



An
Bord
Pleanála

Inspector's Report

ABP-317680-23

Development

20 year planning permission for quarrying operations including; the extraction of minerals (shale), the loading of materials, and the transportation of materials from the quarry to the applicant's cement works at Ballyconnell and all related ancillary works. A Natura Impact Statement (NIS) was submitted with this application.

Location

Arigna Shale Quarry, Timpaun,
Arigna, Co. Roscommon

Planning Authority

Roscommon County Council

Planning Authority Reg. Ref.

22493

Applicant(s)

Mannok Cement Ltd.

Type of Application

Permission.

Planning Authority Decision

Refuse Permission.

Type of Appeal

First Party versus decision.

Appellant(s)	Mannok Cement Ltd.
Observer(s)	An Taisce.
Date of Site Inspection	5 June 2024.
Inspector	Stephen Rhys Thomas

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1.0 Introduction

- 1.1. Planning permission is sought for the extraction of material (shale) for use at the Ballyconnell Cement Works as a lateral northward extension and deepening of permitted quarry floor levels at Mannok Cement Ltd Timpaun Shale Quarry within an application site of 3.49 Hectares. The existing quarry area (1.6 ha) is subject to mineral extraction now nearing exhaustion, and was permitted under PA reference PD/09/630, 18 conditions were imposed on the operation of the development. Historically, permission was granted for shale extraction and in April 2007 the quarry was registered with Roscommon County Council in accordance with section 261 procedures, QY23 refers.
- 1.2. The extraction phase will see 424,000m³ (c. 1.06 million tonnes) of material removed to a maximum depth of 135mAOD over two phases. No blasting will take place and minerals will be loaded onto trucks without further treatment or processing on site. Extraction will laterally extend the existing quarry faces northwards, each face 6 metres in height and create two additional quarry benches. The quarry floor will match that of the existing quarry at 147mAOD and the uppermost bench will be at 171mAOD. The second phase of extraction will involve the deepening of the quarry floor to a maximum depth of 135mAOD and accessed by ramp. The rate of quarrying could be up to 98,700 tonnes per annum, up to 70 lorry loads per week and over a 20 year period.
- 1.3. The site will be restored progressively as mineral extraction works northwards over the course of the proposed development. Restoration will involve the accumulation of rainwater within the lowest sinkings and ultimately overtop to an abandoned ditch and onwards to the Timpaun-Strabragan Stream 25 metres to the east. Other ground above 142mAOD will be restored to grassland and some areas of woodland.

2.0 Site Location and Description

- 2.1. The appeal site is located 3.5 kilometres north of the small village of Arigna in north county Roscommon and accessed from a minor country road 1.6 kilometres west of the R280. Lough Allen is located 2 kilometres to the east and the upland area of Corry Mountain is located 2 to 4 kilometres to the north west and this area accommodates a number of wind turbines.

- 2.2. An access track from a minor country road leads northwards to the existing quarry floor and passes through restored areas of the quarry. An area at the northern tip of the quarry floor closest to the working quarry face is used as a loading area. The upper portion of the appeal site takes in an area of hillside that is currently in agricultural grazing use. Together with sloping grassland, the extension area is characterised by mature hedging planted in a bank and ditch formation common to this hilly region of north Roscommon.

3.0 Proposed Development

- 3.1. The detail of the proposed development can be summarised as follows:

1. A lateral northwards extension of the existing quarry.
2. Deepening of the permitted quarry floor levels.

The extraction phase will see 424,000m³ (c. 1.06 million tonnes) of material removed to a maximum depth of 135mAOD over two phases as follows:

Site establishment – removal of vegetation and stripping of overburden and placed in bunds on the boundaries of the site. An existing ditch will be extended along the western boundary to meet another ditch that drains to the east.

Quarry operations – extension of the quarry face northwards, five faces of 6 metres in height, between 171mAOD and 147mAOD. Two additional benches will result from deepening the quarry floor to 135mAOD, after the upper benches are in the process of restoration.

Restoration – As quarrying progresses restoration will take place as necessary. Ultimately, dewatering pumps will cease and the quarry pit will fill with water to a level of 142mAOD. Top out of water will flow to the Timpaun-Srabagan Stream 25 metres to the east of the site.

The rate of quarrying will be 98,000 tonnes per annum and transport via the R280 to the cement works at Ballyconnell, over a period of twenty years. The hours of operation will remain the same, 0800 to 1800 Monday to Friday. There will be no ancillary buildings.

Further Information

The applicant submitted further information on the 6 April 2023 as follows:

- EIA Screening Report
- Geological Appraisal
- EcIA
- NIS
- Water Monitoring Program
- Photomontage Images
- Drawings (topographical survey, lateral extension, deepening phase, sections, layout and haul route)
- The submission of further information was re-advertised, giving notice of the submission of an NIS.

The proposed scale and extent of development was not altered by the further information submitted.

4.0 Planning Authority Decision

4.1. Decision

Permission was refused for two reasons, that can be summarised as follows:

1. The development would give rise to a doubling of HGV movements, the absence of information regarding the impact to residential amenities from noise, dust and vibration cannot be considered to be negligible. The development would injure residential amenities and depreciate property values, and be contrary to the proper planning and development of the area.
2. The NIS does not satisfactorily demonstrate that all potential environmental impacts to protected species and designated sites has been fully considered, identified and fully mitigated against. It cannot therefore be concluded that the proposed development would not unduly impact the receiving natural environment, and associated flora and fauna, in particular it has not been fully considered if the development either individually or in combination with other

plans and projects would not adversely affect the integrity of Natura 2000 sites.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The basis of the planning authority decision includes:

First Report

- Residential and visual amenity issues are raised with regard to noise, dust and vibration associated with HGV movements.
- Site access cannot be confirmed.
- Information regarding water management on the site is required.
- EclA not submitted
- Information on slope instability is required.

Further Information Report

- AA – the NIS submitted is not adequate.
- Site layout noted and acceptable.
- Site sections noted and extent of quarrying activity acceptable.
- Site restoration noted and acceptable.
- Visual impact will be minimal.
- Rights of way noted.
- Geotechnical Report noted and site stability acceptable.
- EclA noted and mitigation recommended, breeding frog survey outstanding.
- Vehicle movements are still an issue, given the submission dates of the further information received, no clarification of further information can be sought, refuse permission on the basis of nuisance to residential amenities.
- Water supply monitoring can be sought by condition.

- A recommendation to refuse permission on AA and Residential Amenity grounds issued.

AA Screening Report – Stage 2 AA is required.

EIAR Screening Determination – EIAR not required.

4.2.2. Other Technical Reports

Roads – no objections subject to conditions.

Environmental Department - no objections subject to conditions.

4.3. Prescribed Bodies

NPWS – Nature Conservation, screening of AA and EIA not undertaken, specific concerns revolve around the construction and operational phases and the potential for impact from hydrological connections.

Final correspondence (14 June 2023) notes submission of an NIS, the low likelihood of impacts to designated sites downstream. However, it should be ascertained if the existing water treatment system can accommodate expansion and a breeding frog survey and mitigation measures proposed as necessary, are all required.

NPWS – Archaeology, attach condition.

4.4. Third Party Observations

4.4.1. Nine submissions received, issues include local water supply, compliance with conditions, cap on traffic movements to 35 per week, five year permission only, impacts on environment not considered, traffic and pedestrian safety.

4.4.2. Six submissions received after further information received, some issues are reiterated and new issues include landslides, and a broad criticism of the information submitted.

5.0 Planning History

5.1. Site:

PA reference 09/630 – permission for a 1.6 Hectare lateral extension to the existing quarry. Permission expired 11/08/2015.

PA reference 96/876 – permission for the excavation of shale for processing off site.

PA reference 96/14 – permission to extract shale.

QY/23 – Quarry Registration.

6.0 Policy Context

6.1. Development Plan

Roscommon County Development Plan 2022-2028

6.5 Extractive Industries

ED 6.17 Facilitate the extraction of minerals and aggregates and associated processing where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology or residential amenities of neighbouring settlements and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.

ED 6.18 Ensure that the development of aggregate resources (stone and sand/gravel deposits) is carried out in a manner which minimises effects on the environment, including the Natura 2000 network and its sustaining habitats (including water dependent habitats and species), amenities, infrastructure and the community, and can demonstrate environmental enhancement through habitat management plans/ecological restoration.

ED 6.19 Support adequate supplies of aggregate resources to meet the future growth needs of the county and the wider region where there is a proven need for a certain mineral/aggregate and to exercise appropriate control, while addressing key environmental, traffic and social impacts.

ED 6.20 Require appropriate restoration of quarried lands and encourage the reuse of worked out quarries for ecological and geological benefit and / or for recreational, educational and agricultural purposes.

Chapter 12: Development Management Standards

12.21 Extractive Industries - It is recognised that the location of such industries is dictated by the availability of the resource and hence each application will be determined on its own merits.

Landscape Character Assessment

Roscommon LCA 1: Lough Allen and Arigna foothills

Roscommon LCA 2: Upper Shannon and Derreenannagh Drumlin Belt

Roscommon LCA 14: Arigna Mountains

6.1.1. National, Regional Policy and Relevant Legislation

National Planning Framework (NPF)

National Policy Objective 23 - Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.

6.2. **Guidance Documents**

6.2.1. Quarry and Ancillary Activities, Guidelines for Planning Authorities, DoEHLG, 2004:

These guidelines note the economic importance of quarries and the demand for aggregates arising from the needs of the construction industry with particular reference to house building and infrastructure provision. It is further noted that aggregates can only be worked where they occur and that many pits and quarries tend to be located within 25km of urban areas where most construction takes place.

Chapter 3 identifies the potential environmental issues associated with the development of the extractive industry / quarries and recommends best practice / possible mitigation measures in respect of: • Noise and vibration • Dust deposition / air quality • Water supplies and groundwater • Natural heritage • Landscape • Traffic impact • Cultural heritage • Waste management The Guidelines also recommend

Environmental Management Systems (EMS) as a quality assurance system to measure a company's operations against environmental performance indicators.

Chapter 4 refers to the assessment of planning applications and Environmental Impact Statements. It provides guidance on the information to accompany an application and the inclusion of possible planning conditions.

6.2.2. Environmental Management Guidelines, Environmental Management in the Extractive Industry (Non-Scheduled Minerals), EPA, 2006:

These guidelines are intended to complement existing national guidance and to be of assistance to operators, regulatory authorities, and the general public (They are also complemented by the 'Environmental Management in the Extractive Industry – Guidelines for Regulators'). The guidelines provide general advice and guidance in relation to environmental issues to practitioners involved in the regulation, planning, design, development, operation and restoration of quarry developments and ancillary facilities.

6.2.3. Guidelines on the Information to be contained in Environmental Impact Statements' EPA, 2002:

These guidelines provide developers, competent authorities, and the public at large with a basis for determining the adequacy of Environmental Impact Statements within the context of established development consent procedures and also serve to address a wide range of project types and potential environmental issues. The accompanying 'Advice Notes on Current Practice (in the preparation of Environmental Impact Statements, 2003') subsequently provide further detail on many of the topics covered by the Guidelines and offer guidance on current practice for the structure and content of Environmental Impact Statements.

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

These guidelines coincide with the making of the European Union (Planning & Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018) and the coming into operation of the Regulations on 1st September 2018 in order to transpose the Directive into Irish law. The Guidelines replace Guidelines for Planning Authorities and An Bord Pleanála on carrying out environmental impact

assessment issued by the DoECLG in 2013. The purpose of the guidelines is to give practical guidance on procedural issues and the EIA process arising from the requirements of Directive 2014/52/EU.

6.3. Natural Heritage Designations

- 6.3.1. The closest designated site is the Cuilcagh - Anierin Uplands SAC located to the east at a distance of 5.6 kilometres, appendix 3 refers.

6.4. EIA Screening

- 6.4.1. EIAR not required, appendix 1 and appendix 3 of my report refers.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. A First-Party Appeal was submitted to An Bord Pleanála on the 28th day of July 2023 by the Applicant opposing the Local Authority's decision, the grounds of appeal relate to each reason for refusal and can be summarised as follows:

- Reason 1 Traffic – the extant permission caps HGV movements at 35 per week during operational hours of 0800 to 1800 Monday to Friday. This is less than 1 lorry load per hour, the proposed development would increase this to 2 lorry loads per hour. Total lorry loads would remain low. A haul route is proposed to minimise impact.

A report prepared by AONA Environmental addresses noise, dust and vibration. The report concludes that impacts would be negligible and can be mitigated by requirements of any conditions

- Reason 2 – Designated Sites – the development will not unduly impact any designated sites, there is no hydrological pathway between the site and the designated sites highlighted in the PA's AA Screening Report. There is no potential for the proposal to have any significant impact on any designated sites. The NIS already submitted contains sufficient information and impacts

have been identified and mitigated against. A Hydrological Report and an additional note regarding AA has been submitted.

7.2. Planning Authority Response

None.

7.3. Observations

An Taisce – Permission should be restricted to ten years to address issues around HDV movements. Concerns are expressed with regard to flora and fauna, despite the applicant's assertion of a lack of any hydrological connections to designated sites.

8.0 Assessment

8.1. Having regard to the nature of the proposed development, the details submitted with the planning application and appeal documents, together with my site inspection, I conclude that issues arising for consideration should be addressed under the following headings:

- Traffic and Roads
- Other Matters

8.2. Traffic and Roads

- 8.2.1. A twenty year planning permission is sought for the 3.49 Hectare lateral and deepening expansion of a permitted and existing quarry of 1.6 Hectares at Arigna Shale Quarry, Timpaun, Arigna, Co. Roscommon. The previously quarried and not fully restored area will remain unworked, drawing SLP-01 refers. The existing land use is as a shale rock quarry. Shale material has been extracted from the site to meet local demand for aggregates since the quarry first became operational and the most recent area of workings is nearing exhaustion. The proposed development allows for the continuation of quarrying at the site through the lateral extension of the existing quarry extraction area into lands to the north and the deepening of the current extraction area. The proposed extension area measures 3.49 Hectares. The quarrying methods that will be employed in the extension areas will be a continuation of those that have been used in the existing quarry, extraction by mechanical digger and loading onto heavy goods vehicles. It is not proposed to construct any new buildings or other infrastructure or introduce any new plant items or processes as part of this application.
- 8.2.2. The site is located in the Lough Allen and Arigna foothills (Roscommon LCA 1), and the estimated range of designated views from view R2 do not reach the quarry site and scenic views (R1) all face east across Lough Allen away from the quarry. Having regard to the policies and objectives for mineral extraction as set out in the Roscommon County Development Plan 2022-2028 (see Section 6.2 above) together with the established quarry use at this location I am satisfied that the proposed development complies with the current development plan and is therefore acceptable in principle. Issues pertaining to traffic impact are discussed separately below.

- 8.2.3. The first reason for refusal that was issued by the planning authority refers to the increase in HGV movements if the development were to be permitted. The PA highlight that a doubling of lorry movements from 35 to 70 per week would adversely impact residential amenity by reasons of dust, noise and vibration caused by HGV movements. The PA do not accept that the impacts to residential properties would be negligible and this is due to a lack of sufficient evidence to prove otherwise. The applicant disagrees and argues that the increase is small in the greater scheme of things, the country road already accommodates agricultural and windfarm traffic. In addition, the applicant prepared a specialist report (AONA Environmental) to identify impacts from noise, vibration and dust. An Taisce observe that the mitigation measures with respect to noise, vibration and dust are not acceptable and do not resolve the reason for refusal that was issued by the planning authority.
- 8.2.4. The applicant's report firstly assesses the impact of noise from an increase of HGV traffic movements along the proposed haul route as it passes by at least 20 residential properties that lie within 100 metres of the road (L5007). Taking no account of screening along the public roadway, the report finds that the predicted worst case scenario from traffic noise would amount to 3 dB(A) over a period of 10-30 seconds during 0800-1800 Monday to Friday. This is not seen as a significant noise level increase and would occur infrequently during the day. Mitigation measures advanced relate to the operational hours of the quarry restricted to 0800-1800 Monday to Friday, restriction to 50kph along the haul route, and reminders to employees to be considerate with reference to noise. In terms of vibration, the report states that ground borne vibration from vehicles on a road is not normally at levels that would be experienced by residents. According to guidance regarding vibration, levels of 0.01 to 0.2 mm/s for buildings located 10-20 metres away from the road would not result in even cosmetic damage. Mitigation measures already outlined for noise are recommended with reference to vibration. Lastly, in terms of dust, the report refers to dust from the vehicles themselves and dust kicked up from the road surface. Given the speeds concerned, 50kph, it is not envisaged that dust emissions will be significant. Again, the same mitigation measures proposed for noise and vibration are replicated with reference to minimising nuisance from dust.
- 8.2.5. The applicant accepts that HGV movements generated by the proposed development will double, but any perceived impacts can be mitigated by principally

controlling speeds along a 'one-way' haul route. During my site visit I observed a single vehicle movement to and from the site. The vehicle was an articulated tipper trailer HGV, loaded at the site by the driver and hauled away along the route outlined by the applicant, drawing number figure 1.0 entitled Proposed Haul Route refers. I too drove the haul route and given the geometry, width and inclines along the route; it would be difficult to exceed the speeds modelled by the applicant in their specialist report prepared by AONA Environmental. I note that the Roads Section of the planning authority raise no significant issues with regard to the proposed development and the increase in traffic that would result if permitted, subject to conditions. Specifically, the Roads Section highlight the ongoing maintenance and resurfacing that would be required owing to an increase in HGV traffic, a contribution amount has been costed and set.

8.2.6. The material submitted by the applicant in their grounds of appeal provides some additional information that the planning authority felt they could not request on account of time limits set by the planning and development act. The headline figure of traffic movements from 35 to 70 per week is noteworthy but given the circumstances and nature of development will not in my opinion result in the adverse impacts envisaged in the PA's first reason for refusal. My opinion is based upon the material submitted by the applicant and particularly the specialist report that deals with noise, vibration and dust. I am not surprised that the concluded impacts are minimal, given that the substance of the assessment is modelling of HGV movements to and from the site along a minor country road at low speeds. I also note that as a public road, many other vehicle types use this route for a variety of purposes, albeit not at the same frequency planned for by the expansion of the existing quarry. I am satisfied that the mitigation measures advanced by the applicant, are reasonable and can be implemented and monitored effectively to reduce the negligible impacts to residential amenity along the proposed haul route, a suitably worded condition should be attached.

8.2.7. Roads – I note that the Roads Section of the Council have requested a contribution for the maintenance and resurfacing of 1.5 kilometres of public road in the vicinity of the site. A detailed costing has been provided and amounts to €240,000 and can be attributed to the increase in traffic volumes generated by the proposed development. Section 48(2)(c) of the Planning and Development Act 2000 as amended states that

a planning authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by the General Development Contribution Scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development. I am satisfied, that the Roads Section report where a special contribution (€240,000) for undertaking road maintenance and resurfacing works was requested has been adequately detailed and costed. Having regard to the scale and nature of the proposed scheme together with the foregoing comments and my site visit I consider that the haulage / traffic movements generated by the development relative to the local road network serving the site would have a material impact on the road infrastructure in the immediate area of the site and would therefore necessitate additional road maintenance and resurfacing.

- 8.2.8. I have had regard to the Roscommon County Council Development Contribution Scheme 2014 (as amended 2020) and I consider the undertaking of road maintenance and resurfacing works in the vicinity of the site in this instance to be a specific exceptional cost over and above that already covered by the General Development Contribution Scheme. Accordingly, I consider it appropriate to impose a condition requiring the payment of special contribution in this instance.

Traffic and Roads Conclusion

- 8.2.9. Based on the information that I have to hand on the file, I am satisfied that the increase in traffic movements to and from the site, as advanced by the applicant would not result in adverse impacts to residential amenity by virtue of noise, vibration and dust. In this instance, permission may be permitted subject to a condition that ensures mitigation measures are kept in place and that a special contribution condition under section 48(2)(c) of the Planning and Development Act 2000 as amended, with reference to the costs for roads maintenance and repair is attached.
- 8.2.10. The second reason for refusal highlights inadequacies with the NIS submitted by the applicant, the potential for hydrological pathways to designated sites and lack of any assessment of mitigation measures. I have assessed all of these matters under the topic of AA Screening at section 9.0 of my report.

8.3. Other Matters

- 8.3.1. This is an application to extend a permitted, existing and operational quarry and I note the assessment undertaken by the planning authority with reference to issues such as quarry operations, visual impact, cultural heritage and geology. The planning authority raised no significant issues with regard to any of these matters and they do not form any part of the reasons for refusal, the grounds of appeal or observations received. I have visited the site, the immediate environs and sought out various long range view points in the wider and from a visual amenity perspective I anticipate no adverse impacts. I note that the existing quarry benches have been replanted with vegetation and the older portions of the workings have matured successfully. I am satisfied that a restoration plan that follows on from work already done will be adequate. With regard to other issues to do with operational matters, cultural heritage and geology, these matters are either not an issue or can be controlled by condition. Specifically, I note the comments made by the NPWS with respect to archaeology and the revised drawings submitted by the applicant with regard to site sections and site stability. It is my view that there are no other outstanding issues to be addressed in this appeal and the expansion can be addressed appropriately by the Board by a grant of permission subject to conditions.
- 8.3.2. Duration of permission - In terms of the lifespan of permission sought, An Taisce have made an observation that 20 years is not appropriate and does not allow for operational review of quarry activities. I note the concerns raised by An Taisce, however, the Quarries and Ancillary Facilities: Guidelines for Planning Authorities set out some guidance in respect of extraction limits and application durations. Section 4.9 of the Guidelines state the following:
- ‘Where the expected life of the proposed quarry exceeds 5 years it will normally be appropriate to grant permission for a longer period (such as 10 – 20 years), particularly where major capital investment is required at the outset. In deciding the length of the planning permission, planning authorities should have regard to the expected life of the reserves within the site.’
- 8.3.3. The Guidelines state that extended periods of 10-20 years will normally be appropriate. Given that a clear and coherent extraction plan has been proposed for the 20-year duration sought and the methods deployed and haulage rates proposed, I consider that it is reasonable and proportionate to limit the duration of the permission to 20 years in this instance.

- 8.3.4. Water Management – I note the recommendations made by the Environmental Section of the Council and the further information submitted on the 6th of April 2023 by the applicant that clarifies water management on the site. In addition, I note the possible requirement for a discharge licence (reference WP-02-12), layout drawing SLP-01 that identifies the proposed settlement pond location and the industry standard measures already in place to control water pollution. I am satisfied that an appropriately worded condition will satisfactorily address water management matters on the site.

9.0 Appropriate Assessment Screening

9.1. Screening

- 9.1.1. This is an application for an extension to an existing quarry. The planning authority, during their consideration of the planning application decided after a screening determination dated November 2022, that a Stage 2 Appropriate Assessment was required. The applicant submitted a document entitled Natura Impact Statement, that concluded that it was not necessary to progress to a stage 2 assessment because there is no potential to adversely impact any designated sites identified. The NPWS made two observations, noted the procedures employed and ultimately raised questions about frog breeding survey dates and the effectiveness of the existing water treatment system to accommodate the planned quarry expansion.
- 9.1.2. I have had regard and assessed the documentation on file, the PA's AA Screening Report and its conclusions, the submissions on the planning application made by the NPWS, the applicant's AA Screening Report (entitled NIS), and subsequent information submitted with the grounds of appeal regarding hydrological pathways. I am satisfied that all the information available to me 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, appendix 2 of my report refers.

9.2. Conclusion

- 9.2.1. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information

9.2.2. I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 as amended is not required.

9.2.3. This conclusion is based on:

- Objective information presented in the Screening Report (entitled Natura Impact Statement) and documentation submitted with the grounds of appeal
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same
- The absence of meaningful pathways to any European site, insofar as the flow distance to European sites in and at Lough Ree with which there is the potential for an hydrological connectivity being at distances of over 38km, the existence of intervening water bodies including Lough Allen, and the dilution factor associated with the relevant waterbodies before connectivity with such distant European sites
- The site for the proposed development does not have habitat to support the Special Conservation Interests of the Special Areas of Conservation close to the proposed development.
- Impacts predicted would not affect the conservation objectives of designated sites
- The observations submitted by the NPWS with reference to the documentation prepared by the applicant.

9.2.4. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion. For detailed assessment, appendix 2 of my report refers.

9.2.5. With reference to the planning authority's second reason for refusal that relates to the NIS and that it does not satisfactorily demonstrate that all potential environmental

impacts to protected species and designated sites has been fully considered, identified and fully mitigated against. I am satisfied that together with the applicant's documentation submitted with the planning application and on appeal, together with the submissions made by the NPWS, I can conclude that the proposed development would not unduly impact the receiving natural environment, and associated flora and fauna. In particular I am satisfied that the development either individually or in combination with other plans and projects would not adversely affect the integrity of Natura 2000 sites, appendix 2 refers.

10.0 Recommendation

It is recommended that permission be GRANTED subject to conditions for the reasons and considerations set out below.

11.0 Reasons and Considerations

Having regard to:

- i) The provisions of the Roscommon County Development Plan 2022-2028 in respect of extractive industries,
- ii) The "Quarries and Ancillary Activities, Guidelines for Planning Authorities" issued by the Department of the environment, Heritage and Local Government (2004),
- iii) The Environmental Impact Screening Report submitted with the application to extend the quarry,
- iv) The AA Screening Report submitted with the application to extend the quarry,
- v) The nature of the proposed development that comprises the extension of an existing shale extraction facility, and the planning history of the site,
- vi) The proposed phased extraction and proposals for the restoration of the site,

- vii) 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,
- viii) 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,
- ix) 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, the proposed development would be in accordance with the Development Plan policies, would not seriously injure the visual or residential amenities of the area, would not be prejudicial to public health, would be acceptable in terms of traffic safety and would not be likely to have a significant detrimental effect on ecology or protected species. 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 on the 13th day of September 2022 as amended by the further plans and particulars submitted on the 6th day of April 2023 and by the further particulars received by An Bord Pleanála, 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. Except where modifications to the proposed development are required by any of the following conditions, the proposed development shall be carried out and operated in accordance with the plans and particulars of the extant permissions granted by the planning authority.

Reason: In the interest of clarity and orderly development.

3. a) The total volume of extracted material from the site shall not exceed 98,700 tonnes per annum.

b) No extraction shall take place below a level of 135m AOD.

Reason: In the interest of clarity and to ensure the overall development is carried out on a phased basis.

4. a) This grant of planning permission for further extraction of shale, relates only to the areas outlined on the drawings submitted on the 6th day of April 2023. All extraction and loading operations on site shall cease 20 years from the date of the grant of permission. All plant and machinery shall cease operation and shall be removed from site within 20 years of the date of this grant of planning permission.

b) Restoration of the site shall be in accordance with the restoration plan submitted on the 6th day of April 2023 and shall be completed within 20 years of the date of grant of permission unless, prior to the end of that period, planning permission is granted for the continuance of use.

c) The developer shall submit annually, for the lifetime of the permission, a map and aerial photograph 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 the interests of orderly development and to ensure the appropriate restoration of the site.

5. All mitigation measures and environmental monitoring requirements identified in the EclA, 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.

6. a) The total number of Heavy Goods Vehicle (HGV) traffic movements serving the site each day shall not exceed 70 number (two-way movements).

b) Vehicles transporting material from the site, and accessing the site, shall use the Haul Route detailed on drawing number Figure 1.0 and entitled Proposed Haul Route only.

c) A traffic counter shall be installed at the quarry and records from the counter shall be made available to the public to view. Records of traffic movement shall be maintained on site. Prior to commencement of development, the counter shall be installed and details in relation to the traffic counter and viewing shall be submitted for the written agreement of the planning authority.

d) Mitigation measures with respect to traffic movements along the country road and as set out in the report prepared by AONA Environmental, dated 21st July 2023, shall be implemented in full.

Reason: To limit the volume of Heavy Goods Vehicle (HGV) traffic to and from the site in the interests of traffic safety, having regard to the rural nature of the access road.

7. a) Before extraction commences, surface water drainage arrangement and settlement facilities shall be constructed as illustrated on drawings submitted on the 6th day of April 2023.

b) The site shall be so graded that all surface water within the working area shall drain into a quarry sump.

c) All wastewater arising from the processes of dust suppression, wheel or vehicle washing, etc, shall be directed into a settlement tank and before being discharged from the site shall pass through an oil and petrol interceptor.

d) The floor of the quarry area shall be graded so that all surface water is directed into the quarry sump at the lowest point in the excavation. The water shall then be pumped into the proposed settlement lagoon, and before being discharged from the site shall pass through an oil and petrol interceptor.

e) 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 interest of surface water drainage and to reduce the risk of water pollution.

8. No extraction of aggregates shall take place below the level of the water table and shall be confined to a minimum of 5m above the winter water table level as specified.

Reason: To protect groundwater in the area.

9. Upon completion of restoration the applicant shall submit to Roscommon County Council Planning Section for their written agreement a digital topographical survey of the final restored contours.

Reason: To ensure full restoration of the landscape.

10. 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 proposals for the following:

a) suppression of on-site noise,

b) on-going monitoring of sound emissions at dwellings in the vicinity,

c) suppression of on-site dust,

d) safety measures for the land above the extended quarry void; to include warning signs and stock-proof fencing/hedgerows,

e) management of all landscaping,

- f) monitoring of ground and surface water quality, levels and discharges,
- g) details of site manager, contact numbers (including out-of-hours) and public information signs at the entrance to the site.

Reason: In order to safeguard local amenities.

11. On-site operations, shall be carried out between the hours of 0800 and 1800 only, Monday to Friday inclusive.

Reason: To protect the amenities of properties in the vicinity of the site.

12. 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 (Bergerhoff Gauge).

b) Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to re-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

c) 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 entire quarry complex, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any quarrying works on the site. 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.

Reason: To control dust emissions arising from the development and in the interest of the amenity of the area.

13. a) The developer shall monitor and record groundwater, surface water flow, noise, ground vibration, and dust deposition levels at monitoring and recording stations, the location of which shall be agreed in writing with the planning authority prior to commencement of development. Monitoring results shall be submitted to the planning authority on an annual basis for groundwater, surface water, noise and ground vibration.

b) On an annual basis, for the lifetime of the facility (within two months of each year end), the developer shall submit to the planning authority five copies of an environmental audit. Independent environmental auditors approved of in writing by the planning authority shall carry out this audit. This audit shall be carried out at the expense of the developer and shall be made available for public inspection at the offices of the planning authority and at such other locations as may be agreed in writing with the authority. This report shall contain:

i. A written record derived from the on-site traffic counts of the quantity of material leaving the site. This quantity shall be specified in vehicle movements and an estimate of tonnes.

ii. An annual topographical survey carried out by an independent qualified surveyor approved in writing by the planning authority. This survey shall show all areas excavated and restored. On the basis of this a full materials balance shall be provided to the planning authority.

iii. A record of groundwater levels measured at monthly intervals.

iv. A written record of all complaints, including actions taken in response to each complaint.

c) In addition to this annual audit, the developer shall submit quarterly reports with full records of dust monitoring, noise monitoring, surface water quality monitoring, and groundwater monitoring. Details of such information shall be agreed in writing with the planning authority. Notwithstanding this requirement

d) All incidents where levels of noise or dust exceed specified levels shall be notified to the planning authority within two working days. Incidents of surface or groundwater pollution or incidents that may result in groundwater pollution, shall be notified to the planning authority without delay.

e) 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.

14. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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.

15. 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.

16. 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 amenity.

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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.

18. The developer shall pay the sum of €240,000 (two hundred and forty thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of road maintenance and resurfacing works of the country road designated L5007 in the vicinity of the quarry. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of 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 considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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.

Stephen Rhys Thomas
Senior Planning Inspector

13 August 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-317680-23			
Proposed Development Summary	20 year planning permission for quarrying operations including; the extraction of minerals (shale), the loading of materials, and the transportation of materials from the quarry to the applicant's cement works at Ballyconnell and all related ancillary works.			
Development Address				
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	✓		
	No	No further action required		
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?				
Yes			EIA Mandatory EIAR required	
No	✓	The development is of a class specified in Part 2, but it does not exceed the threshold.	Proceed to Q.3	
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]?				
		Threshold	Comment (if relevant)	Conclusion
No	✓	Extractive Industry, part (b) Extraction of stone, gravel, sand or clay, where the area of extraction would be greater than 5 hectares.	Application area amounts to 3.49 Hectares and includes an already working quarry area of 1.6 Hectares,	No EIAR required, however, the applicant has submitted Section 7 A documentation and a Preliminary

			drawing SLP-01 refers.	Examination is therefore required
Yes				Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No		
Yes	✓	Screening Determination required

Inspector: _____ Date: _____

Appendix 2 - Form 2

AA Screening Determination

[NIS submitted]

Form 2: Screening for Appropriate Assessment

Screening Determination

Step 1: Description of the project

I have considered the quarry extension in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The subject site is located at an existing quarry in rural north Roscommon, four kilometers north of Arigna village and two kilometers west of Lough Allen. The closest designated sites of relevance are the Cuilcagh - Anierin Uplands SAC located to the east at a distance of 5.6 kilometres, Boleybrack Mountain SAC 11 kilometres to the north, Lough Arrow SAC/SPA 14 kilometres to south west, Lough Forbes Complex SAC 38 kilometres to the south and Lough Ree SAC/SPA 48 kilometres to the south.

The proposed development comprises a 20 year planning permission for quarrying operations including; the extraction of minerals (shale), the loading of materials, and the transportation of materials from the quarry to the applicant's cement works at Ballyconnell.

The planning authority carried out AA Screening and concluded that an NIS was required. The applicant submitted an NIS as further information, readvertised the fact, but disagreed that stage 2 Appropriate Assessment was required.

The NPWS had regard to all of the information submitted with the planning application, specifically the correspondence dated 14 June 2023 that refers to an acknowledgement of the information submitted by the applicant and despite the procedures followed agreed that impacts to the Lough Forbes Complex SAC, the

Lough Ree SAC and Lough Ree SPA can be ruled out because the intervening distances involved are too great. However, the NPWS note that discharge of water to an existing treatment system may have been considered as mitigation and a breeding survey for frogs is not mentioned in the 'NIS'.

An observation made by An Taisce, highlights general concerns about hydrological connections and European sites, flora and fauna.

Step 2: Potential impact mechanisms from the project [consider direct, indirect, temporary/permanent impacts that could occur during construction, operation and, if relevant, decommissioning]

The site is not located in or adjacent to a designated site. There are no direct impacts to a designated site. There could be indirect effects arising from:

- enabling works, removal and relocation of overburden and this could lead to soil erosion with impacts on watercourses and downstream impacts to a European site.

Step 3: European Sites at risk

The European site(s) and qualifying features potentially at risk, include:

Table 1 European Sites at risk from impacts of the proposed project

Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
Downstream impacts	Potential hydrological pathway	Lough Ree SAC	Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]

			<p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Bog woodland [91D0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>
Downstream impacts	Potential hydrological pathway	Lough Forbes Complex SAC	<p>Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p>

			<p>Depressions on peat substrates of the Rhynchosporion [7150]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p>
Downstream impacts	Potential hydrological pathway	Lough Ree SPA	<p>Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p>

The site synopsis for each of the sites outlined above can be found online at the National Parks and Wildlife Service website.

The applicant has prepared documentation detailing the lack of any hydrological pathway between the site and designated sites, appendix 3 of the grounds of appeal refers.

The NPWS acknowledge that it is unlikely that the sites outlined above would be affected given the water treatment received on site and the intervening distances involved, between 38 and 48 kilometers.

Step 4: Likely significant effects on the European site(s) ‘alone’

The applicant prepared a report to establish the likelihood of hydrological connections to designated sites. The site lies within the upper catchment of a stream that flows south east for 3 kilometers to Lough Allen. Lough Allen drains southwards into the Upper Shannon, Lough Arrow SAC and SPA is located within a separate catchment. The Cuilcagh-Anierin Uplands SAC and Boleybrack Mountain SAC are within separate sub catchments to the quarry site. In terms of ground waterbodies, given the argillaceous strata, a poor water transmitter with low storage characteristics, anticipated groundwater flows are likely to be local. This would result in dewatering drawdown being calculated as negligible, dewatering drawdown at the quarry sump results in a steep sided cone of depression and will not impact surface waters. The quarry sump is downstream of nearby designated sites and any pollutants will remain at source, and will not result in any impact. Downstream impacts will be managed by monitoring associated with a discharge license and standard industry measures will be deployed on site.

Effect mechanism – downstream impacts, potential for hydrological pathway is extremely unlikely given the intervening distance, Lough Ree SAC/SPA 48 kilometres and Lough Forbes SAC 38 kilometres. The conservation objectives will not be undermined, and there is no risk that they could be. It is also unlikely that the restore objective that apply to each site will be compromised or make restoration appreciably more difficult. In this regard I note the submission made by NPWS, that acknowledges the intervening distances are great, and that the likelihood of any impacts are low. Industry standard quarry extraction measures will

prevent pollution risks, and these have been outlined and not specifically designed with designated sites in mind.

Lastly, the NPWS note the absence of a breeding frog survey and assurances that onsite water treatment system can accommodate any increased volume of quarrying. In this regard I note the layout drawings that show a proposed settlement pond and this is at the lowest point of the present quarry floor. This is a standard approach to settling out of solids prior to discharge and again standard industry measures should be deployed and can be addressed by a condition in the event of a grant of permission. The Hydrogeological and Hydrological Impact Assessment prepared by the applicant sets out their approach to water management, that includes storm balancing. It is stated that over the site area and with reference to a storm event of 6 hour duration and 100 year return period, would result in 1,930 m² input of rainfall. The lowest section of the quarry will allow settling across 0.97 Hectares and not exceed 20 cm in depth before draining to a deepened sump. Run off will be controlled and settlement ponds have been designed in accordance with industry standards prior to discharge and be monitored and controlled by licence. Silt fencing will be routinely positioned at the toe of the outer slope of screening bunds during construction. I am satisfied that the water management system has been adequately designed and will accommodate the proposed expansion of the quarry without jeopardising water quality and has not been designed to specifically address the potential for impacts to designated sites.

In terms of a breeding frog survey, I note that the EclA and AA Screening Report, refer to the existence of frogs on site and that would not be uncommon given the restoration works already undertaken and the naturalisation of older lagoons as well as other standing water bodies that I observed throughout the site. I am satisfied that the impacts identified, and measures outlined in section 6 regarding flowing water features on site (drainage ditches) of the EclA are sufficient to address the presence of frogs on site.

I am satisfied that the conservation objectives will not be undermined from the effects of the project 'alone'. I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying feature(s) of [insert European

site(s). Further AA screening in-combination with other plans and projects is required.

Step 5: Where relevant, likely significant effects on the European site(s) ‘in-combination with other plans and projects’

There are no such plans or projects that exist and there are no residual impacts that could impact in combination. I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site(s). No further assessment is required for the project.

Overall Conclusion- Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information

I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 as amended is not required.

This conclusion is based on:

- Objective information presented in the Screening Report (entitled Natura Impact Statement)
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same
- The absence of meaningful pathways to any European site, insofar as the flow distance to the European sites in and at Lough Ree with which there is the potential for an hydrological connectivity being at distances of over 30km, the existence of intervening water bodies including Lough Allen, and the dilution factor associated with the relevant waterbodies before connectivity with such distant European sites

- The site for the proposed development does not have habitat to support the Special Conservation Interests of the Special Areas of Conservation close to the proposed development.
- Impacts predicted would not affect the conservation objectives of designated sites
- The observations submitted by the NPWS with reference to the documentation prepared by the applicant.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

Appendix 3

EIA Screening Determination Form

A. CASE DETAILS		
An Bord Pleanála Case Reference - ABP-317680-23		
Development Summary	20 year planning permission for quarrying operations including; the extraction of minerals (shale), the loading of materials, and the transportation of materials from the quarry to the applicant's cement works at Ballyconnell and all related ancillary works. A Natura Impact Statement (NIS) was submitted with this application.	
Yes / No / N/A	Comment (if relevant)	
1. Was a Screening Determination carried out by the PA?	Yes	EIA not required
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	Yes	AA Screening
4. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	County Development Plan was subject to : Strategic Flood Risk Assessment Strategic Environmental Assessment Report SEA Environmental Report Appendix III - Non-Technical Summary SEA Statement Consolidated Natura Impact Report AA Conclusion Statement with Determination

B. EXAMINATION	Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)		
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No. This is an established shale rock quarry.	No
1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	Yes. The extraction works will take place within the envelope of the existing quarry and an area of lateral extension to the north.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Standard quarrying techniques are proposed and will result in the export off site of materials/minerals.	No. The quarry will be subject to a restoration plan at the end of the operational phase.
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes. The quarrying activities will require the storage and use of hydrocarbons (fuels) for powering plant and machinery and other chemicals. such materials required or produced.	No. A limited amount of fuels and chemicals will be stored on the overall landholding within appropriately bunded tanks, with procedures in place in case of spillage.

1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes. Dust is the principal pollutant release.	No. Dust generation and control measures are proposed, these are industry standard measures that involve sprinkler systems to suppress dust emissions and monitoring to ensure appropriate levels are maintained.
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No discharge of pollutants to ground or surface waters. Water management systems are already in place.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes. Noise and vibration emissions from routine quarrying and on site loading of materials.	No. Measures in place to ensure emissions are kept within appropriate parameters.
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Noise, vibration and dust during operation. Mitigation measures proposed and submitted.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No risk of major accidents given the controlled nature of project.	No
1.10 Will the project affect the social environment (population, employment)	Will result in a very localised and minor increase in employment during operation.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No.	No
2. Location of proposed development		

<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <p>a) European site (SAC/ SPA/ pSAC/ pSPA)</p> <p>b) NHA/ pNHA</p> <p>c) Designated Nature Reserve</p> <p>d) Designated refuge for flora or fauna</p> <p>e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>	<p>The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. Having carried out screening for Appropriate Assessment of the project, it was concluded that a Stage 2 Appropriate Assessment (production of an NIS) is not necessary.</p>	<p>No</p>
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	<p>No, refer to question 2.1 above. An Ecological Assessment found no evidence of protected, rare or threatened mammal species.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No. A Visual Impact Assessment was carried out and the quarry is visible from a number of viewpoints. Planting and restoration works will integrate the development during operation and at the close of operations, the Landscape and Restoration Plan refers</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected</p>	<p>No other such resources not already outlined by the submitted AA Screening Report are on or close to the site.</p>	<p>No</p>

by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?		
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Site is not located within a flood zone. Un-named stream, drainage ditch, in the vicinity of the site. Hydrological Assessment has been submitted and shows that there will no impacts to surrounding surface or groundwater resources. A Water Discharge Licence may be required but has not yet been applied for, WP-02-12 refers.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No evidence of these risks. A Geotechnical Assessment sets out the criteria for quarry establishment of stand-offs, gradient of overburden, working/final face heights, bench width and working face angle.	No
2.7 Are there any key transport routes (e.g. National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	A local country road L5007 links with the R280, not traffic concerns are noted.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	Site adjoins upland and farmland areas with minimal residential development. Nature of development such that would not negatively affect these uses.	No
3. Any other factors that should be considered which could lead to environmental impacts		

3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No. There no similar developments in the vicinity of the site.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No
3.3 Are there any other relevant considerations?	No	No
C. CONCLUSION		
No real likelihood of significant effects on the environment.	✓	EIAR Not Required
Real likelihood of significant effects on the environment.		

D. MAIN REASONS AND CONSIDERATIONS
<p>Having regard to:</p> <p>(a) The nature and scale of the proposed development, at 3.49 Hectares which is significantly under the threshold in respect of Extractive Industry, part (b) Extraction of stone, gravel, sand or clay, where the area of extraction would be greater than 5 hectares,</p> <p>(b) The location of the site on lands that are currently occupied by a working quarry nearing exhaustion, and the existing pattern of development in the vicinity,</p> <p>(d) The location of the site outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended) and the absence of any relevant connectivity to any sensitive location,</p> <p>(e) the separation distance between the site and any known Archaeological Protection zone,</p> <p>(f) the guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and</p> <p>(g) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),</p> <p>it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report is not therefore required.</p>

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____