterna paradisaea) [A194]*

*Little Tern (Sterna albifrons) [A195]*

*Guillemot (Uria aalge) [A199]*

*Razorbill (Alca torda) [A200]*

*Puffin (Fratercula arctica) [A204]*

The conservation objectives for these qualifying interests are to either maintain or restore their favourable conservation condition.

### **Identification of likely effects**

- 7.35. If the uncontrolled run-off of surface water borne pollutants from the development into the River Delvin were to occur, then this River would be affected. Its mouth lies c. 9.5km away. Accordingly, a significant dilution factor would occur.
- 7.36. The above cited scenario is avoided by the presence of an embankment at the southern end of the working area within the site, which effectively prevents surface water run-off to the River Delvin. This site is served by a surface water drainage

regime, which ensures that water is recycled within the site as part of the concrete batching process.

7.37. The qualifying interests of the SPA are all sea birds which ordinarily would not forage or roost in inland locations such as the site.

7.38. In the light of the foregoing considerations, the question of cumulative impact would not arise.

### **Mitigation measures**

7.39. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

### **Screening determination**

7.40. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Site No. 004236, or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on the following: The absence of hydrological link between the working area of the site and the River Delvin, which flows into the above cited SPA.

## **8.0 Recommendation**

8.1. That permission be granted.

## **9.0 Reasons and Considerations**

Having regard to the Meath County Development Plan 2021 – 2027, it is considered that, subject to compliance with conditions, the proposed development, which would be ancillary to the existing use of the site as a concrete batching plant, would be compatible with the visual and residential amenities of the area. No traffic, road

safety, water, or Appropriate Assessment issues would arise. The proposal would thus accord with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>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 particulars received by the planning authority on the 22<sup>nd</sup> day of August 2022, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
3.	<p>The noise levels generated during the operation of the developed site shall not exceed 55 dB(A) Leq,1hr when measured at the nearest occupied house. When measuring the specific noise, the time shall be any one hour period during which the sound emission from the site is at its maximum level.</p> <p><b>Reason:</b> In order to protect the [residential] amenities of property in the vicinity.</p>
4.	<p>(a) Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days</p>

	<p>(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 and the frequency of monitoring results, and details of all dust suppression measures.</p> <p>(b) A monthly survey and monitoring programme of dust and particulate emissions shall be undertaken to provide for compliance with these limits. Details of this programme, including the location of dust monitoring stations, and details of dust suppression measures to be carried out within the site, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of use of the proposed concrete reclaimer unit. This programme shall include an annual review of all dust monitoring data, to be undertaken by a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority following this annual review.</p> <p><b>Reason:</b> To control dust emissions arising from the development and in the interest of the amenity of the area.</p>
5.	<p>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 operations on the site.</p> <p><b>Reason:</b> In the interest of the protection of residential amenity and planning control.</p>

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

---

Hugh D. Morrison  
Planning Inspector

25<sup>th</sup> January 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>			
<b>Proposed Development Summary</b>	Construction of entrance wall in place of fence, 3 mass concrete aggregate storage bays and 1 concrete reclaimer unit.		
<b>Development Address</b>	Naul Td., Clashford, Naul, Co. Meath		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	
		<b>No</b>	X - No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>			Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
		N/A	<b>Conclusion</b>
<b>No</b>			No EIAR or Preliminary Examination required
<b>Yes</b>		Class/Threshold.....	Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>		<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_