An Bord Pleanála

Inspector's Report

ABP-319143-24

Development	Extraction of rock comprising extension and deepening of the existing quarry; restoration of the site to biodiversity after use and all ancillary works. An Environmental Impact Assessment Report was submitted as part of the application.
Location	Aghamore Upper and Derreenavoggy townlands, Aughnacliffe, Co. Longford.
Planning Authority	Longford County Council
Planning Authority Reg. Ref.	2360023
Applicants	Lagan Materials Limited
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	First & Third Party
Appellants	Lagan Materials Limited, Damien Hetherton & others
Observer	Margaret McGivney.
Date of Site Inspection	30th January 2025.
Inspector	Dolores McCague

Contents

1.0 Site Location and Description

1.1.1. The site is located in the townlands of Derreenavoggy and Aghamore Upper, in the north-east Longford uplands on local road L-5081-0. The site is south west of the village of Aghnacliff, west of Lough Gowna, east of Drumlish, north of Edgeworthstown, north west of Granard and c. 12km northeast of Longford town, where an existing quarry, known as Aughnacliffe Quarry, is located.

1.1.2. The area is generally pasture land but there are also blocks of forestry.

1.1.3. The area where the outward extension of the quarry is proposed is agricultural land in pasture. It includes a two-storey dwelling and outbuildings, surrounded by groups of trees in two clusters, and fields bounded by hedgerows. It is currently accessed from a laneway, which extends from a cul-de-sac road to the west. A number of houses are scattered along this cul-de-sac road. North of the site a cul-de-sac road runs east-west; from the L-5081-0, one field away from the site at its nearest point. There are a number of dwellings along this roadway. One, accessed via a gated laneway at the end of the road, is sited on the boundary of the existing and proposed development. This is referred to as a holiday home in the details on file.

1.1.4. Although the land is elevated, its visibility from surrounding roads is restricted by hedgerows. Spoil heaps can be seen in limited views. From the road to the north, the heap is now vegetated and therefore less visible. From the road to the west, the heap is not vegetated, but is some distance back from the road.

1.1.5. The existing quarry includes a long narrow excavation with rock faces to either side. It runs in an east-west direction. The western end of the site where quarrying is currently taking place is narrow on its north-south axis. Within the existing quarry site there are mounds which are made up of stored product (some labelled ‘dust’) and unusable material to the west, south and east. An asphalt plant (surrounded by mounds of material), a weighbridge, workshop, offices, car park and entrance (set back from the roadway), occupy the eastern portion.

1.1.6. The ground levels as given range from c.162mAOD at the quarry entrance to c.141mAOD in the quarry floor.

1.1.7. The site is given as c. 36.8ha.

2.0 Proposed Development

2.1.1. The proposal is for the extraction of rock over an area of c.14.2ha comprising a lateral southerly extension to, and deepening of the existing quarry to a final depth of c.114mAOD, the construction of internal haul roads, earthen screening bunds and storage landforms, the demolition of farm outbuildings (c.126sqm), the restoration of the site to biodiversity after use primarily in the form of a waterbody, and all ancillary works within an overall application area of c.36.8ha. The planning application is accompanied by an Environmental Impact Assessment Report (EIAR).

2.1.2. The applicant has indicated that the designs have been prepared following geological site investigation works, in the form of a programme of borehole drilling. The results of the drilling have been used to determine the depth, quality and extent of the greywacke mineral resource. To date mineral extraction at the quarry has extended to a depth c.141mAOD and the quarry sump, in the eastern part of the quarry void, has a water level of c.140mAOD. Mineral Extraction at the site is ongoing in the western part of the void in accordance with the extant planning permission. Workings to date have resulted in 2 faces, split by a bench at c.155mAOD. The quarry floor is accessed via a ramp located to the south of the quarry sump.

2.1.3. The application is accompanied by an Environmental Impact Assessment Report, with appendices. and an Appropriate Assessment Screening, Report.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority (PA) decided to grant permission, subject to 18 conditions, including:

1 Compliance with documents and the parent application PL07/831.

2 Twenty five year life. Full restoration no later than end of 2052.

3 Roads Section requirements

No traffic access on Local Road L-5081-0 northwards to L-1036

A special development contribution to Longford County Council of €150,000 towards the improvement of the L-5081-0

4 Environmental - Resource and Waste Management Plan (RWMP)

That all proposed environmental mitigation measures are implemented fully.

Activities shall be restricted to the quarrying, processing, haulage and storage of quarry material, manufacture of readymix concrete and importation / storage of sand for use in concrete manufacture.

Noise Control Measures

5 Dust Control Measures

6 Blasting Control Measures

7 Water Pollution Control Measures

8 Waste Management

9 Environmental Monitoring Programme

10 Restoration and Aftercare of the Site

11 Inland Fisheries Ireland to be contacted prior to commencement.

12 Wheel washing

13 Operational hours.

14 Existing land or road drainage shall not be adversely affected.

15 No discharge of contaminated or wash water unless under licence.

16 a special contribution under section 48 (2)(c) of €150,000 in respect of the strengthening and improvement of the road network in the vicinity of the site, and as detailed prior in Condition 3 (2).

17 Development Contribution €113,600

18 The decision was in accordance with the planning recommendation.

3.2. **Planning Authority Reports**

3.2.1. Planning Report

3.2.2. There are two planning reports on the file. The first dated 26th June 2023, recommending further information on 5 points, which issued, includes:

- The site is c. 36.8ha in size, with c.22ha of the site comprised of the existing quarry and associated overburden storage and landscaping areas. The remainder of the site (c.15ha), located to the south of the existing quarry void, is comprised of lands in agricultural use. A cluster of farm buildings, is located inside the southern boundary.
- Ground levels range from c.162mAOD at the quarry entrance to c.141mAOD at the quarry floor. Previous overburden landforms are located at the eastern and western ends of the quarry void and have become vegetated and greened.
- The eastern end of the quarry is used for the stockpiling of processed materials, with extraction works currently focussed in the western part of the quarry.
- Levels across the southern part of the site (the undeveloped agricultural lands) range from 159mAOD along the eastern boundary and 165mAOD along the western boundary, rising to c.178mAOD in the central part of the extension land.
- The site will be worked in a phased manner with extraction progressing southwards and then eastwards from the existing quarry void. The phased extraction will see the gradual extension of the quarry void southwards and then eastwards. As the quarry gradually extends laterally, the disturbed footprint will be periodically deepened.
- The underlaying bedrock will be extracted via drill and blast methodology as is the current, approved practice at the quarry. The mineral won will be processed at the quarry face by the use of mobile crushing and screening plant to produce a range of aggregates. The aggregate products will be stockpiled on the quarry floor, prior to being sold and transported off-site by HGV, or used in the manufacturing plants on site. Water at the site will

continue to be managed via the established water management practices which are currently employed at the quarry. This process involves the accumulation of surface water in the quarry sump. The water is then pumped to a settlement pond prior to being discharged offsite into the local drainage network. This process is licenced by Longford Co Co under Effluent Discharge Licence Ref WP 02/20. The location and dimensions of the sump will depend on the configuration of specific working at any one time. It is anticipated that it will be c. 2-3m below the depth of quarry floor at any time.

- Following the cessation of mineral extraction at the site and the exhaustion of permitted reserves, the associated management of water via dewatering will cease and groundwater levels will rebound with a water body (lake) formed within the quarry void. The site will top out and drain naturally to the existing low point at the northeast corner of the landholding, adjacent to the Site entrance, where the water will be released at the consented discharge point and follow the same route as is currently employed: a field ditch, which flows in a north-easterly direction to join Aghamore Stream. The level of the water in the void will rest at approximately 160mAOD but will fluctuate with the seasonal variations of the water table, providing new margins at the lake's edge all year round.
- The EcIA has established the ecological baseline at the site at Aughnacliffe Quarry, County Longford, and has examined whether, in view of best scientific knowledge and applying the precautionary principle, the proposal either individually, or in combination with other plans or projects, may have impacts on ecological receptors, including designated sites, habitats and protected species. The particularly sensitive ecological receptors at this site include the presence of breeding birds (including the Annex I listed species peregrine and red-listed species kestrel), roosting bats (including a small Natterer's bat roost and a single, unidentified bat roost), and breeding smooth newt. Subsequent to implementing all of the recommended mitigation provided in the report, including the implementation of a restoration plan upon cessation of works, the majority of adverse impacts, potentially posed by the proposal, will be negated, with the exception of the loss of a small area of poor fen and flush habitat of significance at a local level.

- Due to the overall height of the quarry faces exceeding 30m, the quarry will be subject to a bi-annual Geo-Technical. Assessment as required by the Safety, Health and Welfare at Work (Quarries) Regulations 2008 to monitor geotechnical aspects of the quarry and ensure compliance with the regulations and continued best practice.
- The final radius of influence of dewatering drawdown is estimated at c.140 m. All water supplies sit outside this radius. Therefore, it is considered that the proposed development will cause no derogation in the yield of local water supplies.

  Climate

- Day to day activities being undertaken at the site which will include the extraction and processing of rock, production of concrete and asphalt products and transport of material internally and off-site to market. Vehicles and plant associated with these activities will give rise to C02 and N20 emissions. The potential for likely significant impacts on climate change due to greenhouse gas emissions are considered unlikely, given the scale and nature of the proposals. The only potential for direct and indirect climate change impacts from the proposed development is considered to be through the emissions resultant from vehicle movements associated with the development.
- Air Quality and Dust - a 'Slight Adverse Effect' at the nearest residential receptor located 400m from the proposed quarry extension site.
- The predicted noise levels at the noise sensitive receivers, due to the proposed mineral extraction site at Aughnacliffe Quarry, will meet the relevant site noise limits of 55 dB LAeq, 1 Hour - The Environmental Management Guidelines Environmental Management in the Extractive Industry (Non-Scheduled Minerals), Environmental Protection Agency (2006).

3.2.3. Other Technical Reports

3.2.4. Road Design, 21st June 2023 –

Condition - that the following section of Local Road is not to be used by traffic accessing or exiting the quarry site:

Local Road L-5081-0 between the entrance to the quarry site at Aughamore Upper and its junction with the L-1036 (Aughnacliffe to Ennybegs Road) at Fostragh.

The applicant shall be conditioned to pay a special development contribution to Longford County Council of €150,000 towards the improvement of the L-5081-0 between the Quarry Entrance and its junction with the L-0151 at Molly. This special contribution is required for the following improvement works which will be necessary as a result of the increased heavy traffic generated by this development on this section of roadway:

Provision of passing bays or localised road widening,

Edge strengthening works.

3.2.5. Environmental Section, 24th June 2023 –

A list of conditions, under the headings: General, Noise Control Measures, Dust Control Measures, Blasting Control Measures, Water Pollution Control Measures, Waste Management, Environmental Monitoring Programme, Restoration and Aftercare of the Site, is reflected in the conditions included in the decision to grant planning permission.

3.3. Further Information

Request

3.3.1. A further information request issued 26th June 2023 on five points.

Noting that the EIAR screening report submitted lacks adequate detail in its assessment of baseline data in relation to: surface water drainage, impact on the adjacent water source and mitigation measures, on any impact that may arise as a result of the proposed development, both individual and cumulative; and that the Planning Authority is not satisfied that there is sufficient information on file to carry out a full assessment in respect of the proposed development.

1. Life span for the proposed development; information to justify the life span for the proposed works as submitted; clarify the aggregate reserves available throughout the entire site in order to clarify the potential extraction rate and

duration. The phasing plan should be aligned with the proposed life-span, showing the proposed progression of extraction across the site.

2. A restoration plan has been submitted as part of the EIAR, submit a time frame for completion.
3. Respond to the Health Service Executive issues:

   no meaningful public consultation with the nearest sensitive receptors or with the local community.

   mitigation measures outlined in Chapter 7. In addition:

   Monitoring should be undertaken outside of 'daytime' hours.

   Noise monitoring will continue to be undertaken around the site. Noise monitoring locations will be reviewed and revised where and when necessary.

   Monitoring of blasts (both for ground borne vibration and air overpressure) has been and will continue to be carried out at the site. The blast monitoring results will continue to be submitted on a regular basis to Longford County Council for record purposes.

   All mobile plant used at the development will have noise emission levels that comply with the limiting levels defined in EC Directive 86/662/EEC and any subsequent amendments.

   Access / internal haul roads should be kept clean and maintained in a good state of repair, i.e., any potholes are filled, and large bumps removed, to avoid unwanted rattle and "bodyslap" from heavy goods vehicles. Corrective action should be included in the Environmental Management Plan if exceedances of permitted limits are recorded.

They recommend, although the planning application includes for the 'restoration of the site to a mixture of woodland vegetation' on completion of extraction, no exact details or landscaping and full detailed restoration plans are included in the EIAR. There are some drawing maps provided which do not give great detail on the restoration process or full detailed plans. There is no approx. timelines nor is there great detail on the process. The

Environmental Management Plan should lay out how the retained habitats will be protected during extraction; how continued management is undertaken post restoration and how the results are monitored to allow management revisions as necessary. This monitoring should be undertaken for the first 5 years after restoration. They recommend a full Site Restoration Plan, which includes a timeframe for undertaking restoration work.

A quarry lake is planned post restoration, to minimise the risk of future water safety issues, consideration be given to an alternative restoration plan for the quarry void involving filling the void and restoring it to agricultural use or as a public amenity. There have been many accidents/drownings in relation to disused and old Quarries and safety of the public must be a consideration.

4. The Department of Housing, Local Government and Heritage requires further information to be submitted in order to fully assess the application as set out:

   It is noted that the proposed development is large in scale. Given the scale and extent of the proposed development it could impact on subsurface archaeological remains. In line with national policy, see Section 3.6 of the Frameworks and Principles for the Protection of the Archaeological Heritage 1999, the Department recommends that an Archaeological Impact Assessment, as outlined below, should be prepared to assess any impact on archaeological remains within the proposed development site. This assessment should be submitted as Further Information.

   Archaeological Investigations:

   a. The applicant is required to engage the services of a suitably qualified archaeologist to carry out an archaeological assessment of the development site.

5. Respond to third party submissions, specifically the proposed/existing hours of use, the possibility of night time and weekend operational hours, proximity to the quarry boundary, additional wells identified and the impact of the proposed development on residential amenity in the area.

Response

3.3.2. A response to the Further Information Request was received, 8th December 2023.

It includes a letter responding item by item to the request, an Archaeological Geophysical Survey prepared by AOC Archaeology Group; and an Archaeological Impact Assessment prepared by Archer Heritage Planning Ltd.

Further Reports

3.3.3. Reports following response to the Further Information Request

3.3.4. The second planning report, dated 31st January 2024, recommending permission includes:

3.3.5. Noting the response to the further information request:

> Re. item 1 - It is confirmed that the proposed development plans have been prepared with cognisance to the reserves remaining within the site. The proposed development designs therefore include remaining reserves at the quarry. At the point when the planning permission is anticipated to be implemented, the development, as shown in the proposed quarry development plans, will release some 6.7MT of saleable mineral. Based upon an extraction rate of up 270,000tpa (matching that currently permitted at the quarry), this would deliver a reserve life of 24.8 years. As such, a period of extraction for 25 years is sought, with an additional 2 years to complete restoration of the site.
>
> This is a prediction only and the above stated tonnages and timescales can be influenced by a range of economic factors.
>
> Re. item 2 - The restoration will be progressive wherever possible. By the end of phase 2 of the proposed development, the outer slopes of the screening bund and overburden landforms will be finished with topsoil and seeded / planted with species specified on the Landscape Restoration Concept drawing submitted as part of the planning application package.
>
> By the end of Phase 3, all the work associated with the placement of overburden in the area to the west of the quarry void will have been completed and planted with Species Rich Neutral Grassland Nurse Mix as specified on the Landscape Restoration Concept drawing. By the end of Phase 4, all the work associated with the placement of overburden in the area

to the south east of the quarry void will have been completed and planted with Species Rich Neutral Grassland Nurse Mix, hedgerow and gorse and thorn scrub as specified on the Landscape Restoration Concept drawing. The areas of progressive restoration for each phase of the proposed development are shown on the submitted drawings. Following the completion of mineral extraction, full restoration will be completed within 2 years. Given the timescales predictions provided above in response to item1, it is anticipated that the site will be fully restored by 2052.

Re. item 3 - The proposed development comprises an extension to a long-established quarry that has been in existence at this location for several decades. There is no intensification of operations proposed. There are few residential receptors in the environs. Site management engage regularly with local residents. The public notice is referred to.

The Applicant confirms agreement to monitoring etc.

The restoration of the site will include security measures to prevent unauthorised entry to the site by the public. The infilling of the quarry void to secure a dry restoration would require the importation of significant quantities of fill materials, which could only commence once the quarry void was worked out. The environmental considerations associated with such an activity would need to be specifically assessed in an Environmental Impact Assessment Report as part of an application for licence which would be required from the EPA.

The importation of significant quantities of fill materials after all quarry extraction had ceased would materially extend the lifetime of operations and would fail to deliver the biodiversity benefits as proposed in the restoration plan. A question also arises as to whether sufficient volumes of fill materials would be available in the locality to facilitate a dry restoration scheme. Given the same, the restoration proposals as submitted, are considered most appropriate in this instance.

Re. item 4 - Dr.Charles Mount appointed AOC Archaeology to undertake a geophysical survey of the site, which was completed in September 2023. The geophysical survey identified 11 anomalies. Following receipt of the

geophysical report, Dr. Mount appointed Maeve McCormick of Archer Heritage Planning to complete a programme of test excavations at the site, after an excavation licence was obtained. The excavation licence (No. 23E0982) was obtained in November 2023, and the programme of test excavations was commenced shortly thereafter. A total of 39 trenches measuring c.1941 linear metres (3882 sq. m) were excavated at the site. Each trench was inspected for archaeological remains and all trenches were reinstated on completion. Nothing of archaeological significance was uncovered during test excavations. As nothing of archaeological heritage significance has been identified within the application area, no effects on archaeological heritage have been identified. As there are no effects on archaeological heritage no further works in the application area are recommended. A copy of the report was submitted as part of the further information response.

Re. item 5:

A number of the submissions make reference to the potential impacts upon private water supplies.

The final radius of influence of dewatering drawdown from the proposed development is estimated at c.140 m. All water supplies sit outside this radius. Therefore, it is confirmed that the proposed development will cause no derogation in the yield of local water supplies. In any event local abstractions will be safeguarded against quarry-related impact by the range of mitigation measures as proposed within the Hydrological and Hydrogeological Impact Assessment (H&HIA). Furthermore, over the course of the proposed development, the existing piezometer network at the quarry will provide sufficient coverage for groundwater level and quality monitoring to check that there is no risk of impact at local water supplies. Given the above, the proposed development is not considered to result in any adverse impacts upon local water supplies.

A number of third-party submissions make reference to impacts associated with blasting. It is proposed that quarrying will continue to be undertaken in the same approved manner, as is currently practised at the quarry, via drill

and blasting. Residents within 500m of the quarry are provided with advance written notification (2-3 days) of the intention to blast.

All blasts carried out at the quarry are monitored at sensitive receptors by an independent contractor for peak particle velocity (PPV) and air overpressure (AOP). No exceedances of the limits set out in the planning permission (PPV 12mm/sec & AOP 125dB (Lin max peak)) have been recorded during any of the blasting events undertaken during Breedon's period of ownership of the quarry. The results of the blast monitoring are held on site and can be made available to the planning authority, upon request. Given the above, the proposed development is not considered to result in any adverse impacts upon local sensitive receptors in terms of impacts related to blasting.

A number of third-party submissions make reference to impacts associated with ecology.

The EcIA details how the assessment has been informed by a significant survey effort at the site between April and August 2022. All surveys were carried out in accordance with best practice guidance and to appropriate standards.

Where impacts are identified, this has been assessed and mitigation measures proposed to avoid, reduce and remedy the ecological impacts identified. It can be demonstrated that the development will meet the legal requirements relating to habitats and species and will not result in any significant effects upon the environment.

Re. the quality of the mineral proposed to be extracted at the site, from investigation work undertaken in Summer 2022, the applicant has satisfied itself of the quantity and quality of the mineral and its suitability for use in quarry products and aggregates produced at the site.

Re. impacts associated with the use of the concrete plant at the site. The plant was granted planning permission by Longford Co. Co. under reference 22/79 but has not been constructed to date. Impacts associated with the plant operating in combination with the proposed development have been considered within the EIAR. Impacts associated with the storage shed, currently the subject of an appeal are considered to have been adequately assessed within the EIAR.

Re. traffic - no intensification above the permitted levels of traffic movements is proposed. Vehicles will continue to utilise the existing entrance and egress at the quarry and following the same haulage routes, with c.75% utilising the northern route to the R198 and 25% utilising the southern route to the R194.

Re. impacts associated with the operation of the Asphalt Plant authorised under Planning Ref. 92/11962. An air emissions licence is also in place (Licence ref. AEL 01/08). Condition no.3 of planning ref. 07/831 makes provision to seek written approval to operate outside permitted working hours in exceptional circumstances. Such approval is sought from Longford County Council occasionally, with the most recent approval received on 15th November 2023.

The proposed development does not seek any intensification over and above that permitted at the quarry, instead it seeks to secure additional mineral resources so that the quarry may continue to provide the significant economic benefits currently generated as a result of permitted activities and processes at the site.

3.3.6. An existing quarry was permitted under PL07-831 which gave planning permission for development consequent to the provisions of Section 261 of the Planning and Development Act, 2000. The Section 261 Registration Number of the subject site was Longford County Council QY/02 and the development consists of the continuation of quarrying activities over an area of 11.8 ha. The development also consists of the retention and continuation of quarrying activities over an area of 10.9 ha.

3.3.7. The planning authority is satisfied that the proposed development as outlined in the EIAR will not have a significant negative environmental impact on the receiving environment and the surrounding lands

3.3.8. Development Contributions - Area for quarrying and associated works is indicated as being 14.2 hectares. Levied under Table 2 Class E (a) @ €800 per 0.1 hectares of site area subject to a minimum charge of €8,120 Therefore 14.2 hectares = 142 x 0.1 hectares = 142 x €800 = €113,600 Total= €113,600.

3.4. **Prescribed Bodies**

3.4.1. Department of Agriculture, Food and the Marine:

The EIA (Agriculture) Regulations (S.I.456 of 2011 as amended) requires screening to be submitted to DAFM in certain instances. The EIAR document mentions removal of hedgerows and where hedgerows are removed on agricultural land this may require screening to be submitted to DAFM. In addition the Wildlife Act restricts the cutting, grubbing, burning or destruction by other means of vegetation growing on uncultivated land or in hedges or ditches during the nesting and breeding season for birds and wildlife, from 1st March to 31st August.

3.4.2. Department of Housing, Local Government and Heritage:

Recommending requesting further information: It is noted that the proposed development is large in scale. Given the scale and extent of the proposed development it could impact on subsurface archaeological remains.

3.4.3. Health Service Executive – Recommending requesting further information:

- no reference to meaningful public consultation with the nearest sensitive receptors or with the local community.

- mitigation measures outlined in Chapter 7 should be included as conditions. In addition:

  Monitoring should be undertaken outside of ‘daytime’ hours.

  Noise monitoring will continue to be undertaken around the site. Noise monitoring locations will be reviewed and revised where and as/when necessary.

  Monitoring of blasts (both for ground borne vibration and air overpressure) has been and will continue to be carried out at the site. The blast monitoring results will continue to be submitted on a regular basis to Longford County Council for record purposes.

  All mobile plant used at the development will have noise emission levels that comply with the limiting levels defined in EC Directive 86/662/EEC and any subsequent amendments.

  Access / internal haul roads should be kept clean and maintained in a good state of repair, i.e., any potholes are filled, and large bumps removed, to avoid unwanted rattle and “bodyslap” from heavy goods

vehicles. Corrective action should be included in the Environmental Management Plan if exceedances of permitted limits are recorded.

- They also recommend additional dust reduction measures, such as:

  Minimise drop heights when handling dry or fine materials during windy weather materials.

  Minimise drop heights when handling wet material during low wind speeds, protection from wind where possible.

  Use of water sprays / tractor & bowser to moisten surfaces during dry weather.

  Minimise distances of onsite haul routes where possible.

  Restrict vehicle speeds through signage / staff training.

  Locate of haul routes away from sensitive receptors.

  Material stockpiling provided with adequate protection from the wind

  Use of road sweeper to reduce the amount of available material for resuspension.

- They also recommend, although the planning application includes for the 'restoration of the site to a mixture of woodland vegetation' on completion of extraction, no exact details or landscaping and full detailed restoration plans are included in the EIAR. There are some drawing maps provided which do not give great detail on the restoration process or full detailed plans. There is no approx. timelines nor is there great detail on the process. The Environmental Management Plan should lay out how the retained habitats will be protected during extraction; how continued management is undertaken post restoration and how the results are monitored to allow management revisions as necessary. This monitoring should be undertaken for the first 5 years after restoration. They recommend a full Site Restoration Plan, which includes a timeframe for undertaking restoration work.

- A quarry lake is planned post restoration, to minimise the risk of future water safety issues, consideration be given to an alternative restoration plan for the quarry void involving filling the void and restoring it to agricultural use or as a public

amenity. There have been many accidents/drownings in relation to disused and old Quarries and safety of the public must be a consideration.

3.4.4. An Taisce – All issues of compliance with existing permission Ref. 07/831 should be resolved with as a preliminary matter.

3.5. Third Party Observations

3.5.1. Third party observations on the file have been read and noted. Issues raised include:

Objector and his family live 400m from the quarry and if the quarry is permitted, he will be only 100m from the quarry boundary, his concerns include: the position of the proposed concrete plant – this will add to noise, dust and traffic; the use of the proposed shed – do they intend to store the imported chips there as it may contribute further to the dust problem.

As objector's house is 500m away she doesn't get notice of blasting. She wishes to be advised when it is going to be.

Objector and his family live 290m from the quarry and if the quarry is permitted he will be only 110m from the quarry boundary, he feels his property and way of life is under threat, the proposed extension of the quarry may affect his well.

Objector and his family live 310m from the quarry and if the quarry is permitted he will be only 10m from the quarry boundary.

Lack of response to complaints to the environment section of the council regarding the use of the quarry.

Damage from quarry blasting. Cracking on house etc. The size of the last blast of 23.281 (kg) tonnes of explosives which is nearly three times the quantity used in other local quarries, the vibration was 8.00 mm/sec at objector's house; the Longford County Council limit is 12 mm/sec.

96,000 tonnes was blasted which is nearly 3 times the quantity blasted in other local quarries (Moyne, Rhyne). They question the amount of explosives used.

No notification of last blast was given and no monitoring was put in place,

The hours or work are far beyond those indicated by the developer. Lorries on roads from 5.30/6am as the quarry operates from 5.30. The tar plant starts at 5 am and

when overlaying on roads is being done, they continue to operate until midnight. Noise and light pollution.

Increased quarry traffic and noise. Heavy traffic passes north on a narrow road and across a bridge which is a protected structure. A section of the road to Molly Cross is on high bank peat bog which is cracking. The lorries are 10 wheelers and should not be on narrow roads where there are children and adults walking and cycling.

Other roads besides local road L-5081-0 are impacted. The roads from Molly towards Ballinalee and Molly to Aughnacliffe Village need to be addressed and possible speed restrictions put in place.

Lorries pull in at objector's house as this is where the road narrows.

Objector's well, 260ft underground, stopped working as rocks collapsed on the pump. It is working again.

The Applicant's comment that the mains water supply is only 130m away from them is incorrect, the water supply that comes up objector's lane is a private service and if they wish to connect to an IW public main, it is 1079m away. IW quoted them €230 / m to lay this water main which is €248,170. They also have a well on the boundary with Lagan to the north of the quarry which their cattle use**,** which also supplies a dwelling at this location, wrongly referred to as an abandoned house**.** There are two more dwelling houses in Aghamore Upper with wells that were never surveyed:

Impact of windblown sand from the quarry.

Derrynavoggy water catchment flows into the Camlin River and onwards to the River Shannon. It contains freshwater crayfish and stone loach which are protected.

The EclA has identified sensitive ecological receptors which will be affected.

Objector queries is it a viable quarry when it has to strip 30m of overburden; with boreholes containing Brown Shale and Red Mudstone. What is the big picture for a quarry with poor rock and very poor public road infrastructure.

The unauthorised asphalt plant should be applied for.

Photos include Aghamore bridge which is a protected structure.

Impact on ecology: breeding birds Annex 1 peregrine and red species kestrel; Natterers bat roost and unidentified bat roost; breeding smooth newt; beech grove around existing house.

What is the development contribution to be used for.

4.0 Planning History

317088, PA Reg Ref 22-195 – an appeal against the planning authority's decision to grant planning permission for development consisting of the installation of an aggregate storage shed (area 902 m²) and partial realignment of existing private laneway, within an application area of c. 0.2ha, at the existing quarry landholding; the Board granted planning permission.

22-79 - Planning permission granted for the installation and operation of a readymix concrete batching plant and all ancillary works within an application area of c. 0.25 hectares.

07-831 - Planning permission granted for development consequent to the provisions of Section 261 of the Planning and Development Act, 2000.. The development consists of the continuation of quarrying activities over an area of 11.8 ha. The development also consists of the retention and continuation of quarrying activities over an area of 10.9 ha. Estimated remaining extractive life of about 10 years where annual production rates will be in the order of approx. 270,000 tonnes per annum. The floor of the quarry will be deepened by at least one additional bench to about 107mAOD. Condition no 12 - extraction area - no further extraction of rock material shall take place within a 10m wide buffer zone along the quarry site boundary with any adjoining lands or property.

07-12 – Planning permission granted for a second vehicular access and attendant gate, intended for use in tandem with the existing vehicular access to create a one way traffic system.

06-836 - Application for development consequent to the provisions of Section 261 of the Planning & Development Act 2000, Registration No. QY/02, for the continuation of extraction from the existing quarry void, given as withdrawn on the Council's e-planning.

97-13844 – Planning permission granted for an extension to quarry.

96-13327 – Planning permission granted for a quarry development, subject to 6 conditions including:

1 - The developer shall confine his development so that the nearest dwelling shall be at least 200m from it;

3 - the developer shall ensure that the maximum charge weight in blasting shall be such that: peak particle velocity in the direction of any dwelling shall not exceed 10mm / sec; the airblast overpressure at any dwelling shall not exceed 128 dBL; the noise from general quarrying operations shall not exceed 55 dBA (decibels absolute);

4 - the operator shall submit a plan of his proposals to abate dust nuisance to the satisfaction of the planning authority before any work commences;

6 - On the cessation of the work by the developer, the worked out area shall be clay levelled, clay filled and landscaped. Details of phasing the works and programming of finals restoration and landscaping of the area shall be submitted to the planning authority for approval before any work commences.

92-11962 – Planning permission granted for concrete batching plant and tar batching plant.

90-11384 - Planning permission granted for workshop, offices and ancillary site works.

90-11223 - Planning permission granted for quarry development.

PP2658 - Pre-planning meeting, 13th October 2022 - quantity of material extracted is not likely to exceed the 270k tonnes limits.

5.0 Policy Context

5.1. Climate Action and Low Carbon Development (Amendment) Act, 2021

This establishes a framework to develop the transition towards a low carbon economy.

5.2. Climate Action and Low Carbon Development Act 2015

Section 15 requires a relevant body to have regard to the approved national mitigation plan, adaptation framework and sectoral adaptation plans, national transition objectives, and the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the state.

5.3. Climate Action Plan (CAP) 2023 - Changing Ireland for the Better

This update includes:

As technology and construction are constantly evolving, policy and regulation will continue to change, setting high standards and targets in relation to construction and materials, to ensure that we can achieve a climate neutral built environment by 2050.

5.4. Climate Action Plan (CAP) 2024

Long-term decarbonisation of the built environment will also require us to address the wider impact of emissions associated with production, construction and demolition.

5.5. Construction Products Regulation (CPR)

5.5.1. This EU legislation came into force on 7 January 2025. The updated 2011 legislation defines key performance areas, includes harmonized CE marking rules. It mandates that Member States enforce safety and environmental requirements. It sets standardized safety, performance, and environmental impact requirements for construction products across the EU. It will enhance sustainability by integrating environmental considerations into performance declarations, advancing the EU's climate-neutral objectives.

5.6. National Waste Management Plan for a Circular Economy 2024-2030

5.6.1. Circular Economy Action Plan identifies C&D waste as a key value product chain through a number of future initiatives (such as the Construction Product Regulation108 and Renovation Wave109). It is planned to introduce material

recovery targets set in EU legislation for C&D waste and its material specific fractions.

Targeted Policies:

TP14.4 PA14.4 (EPA/LGS) Support the provision of treatment capacity for non-hazardous construction and demolition waste streams (in particular soils, fines, rubble and concrete).

5.7. Environmental Management in the Extractive Industry (Non-Scheduled Minerals) EPA 2006

Environmental Limit Values (ELVs)

ELVs for dust - total dust deposition (soluble and insoluble): 350 mg/m^2/day (when averaged over a 30-day period).

ELVs for noise: at the nearest noise-sensitive receptor: Daytime: 08:00–20:00 h LAeq (1 h) = 55 dBA, Night-time: 20:00–08:00 h LAeq (1 h) = 45 dBA.

It is also appropriate to permit higher noise ELVs for short-term temporary activities such as construction of screening bunds, etc., where these activities will result in a considerable environmental benefit.

Vibration and air overpressure - In relation to blasting activities within quarry development, it is recommended that the following vibration and air overpressure ELVs are adopted and applied at the nearest vibration and air overpressure sensitive location (e.g. a residential property):

Ground-borne vibration: Peak particle velocity = 12 mm/s, measured in any of the three mutually orthogonal directions at the receiving location (for vibration with a frequency of less than 40 Hz).

Air overpressure: 125 dB (linear maximum peak value), with a 95% confidence limit.

It is recommended that quarry operators provide advance notification of blasting to nearby residents through use of written notes, signage at site entrance, telephone, or warning sirens (or a combination of these methods)

5.8. **Guidance Note for Noise in Relation to Scheduled Activities, EPA 2006**

Potential Blasting Impacts

At quarries or mines where blasting occurs once per week or less the vibration levels from blasting should not exceed a peak particle velocity [1](PPV) of 12 mm/s, measured in any three mutually orthogonal directions at a receiving location. For more frequent blasting the peak particle velocity should not exceed 8 mm/s. These levels are for low frequency vibration, i.e. less than 40 Hz. However, when the frequency of vibration is less than 10 Hz the peak particle velocity should not exceed 8 mm/s. [i]

Human beings are known to be very sensitive to vibration, the threshold of perception being typically in the PPV range of 0.15 – 0.3 mm/s, at frequencies between 8 Hz and 80 Hz for continuous vibrations, and 0.5 – 1.5 mm/s in the case of impulsive vibrations from blasting operations. Vibration nuisance may be associated with the assumption that, if vibrations can be felt, then damage is inevitable; however, considerably greater levels of vibration are required to cause damage to buildings and structures.

Blasting should not generally give rise to air overpressure[2] values at sensitive locations which are in excess of 125 dB (Lin)max peak. The imposition of an absolute air overpressure limit can be impractical however, because of the effects of varied atmospheric conditions or minor changes in the blast design. The best type of regulatory control may be to include a specified limit, but to express this as a 90 – 95th percentile value of all monitoring results. This would permit some leeway for a small number of individual measurements.

---

[1]Peak Particle Velocity (PPV) - The maximum instantaneous velocity of a particle at a point during a given time interval. It is the unit which is usually used to assess vibration in relation to activities involving blasting. PPV correlates well with the degree of human perception to vibration, and with damage to property. The propagation of motion may be defined in terms of three mutually perpendicular components and these are generally measured simultaneously. The particle velocity will vary from zero to a maximum value - the peak particle velocity – which is expressed as millimetres per second (mm/s).

[2] Air Overpressure - Whenever explosives are detonated airborne waves or air overpressure is invariably generated. These pressure waves will consist of energy over a wide range of frequencies, some of which are audible and are known as sound or noise waves, but most of which are at frequencies that are below the audible range (20 Hz) and are known as concussion. Air overpressure is expressed as dB (Lin).
From - glossary to Guidance Note for Noise In Relation to Scheduled Activities.

Local residents and property owners in the vicinity of blasting operations may sometimes be concerned about the possibility of long term structural damage to their buildings. These concerns can be allayed to some extent if the operator has a good public relations policy and responds quickly and decisively to any complaints or queries received. In this respect, a well co-ordinated and regular blasting schedule, a proactive communications procedure, an open invitation to review all monitoring data on site, and a regular review of the blast design may be incorporated into the blasting procedures on site.

5.9. **Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4, January 2016**)

BS 522825 provides guidance on the control of noise from construction and open sites

5.10. **Quarries and Ancillary Activities Guidelines for Planning Authorities, 2004 Department of the Environment, Heritage and Local Government**

Times of operation: The duration of quarrying operations (other than blasting, which needs separate controls may require to be controlled in order to protect the amenities of residential properties in the area. It is recommended that normal operations should be confined to the hours between 07.00 and 18.00, Monday to Friday inclusive (excluding Bank Holidays) or as may be agreed with the planning authority, and between 07.00 and 14.00 on Saturdays, with no quarrying, processing or associated activities being permitted on Sundays or public holidays. Where market conditions or the nature of particular ancillary processes (such as concrete batch manufacture) would require greater flexibility of working hours, it is imperative that such flexibility be discussed with the planning authority at the pre-application stage, and addressed in the planning application.

Control of noise: Noise-sensitive uses in the vicinity of a quarry, such as dwellings, schools, hospitals, places of worship or areas of high amenity, require that the amount of noise be minimised. The sensitivity to noise is usually greater at night-time (20.00 to 08.00) than during the day, by about 10 dB(A). Many quarries are situated in areas of low background noise and it is appropriate to consider this when setting noise limits. In general, it can be expected that complaints will result where the noise

from quarrying and associated activities are between 5 to 10 dB above the background noise levels. In areas of higher background noise levels, the EPA recommends that ideally, if the total noise level from all sources is taken into account, the noise level at sensitive locations should not exceed a Laeq (1 hour) of 55 dB(A) by daytime and a Laeq (15 minutes) of 45 dB(A) by nightime. Audible tonal or impulsive components in noise emissions (e.g. the reversing siren on a lorry, required for safety reasons) can be particularly intrusive, and such components should be minimised at any noise-sensitive location. It may be necessary to raise the noise limits to allow temporary but exceptionally noisy phases in the extraction process, or for short-term construction activity which cannot meet the limits set for routine operations, e.g. the construction of baffle mounds, which bring long-term environmental benefits.

Control of dust: Total dust deposition (soluble and insoluble): 350 milligram per square metre per day (when averaged over a 30-day period).

Control of blasting: Nearby residents (e.g. within 500 metres) need to be given advance notice when blasting operations are due to take place, which should only be carried out between 09.00 and 18.00 hours, Monday to Friday (except in emergencies or for health and safety reasons beyond the control of the developer). Similarly, such residents should be given the “all clear” signal by means of sirens or other agreed measures when blasting has been completed.

The EPA recommends that to avoid any risk of damage to properties in the vicinity of a quarry, the vibration levels from blasting should not exceed a peak particle velocity of 12 millimetres per second as measured at a receiving location when blasting occurs at a frequency of once per week or less. In the rare event of more frequent blasting, the peak particle velocity should not exceed 8 millimetres per second. The nature of the underlying rock can influence the way blast vibrations are transmitted through the ground to locations outside the site, so it is important that such information be submitted with the planning application where relevant.

Blast noise is characterised by containing a large proportion of its energy within a frequency that is below the normal hearing range and is therefore termed ‘air overpressure’. The EPA recommends that blasting should not give rise to air

overpressure values at the nearest occupied dwelling in excess of 125 dB(Lin)max. peak with a 95% confidence limit.

The developer should carry out blast monitoring (groundborne vibration and air overpressure) for each blast. The monitoring locations should be as agreed within the planning authority and shall be established prior to the commencement of blasting. The results should be reported to the planning authority on a regular agreed basis. Groundborne vibration levels measured at the nearest occupied dwelling should not exceed the specified limit values; 95% of all air overpressure levels measured at the nearest occupied dwelling shall conform to the specified limit value. No individual air overpressure value should exceed the limit value by more than 5 dB(Lin).

5.11. Quarries (Explosives) Regulations, 1971

These regulations make provision for the storage, care, issue, transport and use of explosives in quarries. They regulate the duties of quarry managers and other persons involved in blasting operations and in firing explosives. They prescribe the type of equipment to be used and the safety measures to be adopted in using this equipment.

5.12. Guidance on the Safe Use of Explosives in Quarries,

Doc. No 1396/2/01 EN 19 June 2001, Adopted by the Safety and Health Commission on 12 December 2002.

The operator's key responsibility regarding the use of explosives, as in relation to other risks, is to ensure that the work is properly managed, planned, co-ordinated and supervised. This is the case whether shotfiring operations are undertaken by a quarry worker or by a specialist-blasting contractor.

The operating procedures need to cover arrangements including for:

the direct personal notification of local residents who may be affected.

5.13. **Regional Spatial and Economic Strategy for the Eastern and Midlands Regional Assembly 2019-2031**

It's vision is to create a sustainable and competitive Region that supports the health and wellbeing of our people and places, from urban to rural, with access to quality housing, travel and employment opportunities for all; with goals aligned to the UN Sustainable Development Goals.

It's 3 Key Principles are:

Healthy Placemaking - to promote people's quality of life through the creation of healthy and attractive places to live, work, visit, invest and study in;

Climate Action - the need to enhance climate resilience and to accelerate a transition to a low carbon society recognising the role of natural capital and ecosystem services in achieving this. and

Economic Opportunity - to create the right conditions and opportunities for the Region to realise sustainable economic growth and quality jobs that ensure a good living standard for all.

5.14. **National Biodiversity Action Plan**

This is Ireland's 4th National Biodiversity Action Plan (NBAP), which is aligned with the Global Biodiversity Framework. It includes objectives, targets and outcomes. Each Objective contains a series of Outcomes that describe the changes that will occur if Actions are achieved.

Objectives are:

1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity.

2 - Meet Urgent Conservation and Restoration Needs,

3 - Secure Nature's Contribution to People,

4 - Enhance the Evidence Base for Action on Biodiversity,

5 - Strengthen Ireland's Contribution to International Biodiversity Initiatives.

Under objective 3 it states that Ireland's planning system has an important role in safeguarding biodiversity by ensuring that new development is sustainable and does not have a negative impact on the environment.

Outcomes under this objective include:

3A: Ireland's natural heritage and biocultural diversity is recognised, valued, enhanced and promoted in policy and practice.

3C: 'Planning and development will facilitate and secure biodiversity's contributions to people'. Actions under this heading include that all Public Authorities and private sector bodies move towards no net loss of biodiversity through strategies, planning, mitigation measures, appropriate offsetting and/or investment in Blue-Green infrastructure.

5.15. Development Plan

5.15.1. Longford County Development Plan 2021–2027 is the operative plan. Relevant provisions include:

Development Management Standards – Extractive Industry DMS16.175-16.180.

DMS16.180 - A special contribution levy may be required from the developer towards the cost of upgrading or repairing the local roads serving the quarry and to minimise adverse impacts of associated quarry operations on the road network.

Bonds or levies will be required by the Council as a condition of any planning permission granted to ensure satisfactory reinstatement on completion of extraction. Also the Council will require the payment of a contribution towards the cost of road improvement and reinstatement works necessitated by permitted developments. Aggregate development usually results in steep rock faces and a flooded pit. With reasonable and economic design, these can become valuable local habitats and even recreational amenities. Sand and gravel workings on the other hand can easily be restored to agricultural use. However, post closure uses must have regard to the likely land use context at the time of closure. Allowing rehabilitation of quarry faces to take place parallel to extraction operations and providing planting on earth mounds at quarry entrances, significantly reduces visual impacts while allowing for ecological and habitat recovery. Road reinstatement should also be ongoing during operations, rather than after the site has been exhausted.

Extractive Industry

The suitability of any extraction enterprise shall be assessed on the basis of the sensitivity of the local environment to such impacts, the scale of the development proposed and the capacity of the road network in the area to accommodate associated traffic. The Council will endeavour to ensure that those extractions which would result in a reduction of the visual amenity of areas of high amenity or damage to designated areas of scientific importance or of geological, ecological and other natural significance including all designated European Sites shall not be permitted.

Worked out quarries shall be rehabilitated to a use agreed with the Planning Authority, which could include recreational, amenity and end-of-life uses.

It is the County Policy Objective to:

CPO 9.39 Recognise the role and facilitate the exploitation of County Longford's natural aggregate resources in a manner which does not unduly impinge on the environmental quality and the visual and residential amenity of an area, while continuing to regulate the extraction of aggregates and to seek the delivery of environmental benefits in the form of sustainable habitat creation in conjunction with the restoration phases of development.

The site is in Landscape Unit 2 – Northern Upland which has medium to high landscape sensitivity.

CPO 9.40 Facilitate the sourcing of aggregates for and the operation of the extractive industry in suitable locations, subject to the protection of landscape, environment, road network, heritage, visual quality and amenity of the area.

CPO 9.41 Ensure that development for aggregate extraction, processing and associated concrete production does not significantly impact the following:

Existing and Candidate European Sites,

Existing and proposed Natural Heritage Areas,

Other areas of importance for the conservation of flora and fauna and biodiversity value,

Zones of archaeological potential,

Important aquifers and sensitive groundwater resources,

The vicinity of a recorded monument,

Sensitive landscape areas,

Established rights of way and walking routes.

CPO 9.43 Ensure that extraction activities address key environmental, amenity, traffic and social impacts and details of rehabilitation. In the assessment of planning applications for new development, intensification of use or diversification of activity, the Council will have regard to the nature of the proposal, the scale of activity proposed, the impact on the adjoining road network, the effect on the environment including important groundwater and aquifer sources, natural drainage patterns and surface water systems and the likely effects that any proposed extractive industry may have on the existing landscape and amenities of the county, including public rights of way and walking routes.

CPO 9.44 Ensure that all extractions shall be subjected to landscaping requirements and that worked out quarries should be rehabilitated to a use agreed with the Planning Authority which could include recreational, biodiversity, amenity or other end-of-life uses. The use of these rehabilitated sites shall be limited to inert waste and sites shall be authorised under the appropriate waste regulations.

5.16. **Natural Heritage Designations**

5.16.1. The nearest Natura sites are L Kinale and Derragh Lough SPA (site code 004061), to the south east, and L Forbes Complex SAC (site code 001818). to the south west. Located in excess of 15km straight line distance from the site (c22km straight line distance).

5.16.2. The nearest protected site is Louth Gowna pNHA (site code 000992) located c 3.5km straight line distance to the east and downstream of the subject site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. **First Party**

6.1.2. A first party appeal against decisions has been submitted Lagan Materials Limited. The appeal is against conditions 14 - operating hours; and 3 and 17 - special contribution of €150,000.

Condition 14

6.1.3. As confirmed at section 4.6 of the EIAR, the site hours of operation will be in accordance with an extant permission 07/831 – 0700-1800 Monday to Friday; 0700-1300 Saturdays.

6.1.4. Condition 14 states – 0800-1800 Monday to Friday; 0800-1200 Saturdays.

6.1.5. There will be no working on Sundays or public holidays. From time to time, working may need to occur outside of these hours, for example in the event of an emergency or plant and machinery breakdown. The PA's permission is sought for temporary periods when working outside of these hours.

6.1.6. As detailed throughout the EIAR the proposed development will result in a continuation of the approved activities undertaken at the site.

6.1.7. The extant hours of operation are standard industry timings and therefore the reduced hours of operation as stated in Condition 14 would result in an unfair burden upon the applicant. The Board's attention is drawn to the EPA's Guidance note issued in 2016, whereby the commencement of daytime hours at 07.00 is identified. The Board's attention is drawn to condition no. 2 of the recent planning permission for the operation of a ready mix concrete batching plant, (Ref 22/79), which states operation hours as 0700-1800 Monday to Friday and 0700-1300 Saturdays, to remain consistent with 07/831.

6.1.8. Noise limits suggested in the Noise Impact Assessment (NIA) – not exceed 55dB(A) Leq over a continuous one hour period between 0700-1800 Monday to Friday and 0700-1300 Saturdays when measured at any noise sensitive receptor. Sound levels shall not exceed 45dB(A) Leq at any other time.

6.1.9. A CadnaA noise prediction model has been prepared to predict and assess a worst-case noise level that will occur due to the proposed mineral extraction and associated activities at the site. The modelling shows that predicted noise levels at the noise sensitive receptors, due to the proposed extraction, will meet the relevant site limits of 55dB(A) Leq, 1 hour.

6.1.10. The Environment Section had no objection subject to conditions which refer to normal operating hours. The normal operating hours are 0700-1800 Monday to Friday and 0700-1300 Saturdays. No justification is given in the planner's report to the altered working hours.

6.1.11. Conditions 3 and 17 – both refer to a special contribution of €150,000; therefore duplication.

Condition 3) 1) The following section of Local Road is not to be used by traffic accessing or exiting the quarry site: Local Road L-5081-0 between the entrance to the quarry site at Aughamore Upper and its junction with the L-1036 (Aughnacliffe to Ennybegs Road) at Fostragh.

The applicant/developer shall include this stipulation as a condition in all haulage, transport or construction contracts made.

The applicant shall pay a special development contribution to Longford County Council of €150,000 towards the improvement of the L-5081-0 between the Quarry Entrance and its junction with the L-0151 at Molly. This special contribution is required for the following improvement works which will be necessary as a result of the increased heavy traffic generated by this development on this section of roadway.

Provision of passing bays or localised road widening.

Edge strengthening works.

Reason: In the interests of traffic safety and in order to protect these roads and the private property entrances and set back frontages from damage by heavily laden trucks / commercial vehicles.

Condition 17) The developer shall pay the sum of €150,000, (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, as amended, in respect of the strengthening and improvement of the road network in the vicinity of the site, and as detailed prior in Condition 3 (2). 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.

6.1.12. Section 48 (12) of the Planning and Development Act 2000 states:

Where payment of a special contribution is required in accordance with subsection (2) (c), the following provisions shall apply—

a) the condition shall specify the particular works carried out, or proposed to be carried out, by any local authority to which the contribution relates

b) where the works in question

are not commenced within 5 years of the date of payment to the authority of the contribution,

(ii) have commenced, but have not been completed within 7 years of the date of payment to the authority of the contribution, or

(iii) where the local authority decides not to proceed with the proposed works or part thereof

the contribution shall, subject to *paragraph (c)*, be refunded to the applicant together with any interest that may have accrued over the period while held by the local authority.

6.1.13. The Development Management Guidelines for Planning Authorities at section 7.12 states:

Finally 'special' contribution requirements in respect of a particular development may be imposed under section 48(2)(c) of the Planning Act where specific exceptional costs not covered by a scheme are incurred by a local authority in the provision of public infrastructure and facilities which benefit the proposed development. A condition requiring a special contribution must be amenable to implementation under the terms of section 48(12) of the Planning Act; therefore it is essential that the basis for the calculation of the contribution should be explained in the planning decision. This means that it will be necessary to identify the nature/scope of works, the expenditure involved and the basis for the calculation, including how it is apportioned to the particular development. Circumstances which might warrant the attachment of a special contribution condition would include where the costs are incurred directly as a result of, or in order to facilitate, the development in question and are properly

attributable to it. Where the benefit deriving from the particular infrastructure or facility is more widespread (e.g. extends to other lands in the vicinity) consideration should be given to adopting a revised development contribution scheme or, as provided for in the Planning Act, adopting a separate development contribution scheme for the relevant geographical area. Conditions requiring the payment of special contributions may be the subject of appeal.

6.1.14. The Development Contributions Guidelines for Planning Authorities states:

Special Development Contributions

A special development contribution may be imposed under section 48(2)(c) where specific exceptional costs, which are not covered by the general contribution scheme, are incurred by a local authority in the provision of public infrastructure or facilities which benefit very specific requirements for the proposed development, such as a new road junction or the relocation of piped services. The particular works should be specified in the condition. Only developments that will benefit from the public infrastructure or facility in question should be liable to pay the development contribution.

Sec 48(2)(c) states that it shall specify the particular works carried out, or proposed to be carried out, by any local authority to which the contribution relates.

The statement that the contribution will provide for provision of passing bays or localised road widening and edge strengthening works along the L-5081-0 between the quarry entrance and its junction with the L-0151 at Molly, fails to sufficiently specify the particular works to be carried out. The distance between the quarry entrance and its junction with the L-0151 at Molly is c1.6km. No specifics are provided.

It would be impossible to fulfil the terms of Sec 48(12) which would allow reimbursement of some or part of the contribution by reference to the fraction of works carried out by the PA.

The PA have not set out how the contribution sum of €150,000 is apportioned to the particular development, as required by the guidelines.

6.1.15. The Longford Contribution Scheme:

Note C: Collection of Contributions

1. It is intended that the collection of development contributions will be assigned and collected for each of the MD areas and used for each area.

2. The Development contributions collected as defined in Table 2 categories A-K – will be divided according to the following categories Roads 50%, Community and amenities 20%, Surface water drainage 15% and Climate change (adaptation and mitigation) 15%.

6.1.16. Re. double charging the Development Contributions Guidelines for Planning Authorities, states:

The practice of 'double charging' is inconsistent with both the primary objective of levying development contributions and with the spirit of capturing 'planning gain' in an equitable manner. Authorities are reminded that any development contribution already levied and paid in respect of a given development should be deducted from the subsequent charge so as to reflect that this development had already made a contribution.

Given that 50% of the €113,600 general development contribution will be going towards roads, they consider that the special development contribution would be a duplication.

6.1.17. **Third Parties**

6.1.18. A third party appeal against the planning authority's decision to grant permission has been submitted.

6.1.19. An appeal has been submitted on behalf of Damien Hetherton (N39CC61), Bernard Reilly (N39N2Y2) and John Reilly (N39HF54). It includes:

6.1.20. There are seven residential dwellings located within a 500m radius of the quarry.

The quarry remained closed for a period of at least 10 years and only re-opened in 2011.

They own lands adjoining and also reside adjacent.

They have complained to the Council of impact and in particular damage to their homes but there was no investigation.

The asphalt plant operates sometimes from a 5am start and until midnight. Noise and lights impact on their residential amenities. The extra traffic on the roads adds noise and dust disturbance.

Quarries-and-Ancillary-Activities Guidelines

If the development is permitted and proceeds, its day-to-day operations will affect the lives of adjoining communities, perhaps for many years.

It is important, therefore, that quarry owners and operators understand these concerns and seek to address them from the outset.

Consultation helps local people to understand how the proposed development will affect them, and how the developer will operate to the highest possible environmental standards. Adoption of a formal “good neighbour” policy by quarry owners and operators is essential to win the support of the community for the continued operation or expansion of existing quarries, and for any future plans for the development of new quarries.

The appointing a specific staff member to deal with queries and complaints from neighbours. All complaints should be logged and followed up. Larger quarry developments should consider the establishment of Environmental Monitoring Committees, especially where there are likely to be significant effects on local communities arising from the quarry and/or ancillary processing facilities;

Further information was sought. The applicant was not asked to re-advertise despite significant further information being submitted. It should have been re-advertised to give the appellants an opportunity to make further submissions.

They endured a significant rock blast on the 2nd May 2023 and no prior notice was given. This is in contravention of condition 6 subsections (v) and (vi) of Reg Ref 07/831 which state:

> (v) Advance warning of each proposed blasting to consist of a minimum 24-hour pre-blast leaflet drop shall be given to all households within a 500 metre radius of the quarry face. Residents shall also be given the “all-clear” signal by means of sirens or other measure when blasting has been completed.
>
> (vi) All blasting operations shall be carried out in consultation with all owners / occupiers within 200m of the site giving them one weeks notice of the intent to

blast. All such operations shall be monitored by the applicant for vibration and noise at all dwelling houses within 200m of the site.

Despite numerous complaints to the Council there were no consequences for the quarry operator.

6.1.21. Damien Hetherton made a complaint directly to the quarry regarding significant damage to the floors of his residence. The quarry manager visited the property to examine the damage but no offer for damages was made. John Reilly suffered damage – cracks in his gable wall, which he set out in his objection to the Council.

6.1.22. Bernard Reilly, lives only 290m from the quarry at present. The extension is only 110m from his house.

6.1.23. Damien Hetherton lives 400m from the quarry at present. The extension is only 100m from his house.

6.1.24. John Reilly lives 310m from the quarry at present. The extension is only 10m from his house. He has suffered damage to his property in the form of cracks on his gable.

6.1.25. They are concerned that the lack of due care, for local residents, by the quarry owner, will continue. The quarry operator has contravened condition of planning reg reg 07/831 with respect of blasting and they are of the opinion that the operator will continue to ignore planning conditions.

6.1.26. There seems to be no assessment of residential amenities in the planner's report. They accept that there is an operational quarry with planning permission on their doorstep but they oppose a quarry in closer proximity with an operational period of 25 years. In addition to these life changing circumstances, their houses will be devalued.

6.1.27. The appeal addresses:

6.1.28. <u>Proximity to adjacent residential properties vis-à-vis Residential Amenity Impacts</u> - The extension is south west towards their homes and landholdings. They will see impacts from rock blasting, drilling and crushing closer to their homes.

6.1.29. They already endure impact of noise and vibrations from blasting. This fundamental issue has not been considered.

6.1.30. Section 9.3.7 of the Longford County Development Plan 2021–2027 is referred to and that the development contravenes these provisions.

6.1.31. Use of Asphalt Plant outside of permitted hours – the plant can start at 5 am and operate until midnight of the following night. The operation of the plant causes noise and dust. These are also a consequence of the HGV's exporting material off site and importing material to the site. Chip for the asphalt plant has to be imported. The adjacent public roads are not wide enough to accommodate the HGV's. It should be located in a quarry where the raw materials are quarried on site.

6.1.32. The conditions of the permission allow for operation outside normal hours in exceptional circumstances, with the written agreement of the Planning Authority. This extension of normal hours of operation was applied for on one occasion and granted for 2 days only. However the quarry operates outside of the permitted hours on a regular bases, without consent.

6.1.33. The appellants are frustrated by the lack of enforcement. They suggest that the quarry operator appoints a specific staff member to deal with queries and complaints, per the Quarries and Ancillary Activities Guidelines. All complaints should be logged and followed up. An Environmental Monitoring Committee should be established as there are ongoing significant effects on the local community arising from the quarry operation.

6.1.34. Noise and Dust Emissions – these form the principal impacts on the residential amenity of adjacent properties. They welcome the noise limits imposed. They welcome the reduced working hours. They have concerns that the operator will not comply and that measures need to put in place to compel compliance.

6.1.35. They are concerned about the impact of dust deposition on their farmland. One landowner intends to plant forestry and is concerned that dust may impact on growth rate.

6.1.36. Traffic Generation and Traffic Hazard – trip generation is as a consequence of: exportation of aggregate from the site; importation of aggregate to the site to produce asphalt. The material quarried from the site is not suitable material for the asphalt plant. In the future, if the concrete batching plant as permitted under planning reg ref 22/79 is developed, this will result in importation of sand into the site and the exportation of concrete from the site.

6.1.37. It is stated that there will be no intensification of permitted levels of traffic, based on an extraction rate of 270,000 tonnes of material per annum. This is as per Reg Ref 07/831. In response to the further information request it is stated that there is an estimated 6.7 million tonnes of saleable material in the quarry. At the rate of 270,000 tpa it will take 24.8 years to exhaust the quarry. Therefore the traffic assessment only takes into account aggregate taken from the quarry and does not take into account the traffic generated by the asphalt plant and potentially the batching plant. The road, measuring just 3.6m at some points, is inadequate. The imposition of the haulage route (condition 2) and the special development contribution are welcomed. It is considered that the figure of €150,000 would not be sufficient to carry out required works, including passing bays, and repairs to the road over a period of 25 years. They consider that the proposed development will result in traffic hazard and congestion which will impact on existing road users including pedestrians in the local area.

6.1.38. Impact to Surface and Groundwater –

6.1.39. Surface water – it is stated in the documentation that there are already water quality protection measures in place. The process involves the accumulation of surface water in a quarry sump. The water is then pumped to a settlement pond prior to being discharged off-site into the local drainage network via a field ditch (effluent discharge Licence Ref WP 02/20), which flows in a north-easterly direction to join Aghamore Stream, which then joins the Aghnacliff Stream and flows into Lough Gowna. Lough Gowna NHA is hydraulically connected to Lough Oughter SPA / SAC.

6.1.40. The author of the AA Screening Report states that there is an Effluent Discharge Licence and that there will be no impact on these designated site as a result of this license. The license was issued on 23rd October 2020 and had a lifespan of 3 years. It therefore expired on the 22nd October 2023, prior to the decision. The direct hydrological connection to Lough Oughter should have required Stage 2 AA and the submission of a NIS.

6.1.41. Groundwater – the appellants are concerned about dewatering of the quarry and impact on their private wells.

6.1.42. Bernard Reilly is only 110m from the proposed development. He is concerned about dewatering of the quarry and impact on his private well which he uses for domestic

purposes. He also has another well within his landholding and a house which is used as a holiday home; described as being derelict in the application. If these wells are non-viable he will need to connect to a mains supply which is 1079m from his house and further from the holiday home. Uisce Éireann has quoted him €230 per m for connection.

6.1.43. While condition no. 8 is welcomed, the appellant needs further assurances that the quarry operator will deal with loss of well water in a timely manner and bear the costs. A reworded condition is suggested:

> That the developer shall bear the costs associated with the replacement of private water supplies, serving properties in the vicinity, which are materially affected by the development and do so in a timely manner and act on same as soon as they are notified by the said property owner and certainly within 2 weeks of the loss of water supply.

6.1.44. A bond needs to be put in place to ensure compliance; of no less than €150,000.

6.1.45. There is another well located due south of the old house on the development site within a grove of trees which surrounds the house. This flows into the appellants lands where his cattle can drink. It forms the start of the Derreenavoggy stream which flows into the Camlin River and onto the Shannon. The River Shannon is a SAC and SPA. The hydrological connection should have prompted the preparation of a Stage 2 AA.

6.1.46. Loss of Biodiversity – including:

Loss of habitat for bat species.

Loss of habitat for two falcon species: annex 1 peregrine falcon and red listed kestrel.

Other red listed species observed: Grey Wagtail and Meadow Pipit.

Loss of wetland habitat which supports newts.

Loss of mature woodland and the habitat that they provide for nesting birds and other woodland species.

1..5 km of hedgerow and treeline habitat will be removed. 17ha of scrub/immature woodland and 2.4ha of wet grassland will be removed. The mitigation proposals rely on site rehabilitation.

There will be a significant loss of habitat which supports species protected under the Wildlife Act 1976 and the EU Habitats Directive.

6.1.47. Other Issues – there are no conditions requiring a bond. The Environment Section recommended a bond for rehabilitation works. A bond of at least €500,000 should be imposed.

6.1.48. They request that permission be refused. In the event of a grant they suggest conditions:

A bond to ensure site rehabilitation as proposed,

A bond to ensure site rehabilitation including construction and planting of berms to the south and west prior to quarrying,

A bond to ensure payment of costs if private water sources are impacted,

An Environmental Monitoring Committee, with the local community, to remedy any environmental and residential amenity impacts.

6.2. Applicant Response

6.2.1. The applicants have responded to the third party appeal. The response includes:

- Reference to the proposed development and the planning history.
- That Mr Nigel Bell was not an objector and therefore should not be named in the appeal, with reference to Section 37(1)(a) of the Act.
- They refer to the 6 grounds of appeal:

Proximity to Residential Properties

The EIAR prepared by competent experts, in various sections, including but not limited to: section 7 (Noise and Vibration) section 9 Landscape and Visual section, 10 Air Quality and Dust, it has been demonstrated that the proposed development will not result in any significant effects on the environment including in terms of impacts on nearby residential amenity.

A suitable buffer will be maintained between the area of proposed extraction and the nearest properties. The proposed development includes the construction of earthen screening bunds and other landforms in the area between the quarry void and nearest properties which will further attenuate noise and dust impacts within the quarry void. The quarry faces, when deepened, will provide a further attenuating effect. The best practice measures employed protect the surrounding environment. The appellant produces no evidence. The EIAR includes a range of technical assessments.

Longford Council Environment Section, the relevant reviewing specialists, have no objection.

Blasts carried out are monitored at sensitive receptors by an independent contractor for peak particle velocity (PPV) and air overpressure (AOP). No exceedances of the limits set out in the planning permission (PPV 12mm/sec and AOP 125dB (Lin max peak) have been recorded during any of the blasting events undertaken during Breedon's period of ownership of the quarry.

Residents within 500m are provided with advance written notification (2-3 days) of the intention to blast, the results of blast monitoring are held on-site. The EIAR concludes that the proposed development would not result in any significant effects on the environment arising from blasting. The planner's report is referred to. Given the separation distance, the proposed development would not result in any significant effects on the amenities of nearby residential properties.

<u>The Asphalt Plant</u>

- The grounds refers to the Asphalt Plant operating outside permitted hours.
- The Asphalt Plant benefits from its own planning permission Reg Ref 92/11962 and an air emissions licence (AEL 01/08). Condition 3 of 07/831 is quoted, including reference to exceptions, with approval from Longford County Council. The most recent such approval was received on15th November 2023.
- The proposed development is seeking to extend the existing quarry, therefore hours of operation established through separate procedure remain. Operating hours of the Asphalt Plant are not considered relevant to the subject application.

<u>Noise and Dust Emissions</u>

Given the separation distance, the screening bunds and landforms, the conclusions of the technical reports and the Environment Section's assessment it is reasonable to conclude that the proposed development would not result in any significant effects on the amenities of nearby residential properties

Traffic Generation and Traffic Hazard

- The proposed development seeks no intensification to the levels of traffic previously considered and found acceptable in the granting of planning permissions at the site. Vehicles will continue to use the existing entrance at the quarry. There are no associated impacts arising and there are no implications on the safety and or convenience of all road users. No additional downstream processing or production plant is proposed. The asphalt plant and recently permitted concrete batching plant benefit from their own standalone planning permissions. Road Design are satisfied, subject to conditions. The first party appeal is referred to. The proposed development would not result in any significant effects on the environment in terms of traffic impacts.

Impact to Surface and Groundwater

- The application provided an EIAR prepared by competent experts. Appendix 6.1 comprises a hydrological and hydrogeological impact assessment.

- The appeal references the expiry of the discharge licence for the site. The licence has not expired. There may be a misunderstanding of condition 6 of the licence which states:

This licence may be reviewed when the licensing authority has reasonable grounds to do so, on request of the licensee, or otherwise every three years. The processes approved by the discharge licence for achieving suitable water quality standards prior to discharge, continue to be undertaken and the requirements of the discharge licence continue to be met.

- The appeal references that an NIS is required due to the hydrological connection between the suite and designated sites. Hydrological connection via the Derreenavoggy Stream, Aghnacliffe Stream, and Aghamore Stream is accepted. The AA Screening Report confirms that while there is a hydrological connection significant effects on aquatic and water dependent habitats and species are not

expected as a result of the proposed works. This is due to the current water quality measures on site, the absence of a strong hydrological connection (slow moving minor ditch) and the considerable hydrological separation distances. The dilution factor is expected to dissipate any potential for water quality related effects on the designated sites and there is no potential for indirect effects.

- The conclusion of the AA Screening Report and the conclusion of Longford County Council's AA Screening Report are quoted.

- Re. groundwater, the hydrological and hydrogeological impact assessment describes how the hydraulic conductivity of the bedrock has been estimated using falling head test data collected from 5 no. piezometers. The radius of influence of drawdown from dewatering at the current void is estimated to equate to 60m and the final radius of influence of drawdown is estimated at 140m. The well at Mr Bernard Reilly's property is identified in the hydrological and hydrogeological impact assessment as well W2. Paragraph 2.9.2.4 is quoted. It refers to the well some 205m to the southwest of the deepest proposed sinking at the site, etc. Mr Reilly's well is outside the radius of influence. Any well at the holiday home would be over 275m form the proposed sinking at the site, and outside the radius of influence. All wells are outside the radius of influence.

- Water quality at local abstractions will be safeguarded against quarry – related impacts by the monitoring of groundwater levels and quality with the piezometer network providing sufficient coverage.

- Re. condition 8 which is accepted by the applicant, and the appellant's request that a bond be put in place, given that all supplies fall well outside the radius of influence of dewatering drawdown, and the piezometer network, it is considered that the risk to private water supplies is very low and the condition can be enforced, via normal planning enforcement, with no requirement for a bond.

- No well south of the old farm building was identified during site reconnaissance, but a direct hydrological connection does not preclude screening out for a NIS.

<u>Loss of Biodiversity</u>

- The EIAR includes an Ecological Impact Assessment (EcLA). The Assessment identifies important ecological features that may be affected, with reference to the

geographical context in which they are considered important. It then assesses whether important ecological features may be subject to potential impacts and characterises these impacts and their effects. It's conclusion is quoted.

- The proposed development is not considered to result in any significant effects on the environment in terms of biodiversity.

Re. the appellants request for a bond for completion in the sum of €500,000, condition 11 is quoted. The sum suggested by the appellant is unsubstantiated. Condition 11 is sufficient, with the appropriate sum to be agreed with the planning authority.

They conclude that all the grounds raised were adequately addressed in the application or are not relevant to the development proposed.

They request that the Board amend condition 14 and remove 3(a) and 17.

6.3. Planning Authority Response

6.3.1. The Planning Authority have responded to both appeals. The response includes:

6.3.2. Noting the operational hours in PL07/831, and the complaints from observers, the Planning Authority is prepared to accept the operational hours specified by the applicant.

6.3.3. Conditions no. 3 and no.17 which refer to a special development contribution, the identified road improvement is a specific road project designed to improve the local road and ensure road safety within the vicinity of the local quarry given the identified increase in vehicle activity within the local vicinity and the current state and status of the identified local road. The special development contribution has been detailed and designed to improve the immediate local road and improve road safety for quarry trucks and traffic and all other road users. No other funds are being sought in respect of the proposed development.

6.3.4. The section or road is approximately 1600m in length, from the quarry entrance to the junction at Molly. The road varies in width; max. width is approximately 5m. There is a straight section from the quarry towards Molly of about 1km. The design works allows for 6 passing bays along this section. Passing bays are assumed as

50m long, 2m wide at surface, and on the downhill side of the road, as this is opposite the overhead services.

6.3.5. Closer to Molly the road becomes curved horizontally and vertically. The design works allow for approximately 90m of hedge to be removed, infill with 804 (no road widening here to keep the sightline free). The overall cost estimate for design, land purchase, and construction is approximately €325,000. A breakdown of the estimate is provided as an appendix to the submission. They note that they did not seek a bond.

6.3.6. In response to the third party appeal, they consider that the 6 items referenced in the appeal were considered and addressed in the assessment of the application.

6.3.7. A revised schedule of conditions is provided based on the foregoing.

6.4. **Observations**

6.4.1. An observation has been received from Margaret McGivney, Aughacordrinan. It includes:

- She is looking to make sure her house is fitted with a monitor and that her well water is periodically tested. She doesn't have funds to monitor her well water.
- She states that she has written to Longford County Council for years and they refuse to acknowledge her grievance with the continued blasting at this quarry as well as the continued long hours of operation that the quarry continues to operate.

6.5. **Further Responses**

6.5.1. A third party response to the planning authority's response to the appeals has been submitted. It includes:

- The issues set out in the grounds were not properly addressed in the planning report.
- They are dismayed at the Council backtracking on condition no. 14. They fundamentally object to this.

- The asphalt plant starts as early as 5am and is often operated until midnight. The noise and floodlights have severe impacts on the appellants amenities. The extra traffic also adds to noise and dust and has traffic impacts. The Council have not enforced this breach of conditions re. opening hours (07/831). They were comforted by condition 14 and the backtracking is fundamentally unfair.
- They request that the development be refused and in the unfortunate event that it is granted the hours of operation should follow the hours in the decision of 1st February 2024.

6.5.2. The applicants have responded to the Planning Authority response to the appeals. The response includes:

They acknowledge the response to the appeal against condition 14.

They acknowledge the breakdown of the estimated costs for undertaking improvements to the L-5081-0 from the quarry entrance to the junction with the L-0151 at Molly.

- Response to the appeal against condition 14.

In response they state that:

They are content with the general requirement for Special Development Contributions (SDC's), when such a provision of public infrastructure or facilities which benefit specific requirements for the proposed development are specified and detailed at the appropriate stage of the process.

Contrary to guidance, to retrofit the scope of the works and the associated projected costs provides no confidence that the specific requirements of the development were ever actually considered. The revised costing provided is more than twice as much as the sum provided for in condition 17. This does nothing to bolster the credibility of the approach.

Given the legislative requirements they question the ability of the Council to provide the additional information at this stage. It should have accompanied the original drafting of conditions giving the applicant a full understanding and informed position as to whether or not to appeal. The intention of the process is not to require an

applicant to pay an appeal fee in order to determine the precise nature of improvements.

The accountability both of the decision to grant and upon delivery of the SDC's remain a concern. Without the detail and costing it is impossible to determine the validity or indeed if and when the improvements have been satisfactorily delivered.

The appellant remains unclear of the need for the SDC as it appears to be a duplication of the charges under the development contribution scheme. This position is reinforced as it is premised on the 'identified increase in vehicle activity within the local vicinity and the current state and status of the identified local road.'

The EIAR at Section 11.6 confirmed that the proposal does not seek to increase the volume of traffic flow. There is no intensification in highway's terms. Is the increase attributable to the project, or does it reflect a general baseline increase?

There will be no intensification, the development was deemed satisfactory by the Road's Section in their internal response of 21 June 2023. The introduction of the wording 'increased heavy traffic generated appears to be a function of the Council using standard condition wording associated with SDC.

The SDC runs counter to legislation.

They concur with the Council's response that all items raised in the third party appeal were appropriately covered in the EIAR.

7.0 Assessment

7.1.1. I consider that the main issues which arise in relation to this appeal are appropriate assessment screening, environmental impact assessment, the principle of the development, residential amenity, impact on biodiversity, protected species and habitats, surface water and groundwater, visual amenity, cultural heritage, climate impact, and development contributions and other issues, and the following assessment is dealt with under those headings.

7.2. Appropriate Assessment Screening

7.2.1. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site,

there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision.

7.2.2. An Appropriate Assessment Screening Report was submitted to the planning authority. This is supplemented by a Hydrological and Hydrogeological Impact Assessment (Appendix 6.1 of the EIAR), and an Ecological Impact Assessment (EcIA, Appendix 8.1 of the EIAR).

7.2.3. Screening for Appropriate Assessment has been carried out and is attached as appendix 3 to this Report.

7.3. Conclusions of Screening

7.3.1. It has been concluded that there is no potential for significant effects on the Qualifying Interests / Special Conservation Interests of any European Sites as a result of the proposed development. As a result of this finding, it is concluded that, in view of best scientific knowledge, there is no potential for the proposal to have any significant effect on any European Site either alone or in combination with any other proposal. There is therefore no requirement to progress to Stage 2 of the Appropriate Assessment process (or to require a Natura Impact Statement) in this case.

7.4. **Environmental Impact Assessment**

7.4.1. In accordance with the Planning and Development Regulations 2001 as amended, specifically Schedule 5, Part 2, item *2*.Extractive Industry, (b) ‘Extraction of stone, gravel, sand or clay, where the area of extraction would be greater than 5 hectares’, environmental impact assessment is required in this case, and an EIAR was submitted with the application. The Appropriate Assessment Screening Report is also relevant

7.4.2. I have carried out environmental impact assessment, which is included as appendix 4 of this report.

7.4.3. The EIAR complies with the Requirements of Article 94 and Schedule 6 of the Regulations 2001.

7.5. Reasoned Conclusion on the Significant Effects

Having regard to the examination of environmental information available, and in particular to the EIAR and supplementary information provided by the developer, and the submission from the planning authority, prescribed bodies, appellants, and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment with the implementation of the proposed migration measures are as follows;

- the impact of noise, vibration and dust on residential properties, which will not exceed the threshold limits set out in the Quarries and Ancillary Activities Guidelines for Planning Authorities.
- impact on the public road and other road users, which can be mitigated by road improvements.
- loss of biodiversity, including impact on protected species. The likelihood of unacceptable impact on bats, can be satisfactorily addressed by further recommended mitigation.

I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment.

7.6. The Principle of the Development

7.6.1. The Longford County Development 2021–2027 recognises the role and facilitates the exploitation of the county's natural aggregate resources, in a manner which does not unduly impinge on the environment, visual or residential amenities, landscape protection, heritage, social impacts or the road network; and with appropriate rehabilitation and landscaping. Subject to the necessary safeguards the proposed development is acceptable in principle.

7.7. Residential Amenity

7.7.1. Impact on amenities of residents is of concern to objectors to the planning authority, and is raised in the third party grounds of appeal and the observation. Issues raised in relation to negative impact on amenities of residents, include compliance with permission and hours of operation, concerns about noise, vibration and blasting, dust, and traffic on the local road.

Compliance with Permission, Development Plan and Hours of Operation:

7.7.2. There are concerns about the use of the Asphalt Plant outside of permitted hours. Noting that operation outside normal hours is allowed for in exceptional circumstances, with the written agreement of the Planning Authority, appellants state that the quarry operates outside of the permitted hours on a regular basis, without consent. Extension of normal hours of operation was applied for on one occasion and granted for 2 days only.

7.7.3. In response the applicant points out that the Asphalt Plant benefits from its own planning permission Reg Ref 92/11962 and an air emissions licence (AEL 01/08). Condition 3 of 07/831 refers to exceptions, with approval from Longford County Council. The most recent such approval was received on 15th November 2023.

7.7.4. Although section 35 of the Planning and Development Act 2000, as amended enables the Board to have regard to non-compliance with a previous permission, where there is a real and substantial risk that development if permitted would not be completed in accordance with permission, (and to refuse permission, on application to the High Court for such authorisation); non-compliance with permission is mainly a matter for enforcement by the planning authority. The alleged operation of the Asphalt Plant outside of permitted hours and the alleged lack of enforcement of relevant conditions should not be reasons to refuse or modify the proposed development.

7.7.5. Objectors are concerned at the proximity of the quarry to adjacent residential properties, with the extension bringing the quarry south west towards their homes and landholdings; and impacts from rock blasting, drilling and crushing, which they already endure, coming closer to their homes. Section 9.3.7 of the Longford County Development Plan 2021–2027 is referred to and they state that the development contravenes those provisions.

7.7.6. The policy objectives contained in the development plan under section 9.3.7 are included under the heading development plan earlier in this report. The proposed development does not contravene those provisions.

Noise and Vibration

7.7.7. Concern in relation to negative impact on nearby residential properties from noise from the operation of the quarry and from vibration caused by blasting are stated in the grounds of appeal. Related issues are the alleged breaches of existing permissions and perceived inadequate responses to complaints, including those made to the planning authority.

7.7.8. Noise and vibration are referred to in chapter 7 of the EIAR, , and in appendix 7.1 Noise Impact Assessment.

7.7.9. The Noise Impact Assessment refers to Emission Limit Values (ELVs):

• Daytime: 08:00–20:00 h LAeq (1 h) = 55 dB(A)

• Night-time: 20:00–08:00 h Laeq (1 h) = 45 dB(A)

which are stated in the EPA publication Environmental Management Guidelines Environmental Management in the Extractive Industry (Non-Scheduled Minerals) 2006, and the Quarries and Ancillary Activities Guidelines for Planning Authorities Environmental Management Guidelines.

It also refers to limits given in Condition 4 of Planning Reference Number 07/831:

55 dB(A) Leq, 1 hour over a continuous one-hour period between the hours of 08.00 and 20.00, when measured at all sensitive locations in the vicinity of the site; and

45 dB(A) Leq, 15 minutes at any other time.

It notes and accepts that some noisier intermittent and short-term activities such as overburden removal and noise bund construction will occur in the early stages of the development and during restoration works, especially in the final phase of the works when these noise levels will be exceeded. This is as distinct from normal operations.

Quarterly noise monitoring is undertaken at three locations along the boundary of the existing quarry site, Table 7.6: Quarterly Noise monitoring survey results 2021-present, this shows that noise emissions levels due to site activities at all noise monitoring locations are within the limit value of 55 dB Lar,T. The noise levels at N1 are impacted by passing traffic on the road.

Based on the relevant guidelines, the noise assessment indicates that the development must comply with a daytime noise limit of 55 dB LAeq, 1 hour from all

quarrying and related activities within the premises, when measured at 'noise sensitive locations'. A noise prediction model for the proposed extraction area has been conducted according to ISO 9613-2, 1996 Acoustics Attenuation of sound propagation outdoors and is based on actual measured sound power level data for the plant and equipment that will operate on the proposed extraction area. Levels will comply with guideline limits.

7.7.10. Blasting - Concern in relation to negative impact on nearby residential properties from vibration caused by blasting is stated in the grounds of appeal. Concerns raised in relation to blasting include: prior notification, the observer who lives in excess of 500m away wishes to be given notice. Appellants are concerned that the impacts they already experience from blasting will increase as the quarry extends closer to their homes.

7.7.11. The applicant states:

- That the existing conditions attached to the permitted operation will be complied with in relation to air overpressure.

- That the drill rig operations and blasting for the quarrying process will typically take place once per month. The preparatory drilling uses an air drill and compressor which will operate for approximately two days every month.

- Predicted noise levels from the proposed intermittent drill rig operations (worst-case) at the site, for the closest noise sensitive receivers to the south, are given in Table 7.8 of the report. All are within the noise limit threshold. Cumulatively, with the normal day to day operations at the site it will not add to the noise level experienced at the receiver locations.

- Table 7.9 gives the estimated blasting noise at various distances in the vicinity of the quarry. The report states that sensitive receivers within approximately 500m of the blasting site could be exposed to instantaneous noise levels of approximately 65 - 70 dB(A). However these blasts result in very short–term, instantaneous noise impact at all residential receivers in the vicinity of the quarry, and will not constitute a significant impact, as the blast monitoring results will be required to be within the limits prescribed by the DoEHLG in their relevant guidance.

- Noise and vibration impact in relation to the blasting will continue to be in compliance with the relevant limits: noise not to exceed 55 dB LAeq; vibration - Air Overpressure limit of 125 dB(L) and the Peak Particle Velocity Limit of 12 mm/s.

- Peak particle velocities and air-overpressure levels will be monitored during blasting to ensure results are less than the limits prescribed.

7.7.12. Blast Notification:

7.7.13. The Quarries and Ancillary Activities, Guidelines for Planning Authorities re. control of blasting states that notice should be given to nearby residents (e.g. within 500 metres). Condition no. 7 of the PA's decision requires consultation with all owners / occupiers within 200m of the site, giving them one weeks notice of the intention to blast; and a minimum 24-hour pre-blast leaflet drop to all households within a 500 metre radius of the quarry face.

7.7.14. Blast Air overpressure / Vibration

7.7.15. The EPA publication 'Guidance Note for Noise in Relation to Scheduled Activities', states that blasting should not give rise to air overpressure values at the nearest occupied dwelling in excess of 125 dB(Lin) max peak with a 95% confidence limit.

7.7.16. Condition 7 of the PA's decision applies a similar standard.

7.7.17. Chapter 7 of the EIAR states that the vibration monitoring results during existing blasting on site indicate compliance with the relevant Air Overpressure limit of 125 dB(L) and the Peak Particle Velocity Limit of 12 mm/s. The operator will continue to carry out blast monitoring (ground-borne vibration and air overpressure) for each blast and notes that the proposed development is not considered to have the potential to result in any significant effects upon human health in terms of noise or vibration.

7.8. Dust

7.8.1. Impacts from dust are of concern to appellants.

7.8.2. Dust Impact is referred to in Chapter 10 of the EIAR and appendix 10.1 Dust Impact Assessment Report.

7.8.3. Statutory standards exist for concentrations of suspended particulate matter (both PM10 and the PM2.5) under The Air Quality Standards Regulations 2011 (S.I. No. 180 of 2011):

PM10 Particles - Air Quality Objective - Annual mean 40 µg/m^3; 24 hour mean 50 µg/m^3 not to be exceeded more than 35 times a year.

PM2.5 Particles - Air Quality Objective - Annual mean 25 µg/m^3.

7.8.4. World Health Organisation (WHO) Global Air Quality Guidelines (AQGs) were released in September 2021. These provide clear evidence of the damage air pollution inflicts on human health, at even lower concentrations than previously understood. The guidelines recommend new air quality levels to protect the health of populations, by reducing levels of key air pollutants, some of which also contribute to climate change:

7.8.5. WHO AQGs:

PM10 Particles - Air Quality Objective - Annual mean 15 µg/m^3; 24 hour mean 45 µg/m^3.

PM2.5 Particles - Air Quality Objective - Annual mean 5 µg/m^3; 24 hour mean 15 µg/m^3 not to be exceeded more than 3-4 times a year.

High sensitivity receptor - locations where members of the public are exposed over a time period relevant to the air quality objective for PM10, (in the case of the 24-hour objectives, a relevant location would be one where individuals may be exposed for eight hours or more in a day), including residential properties.

7.8.6. The dust limits used in the assessment of dust levels from the proposed quarry extension are stated as:

> PM10 - 24 Hour Mean concentration limit = 50 µg/m^3 not to be exceeded more than 35 times a calendar year
>
> PM10 - Annual Mean concentration limit = 40 µg/m^3
>
> PM2.5 - Annual Mean concentration limit = 25 µg/m^3
>
> Dust Deposition Rate limit affecting sensitive ecological receptors = 1,000 mg/m^2 /day using a Bergerhoff gauge. (Ref. The Highways Agency, Design Manual for Roads and Bridges).

7.8.7. A basic classification of particles may be made into those that are easily deposited and those that remain suspended in the air for long periods. Deposited dust is usually the coarse fraction of particulates that causes dust annoyance. Suspended particulate matter is implicated more in exposure impacts. Particles with diameters >50 µm tend to be deposited quickly and particles of diameter <10 µm have an extremely low deposition rate in comparison.

7.8.8. Large particles (100 µm diameter) are likely to settle within 5-10m of their source under a typical mean wind speed of 4-5 m/s, and particles between 30-100 µm diameter are likely to settle within 100m of the source. Smaller particles, particularly those <10 µm in diameter, have a greater potential to have their settling rate impeded by atmospheric turbulence and to be transported further from their source. Dust emissions are exacerbated by dry weather and high wind speeds. Therefore, the dust deposition impact depends on the wind direction and the relative location of the dust source and receptor.

7.8.9. Baseline Dust Survey

7.8.10. Baseline conditions have been established in the following manner:

Analysis of dust deposition monitoring results in the vicinity of the site;

Analysis of background PM10 concentrations from the EPA;

Analysis of relevant meteorological data; and,

Identification of sensitive receptor locations.

7.8.11. A figure of 350 mg/m^2 /day (measured using Bergerhoff type dust deposit gauges per German Standard Method for determination of dust deposition rate, VDI 2119) is commonly applied to ensure that no nuisance effects will occur. The German TA Luft criteria for 'possible nuisance' and 'very likely nuisance' are 350mg/m^2/day and 650mg/m^2 /day, respectively.

7.8.12. Guidelines recommend that total dust deposition (soluble and insoluble) from activities on site shall not exceed a dust emission limit value (ELV) at site boundaries of '350mg/m^2 /day (when averaged over a 30-day period). Dust deposition rates of the samples collected from the monitoring locations during the period between 31st May 2021 and 2nd December 2022 show that average dust deposition rates at each monitoring location along the site boundary is well below the assessment limit.

7.8.13. The assessment states that ‘it is reasonable to suggest that there will be no change anticipated from the continuation of the associated asphalt plant operations at the quarry, i.e. existing potential dust sources which are highly controlled will remain the same. It is envisaged that the proposed continuation of use of the mobile processing plant together with the further deepening of the quarry development, in line with the environmental parameters previously assessed, will continue to be undertaken and will be environmentally acceptable’.

7.8.14. Table 10.7 provides a list of the 12 nearest sensitive receptor properties surrounding the planning application area, of which 9 are located within 400m of existing and proposed quarry operations. The nearest sensitive receptor property is located ~125m from the proposed quarry operations.

7.8.15. Table 10.14 gives dust disamenity effects at specific representative receptors. Overall, the proposed development is considered to have the potential to cause a ‘Slight Adverse Effect’ at the residential receptors in the surrounding area. Therefore, the overall effect is given as ‘not significant’, based on a consideration of the different magnitude of effects at individual receptors, and the number of receptors that would experience these different effects. The existing site dust management practices are stated to be appropriate to mitigate the potential impact.

7.8.16. Proposed dust mitigation measures are outlined for:

Operational Activities

Access Roads, Site Roads and Vehicles Loading Activities & Movements

Material Storage

Mineral Extraction

Monitoring & Reporting

7.8.17. Overall, the proposed development is considered to have the potential to cause a ‘Slight Adverse Effect’ at the nearest residential receptor, the overall effect is considered to be ‘not significant’.

7.9. Traffic

7.9.1. The impact of traffic is a concern expressed in the grounds of appeal. Appellants consider that the proposed development will result in traffic hazard and congestion which will impact on existing road users including pedestrians in the local area.

7.9.2. Traffic is dealt with in chapter 11 of the EIAR Traffic Generation and Traffic Hazard

7.9.3. The site will be accessed via the existing approved quarry entrance which is utilised by quarry traffic including HGV's. No intensification of operations is proposed as a result of the proposed operations and therefore no alteration to the existing quarry entrance is necessary. The existing access to the southern part of the site, via farm buildings located along the southern boundary of the site will be 'stopped up' and all access to the site will be via the existing quarry entrance.

7.9.4. Mineral is currently extracted at the quarry and transported from the quarry via Heavy Goods Vehicle (HGV) in accordance with the extant planning permission for the site (Reference 07/831). No intensification above the permitted levels of traffic movements is proposed.

7.9.5. The planning authority decision includes conditions to address traffic impact. Traffic to and from the quarry it to be routed southwards only. The planning authority intends to carry out improvements to the local road, as far as Molly crossroads to the south and have included a special contribution towards those improvement works.

7.9.6. The third party appeal includes:

Trip generation includes exportation of aggregate from the site and importation of aggregate to the site to produce asphalt. The material quarried from the site is not suitable material for the asphalt plant; in the future, if the concrete batching plant as permitted under planning reg ref 22/79 is developed, this will result in importation of sand into the site and the exportation of concrete from the site.

The statement that there will be no intensification of permitted levels of traffic, based on an extraction rate of 270,000 tonnes of material per annum; this is as per Reg Ref 07/831; in response to the further information request it is stated that there is an estimated 6.7 million tonnes of saleable material in the quarry; at the rate of 270,000 tonnes per annum it will take 24.8 years to exhaust the quarry.

Therefore the traffic assessment only takes into account aggregate taken from the quarry and does not take into account the traffic generated by the asphalt plant and potentially the batching plant.

The road measuring just 3.6m at some points is inadequate. The imposition of the haulage route (condition 2) and the special development contribution are welcomed.

It is considered that the figure of €150,000 would not be sufficient to carry out required works, including passing bays, and repairs to the road over a period of 25 years. They consider that the proposed development will result in traffic hazard and congestion which will impact on existing road users including pedestrians in the local area.

7.9.7. The appeal against the special development contribution is dealt with under separate heading.

7.9.8. Subject to the requirement for route control and road improvements, the planning authority consider the proposal acceptable.

7.9.9. I am satisfied that the proposed development will operate within guideline standards for dust, noise and vibration impacts. In relation to traffic impact, there is no reason to differ with the planning authority's assessment that the proposed development is acceptable subject to conditions. On balance, I consider that residential impact should not be a reason to refuse or modify the proposed development.

7.10. Biodiversity

7.10.1. Biodiversity is raised as a concern in the third party grounds of appeal.

7.10.2. Biodiversity is dealt with in chapter 8 of the EIAR – which refers to and summarises Appendix 8 Ecological Impact Assessment Report.

7.10.3. The Ecological Impact Assessment ('EcIA') submitted, with the application includes at table 10 a summary of nationally designated areas within 15km of the site, those with a hydrological / ecological connection and the potential for significant effects. (Natura sites are dealt with separately under the heading Appropriate Assessment Screening).

Site name and code	Summary of qualifying features	Distance from site	Hydrological connectivity with site?	Is there potential for significant effects
Cloonageeher Bog NHA [001423]	Peatlands [	c. 12.4 km west of site	No – There is an upstream hydrological connection with this site, which precludes a pathway for the	None.

			propagation of impacts.	
Rinn River NHA [000691]	Peatlands	c. 13 km west– direct distance	No – There is an upstream hydrological connection with this site, which precludes a pathway for the propagation of impacts.	None
Lough Kinale and Derragh Lough NHA [000985]	Peatlands Birds	c. 14.4 southeast – direct distance	No – There is no hydrological connection with this site.	None
Lough Forbes Complex pNHA [001818]		c.14.3 km southwest (direct distance) c. 32.5 km via watercourse.	Yes – there is a downstream hydrological connection with this pNHA via the Derreenavoggy Stream.	None. The current water quality measures on site, absence of a strong hydrological connection and assimilative capacity of the 32.5 km of intervening waters will preclude any hydrological impacts to this pNHA.
Lough Ree pNHA [000440]		c. 28.4 km southwest (direct distance) c. 49.5 km southwest via watercourse	Yes – there is a downstream hydrological connection with this pNHA via the Derreenavoggy Stream.	None. The current water quality measures on site, absence of a strong hydrological connection and assimilative capacity of the 49.5 km of intervening waters will preclude any hydrological impacts to this pNHA.

Lough Oughter And Associated Loughs pNHA [000007]		c. 19.1 km northeast (direct distance) c. 28.4 km northeast via watercourse	Yes – there is a downstream hydrological connection with this pNHA via the Aghnacliffe Stream and Aghamore Stream.	None. The current water quality measures on site, absence of a strong hydrological connection and assimilative capacity of the 28.4 km of intervening waters will preclude any hydrological impacts to this pNHA.
Lough Gowna pNHA [000992]	Habitat of ornithological importance.	c. 3.6 km east of site c. 5 km via watercourse	Yes – there is a downstream hydrological connection with this pNHA via the Aghnacliffe Stream and Aghamore Stream.	Yes. Due to the proximity of the site to the pNHA, and a direct surface water connection, there is considered to be potential for significant effects.
Lough Naback pNHA [001449]	Habitat of ornithological importance.	c. 8.2 km north of site	No - There is an upstream hydrological connection with this site, which precludes a pathway for the propagation of impacts.	None
Cordonaghy Bog pNHA [000978]	Peatlands	c. 10.5 km northeast of site	No - There is an upstream hydrological connection with this site, which precludes a pathway for the propagation of impacts.	None
Bruse Hill pNHA [000002]	Habitat of botanical importance	c. 13.5 km northeast of site	No – There is no hydrological connection with this site.	None

Ardagullion Bog pNHA [002069]	Peatlands	c. 12 km southeast of site	No - There is an upstream hydrological connection with this site, which precludes a pathway for the propagation of impacts.	None
Carrickglass Demesne pNHA [001822]	Broadleaved woodland habitat	c. 10.2 km southwest of site	No – There is no hydrological connection with this site.	None
Clooncoe Wood and Lough pNHA [000424]	Habitat of botanical importance	c. 13.1 km northwest of site	No - There is an upstream hydrological connection with this site, which precludes a pathway for the propagation of impacts.	None
Lough Rinn [001417] NHA	Habitat of ornithological and botanical importance	c. 13.2 km northwest of site	No - There is an upstream hydrological connection with this site, which precludes a pathway for the propagation of impacts.	None

7.10.4. Potential hydrological impacts are referred to in section 5.1.2 of the EclA which states that runoff will be collected in the quarry sump and, after settlement, will be directed to the consented discharge point where water quality is protected under the terms and conditions set by the Discharge Licence. As a result, it is considered that no waterbodies or adjacent habitats will be impacted from runoff or a deterioration in water quality as a result of the proposal. Therefore, notwithstanding the hydrological connection to Lough Gowna and the potential for significant effects on that site, there is no likelihood of impact.

7.10.5. I am satisfied that there is no likelihood of impact on any nationally designated areas (not including Natura sites) arising as a result of the proposed development.

Species and Habitats:

7.10.6. Table 3 lists the ecological surveys conducted at the Site:

21/04/2022 Initial Phase 1 survey to identify potential constraints,

25/05/2022 Extended phase 1 habitat survey,

05/05/2022, 24/05/2022 & 28/07/2022 Mammal surveys (excluding bats),

17/05/2022 & 24/05/2022 Breeding bird surveys,

24/05/2022 Deployment of SM2 static bat detectors,

22/06/2022 - 23/06/2022 Bat emergence, transect and re-entry surveys,

18/07/2022 Bat emergence survey,

30/08/2022 Bat re-entry survey.

7.10.7. Habitats which occur within the site are listed in Table 11. This includes an area of Poor Fen and Flush, which, although not listed in Annex I of the Habitats Directive, is very limited in extent in Ireland and should be regarded as being of special conservation importance.

7.10.8. Table 19 of the report summarises the impacts, potential effects, mitigation to be undertaken and residual effects on important ecological features. The loss of c. 0.53 ha. of poor fen and flush habitat, with the potential effect of loss of foraging and breeding habitat for local species, is stated to be significant at the local level. All other residual effects such as the impact on breeding birds, smooth newt, and of habitat loss is considered to be not significant.

7.10.9. The loss of 1.6 km of hedgerows and treelines of local importance (higher) for foraging and nesting areas for local species is potentially significant but with the mitigation / compensation measures embedded (design stage) mitigation, resulting in the retention of c. 0.53 km of this habitat; compensatory planting during the construction phases, and dust management on site, the residual effect is not significant.

<u>Assessment of Impacts</u>

7.10.10. The potential impacts that the proposal may have on the receiving environment are considered.

Dust deposition - the greatest proportion of fugitive dust, comprising larger particles (>30 microns) is deposited within 100 m. Large amounts of dust deposited on vegetation over a prolonged period results in adverse effects on plant productivity, which can lead to the degradation of sensitive habitats, including linear features such as hedges and treelines, which in turn can be important for a range of species. The chemical composition of the dust can also have an effect on the flora, for example by altering pH levels in the soil. The Dust Impact Assessment has concluded that the potential for nuisance impact has been, and is, limited to the immediate vicinity of the existing activities because of the quarried materials predominantly coarse nature, with dust suppression measures already in operation. The proposed quarry extension development has the potential for a slight adverse effect

Potential hydrological impacts - bedrock at the quarry has very low hydraulic conductivity, which restricts the groundwater inflow rate within the quarry excavation. Pumping is principally of rainwater and surface water runoff. Hence interaction with groundwater will be negligible. Quarry dewatering is a non-consumptive abstraction and there will be no reduction in flow rates in the sub basin.

Water quality in the receiving watercourse is protected under the terms and conditions set by the Discharge Licence. No waterbodies or adjacent habitats will be impacted as a result of runoff or a deterioration in water quality.

Potential impacts from disturbance - As blasting will occur as a result of the works, there is considered to be potential for noise-related disturbance. It is noted, however, that the site is located within an existing, active quarry. As such, species occurring within the site and wider area are likely to be somewhat habituated to higher noise level. No lighting is proposed as part of the development. There is not considered to the potential for additional light disturbance to bat species.

7.10.11. Impacts on all the features are given in summary in Table 16, which identifies 'Important Ecological Features to be taken forward for further consideration. This includes:

Bats (roosting) County importance – Potential for direct mortality and roost destruction to a significant roost and loss of habitat.

Bat commuting / foraging Local importance (Higher) – Potential for direct loss of commuting/foraging habitat.

Smooth Newt Local importance (Higher) – Potential for direct impacts (mortality, destruction of eggs and habitat loss.

Breeding birds Amber / Red listed Local importance (Higher) – Potential for direct impact - destruction of breeding sites, indirect impact - disturbance.

Habitats

7.10.12. The potential impacts on habitats is given in summary in Table 17. Of the 7.7 ha of Scrub (WS1), 2 ha will be removed. All the 0.53 ha of Poor Fen and Flush is to be removed. Of the 2.13 km of Hedgerows (WL1) and Treelines (WL2), 1.5 km is to be removed.

Direct loss and damage to scrub, and indirect impact of the quarry to result in dust deposition on foliage. Considered to be not significant in the absence of mitigation due to the amount of similar habitat in the area.

The loss permanent loss of Hedgerows and Treelines is considered to be significant at the local level. These habitats also provide shelter and foraging habitat for bats and terrestrial mammals, birds and invertebrates.

The permanent loss of the habitat Poor Fen and Flush, which is of special conservation importance, is a significant impact at the local geographic scale. This habitat also provides shelter and foraging habitat for terrestrial mammals, birds, amphibians and invertebrates.

7.10.13. Surveys of the ponds on the site within the active quarry showed that smooth newts were present, with at least 11 individuals recorded (comprising males and females) within two different ponds The ponds also were considered to contain vegetation suitable for breeding newt.

7.10.14. Site Restoration - The EclA states that the restoration will provide foraging and nesting opportunities for both ground nesting and tree / hedgerow nesting bird species in the long term, as well as foraging and roosting opportunities for bats. The restoration scheme will also enhance habitats for insects and small mammals, providing increased foraging opportunities for birds and bats. It also includes the creation of ponds and wetland habitat which will benefit bird, bat and amphibian

species in the long term. The EcLA concludes that these measures will ensure that there are limited negative residual effects on ecological receptors.

7.10.15. Potential Impacts on Birds

7.10.16. Breeding bird territories are identified in Figure 11.

7.10.17. Bird species recorded at the site during the breeding bird surveys, listed in Table 12, include red listed BoCC14 (birds of conservation interest) species - grey wagtail, Kestrel and Meadow Pipit; amber listed species (9 no.) and green listed species (26 no. including Annex I Peregrine falcon).

7.10.18. There are potential impacts on birds from the loss of hedgerow and treeline habitat, as well as the southern ledge of the quarry, and the removal of a derelict shed where swallows nest. In the absence of mitigation, there is potential for direct impacts in the form of nest destruction, nest abandonment and chick mortality.

7.10.19. Swallow is a common, widespread species and, although they may return to the same breeding locations year after year they will readily nest in nearby suitable habitat if previously used locations are unavailable.

7.10.20. The quarry faces provide suitable crevices and holes for breeding grey wagtail and pied wagtail, both of which were recorded within the quarry. The sandy banks in the east of the quarry also contain a sand martin colony.

7.10.21. Up to 3 territories of meadow pipit were estimated within the site during the 2022 breeding season. Works will result in the loss of breeding habitat. Although red-listed, grey wagtail and meadow pipit numbers are staging a recovery. They are still considered to be relatively common and widespread species in Ireland.

7.10.22. The conservation status of kestrel was changed from amber to red in the most recent Birds of Conservation Concern in Ireland (BoCCI4) assessment. Both breeding numbers and distribution of kestrels have declined significantly. In the absence of mitigation, there is considered to be potential for significant effects, resulting from disturbance to / destruction of a kestrel nest during construction.

7.10.23. Regarding the Annex I listed species peregrine, the current nest site is located along the northern ledge of the quarry. As the proposal is for a southerly extension, this nest site will remain intact as part of the proposed works. The proposal will not result in the loss of a peregrine nest, or in direct impacts to this species. Other nest sites

that will be retained within the proposal are the sand martin colony and raven nest which lie outside of the footprint of the works.

7.10.24. Approximately 1.5 km of hedgerow and treeline habitat in addition to 7.7 ha of scrub/immature woodland and 2.4 ha of wet grassland, considered suitable habitat for foraging and nesting birds, will be removed as part of the proposal, resulting in the permanent, direct loss of habitat.

7.10.25. Indirect Impacts – there will be some disturbance during construction and during the operational phases. Peregrine and kestrel are species which regularly occur in active quarries, and sensitivity to disturbance is likely to be dependent on the regularity of disturbance that individuals are exposed to. In the absence of direct interference to nest sites or birds, breeding peregrines will ignore most human disturbance. For kestrel, it is considered that this species is relatively tolerant to relocating, provided that there are suitable nesting opportunities available. Unmitigated, the potential direct disturbance to / destruction of nesting habitat, in particular for the red-listed species kestrel, and loss of breeding/foraging habitat for birds is considered to be significant at the local level.

7.10.26. Mitigation for the protection of birds includes:

- Hedgerow, scrub and the derelict buildings will be removed outside of the bird breeding season.

- Earthen screening bunds created early into the proposed development will be planted with native woodland species which will provide additional foraging and nesting habitat within the site.

- To protect nesting peregrines there will be no blasting within 100 m of any peregrine nest during the sensitive period of the breeding season; and blasting within the quarry will be limited to once per month during the breeding season (March to June inclusive).

- Destruction of the kestrel nest along the southern boundary of the quarry will occur outside of the bird breeding season. To compensate for the loss of a kestrel nest site along the southern ledge of the existing quarry, a minimum of two kestrel nest boxes will be erected prior to the commencement of the works.

- A variety of other nest boxes will be provided to compensate for the loss of 1.5 km of treelines/hedgerow and the derelict farm shed;
- The creation of compensatory newt ponds in the north-east of the site will create increased foraging opportunities for birds.

Other proposed mitigation includes:

- Design-stage mitigation retention of boundary features: 0.53 km of existing, mature, species-rich hedgerow and treelines.
- Mitigation / compensation for potential direct impacts on habitats: dust management and replanting.

Potential Impacts on Mammals other than Bats

7.10.27. There is potential for the proposed development to result in the direct destruction of a hare 'form', considered to be significant at the local level. In terms of loss of habitat and temporary displacement of mammals, given the availability of ample alternative foraging habitat (scrub, hedgerows, forestry) in the vicinity of the site, this is considered to be not significant.

7.10.28. Few signs of Badger activity was found, setts observed were inactive.

Potential Impacts on Bats

7.10.29. Bat Surveys were carried out. A 'Potential Roost Feature' (PRF) survey, was undertaken during the extended phase 1 surveys. Static detectors were deployed at three locations within the site, and a transect survey was undertaken.

7.10.30. The locations of the static bat detectors are shown in figure 4 and the bat transect routes are shown in figure 5.

7.10.31. The site contains suitable habitat for both foraging and roosting bats, in the form of boundary features such as treelines / hedgerows, mature trees and derelict farm buildings. The boundary features also maintain connectivity to the wider area for foraging bats.

7.10.32. A single soprano pipistrelle was seen re-entering the north-east facing gable of the derelict farmhouse on 30/08/2022. This is likely a transitional roost, as no other bats were seen emerging from / re-entering the house during the surveys carried out on 22/06/2022 and 18/07/2022. Based on a single bat seen re-entering, and the fact

that soprano pipistrelle are a common species in the Irish context, this roost would be assigned a low conservation significance.

7.10.33. A Natterer's bat roost (Myotis nattereri - one of the rarer Irish bat species) was confirmed in a small shed adjacent to the derelict farmhouse on 30/08/2022, when a surveyor observed 6 bats exhibiting swarming behaviour inside the shed before sunrise. During the emergence surveys carried out at the derelict house adjacent to this shed on 22/06/2022 and 18/07/2022, Myotis sp. passes were also frequently recorded, which indicates that this roost has the potential to be a maternity roost. Due to the roost being identified late in late August, when females start leaving maternity roosts, it was not possible to confirm this, or to determine the size of the maternity roost. As such, on a precautionary basis, the roost was considered to be a maternity roost of 6 or more bats. Maternity roosts are the most significant type of roost, and a maternity roost of 6+ Natterer's bats would be assigned a significance of significant-very significant. This would assign a conservation status of moderate-high for this roost.

7.10.34. To assess the suitability of the site for foraging / commuting bats, three static detectors were deployed along hedgerows / treelines, supplemented by a transect survey along boundary features.

7.10.35. A minimum of four species were recorded using the site by both the static detectors and the transect surveys: common pipistrelle, soprano pipistrelle, Leisler's bat and Myotis sp. Activity levels were low in general across the site, with the highest levels of activity associated with the mature trees and derelict farm buildings. Areas of wet grassland/scrub recorded low levels of activity, which may reflect the lack of linear features for foraging bats.

Potential Effects on Bats

7.10.36. There is potential for significant direct effects in the form of disturbance to roosting bats; there will also be a loss of c. 1.5 km of foraging /commuting habitat in the form of treelines and hedgerows as a result of the proposed works.

7.10.37. Indirect impacts due to disturbance - based on the quarry being operational during the daytime, there is unlikely to be significant disturbance to foraging bats during establishment phase and subsequent operation of the quarry, and bat species are likely to continue utilising the site for foraging and commuting. Additionally, there is

no lighting proposed within the planning application; indirect impacts to bats are considered to be not significant.

7.10.38. The potential for direct mortality / disturbance to roosting bats due to inappropriate felling is considered to be significant at the local level. Additionally, the loss of a considerable amount (1.5 km) of foraging habitat, in particular in an area containing a significant roost, would constitute a significant impact at the local level.

7.10.39. Potential Impacts on Amphibians

7.10.40. The proposal has the potential to result in direct mortality to Smooth newts and their eggs, in the absence of mitigation. While these pools were created as part of previous quarry operations on the site, and the newt habitat would not otherwise exist there, it is still important to protect breeding opportunities for this species in the area. The proposed development will also result in a loss of breeding habitat, in the absence of mitigation. This may be temporary, should quarry pools be left to establish vegetation over time.

7.10.41. Unmitigated, the potential direct mortality to adult smooth newts, destruction of eggs, and loss of breeding habitat would result in a significant impact, at the local geographic scale.

7.10.42. Potential Cumulative Impacts

7.10.43. The proposed quarry extension development may have the potential to act in conjunction with the other proposals directly adjacent with the site (at Aughnacliffe Quarry), to result in cumulative impacts from hydrocarbon / chemical spillage. However, such combined effects are unlikely given the small scale and localised nature of both projects, appropriate water quality measures in place, and the absence of a strong and direct hydrological connection between these projects and the nearest international and national designated sites.

7.11. Mitigation / Compensation

Design-Stage Mitigation

7.11.1. The majority of the existing bramble, gorse and willow dominated scrub habitat is to be retained within the north-western corner site; a small area of wet grassland inhabited by wetland species, such as reed bunting and sedge warbler, will be

retained. In terms of boundary features, 0.53 km of existing, mature, species-rich hedgerow and treelines are to be retained.

7.11.2. The retention of the derelict house and adjacent shed was considered within the design stage in order to avoid direct impacts on a small soprano pipistrelle roost and potential Natterer's bat maternity roost. Additionally, a 20 m buffer will be placed around the maternity roost, within which no quarrying works / felling will occur. This will avoid disturbance to roosting bats, as well as retaining c. 130 m of the mature trees surrounding the buildings for a 'screening' effect.

7.11.3. A number of breeding territories for nesting birds were also retained within the development such as the sand banks in the east of the site containing a sand martin colony and the peregrine nest on the north face of the quarry.

Mitigation / Compensation for Potential Direct Impacts on Habitats.

7.11.4. Mitigation by replanting is detailed in section 6.2.1. As Phase 1 and Phase 2 of the Development Plan progresses, the earthen screening bunds in the south-west of the site will be planted with a mix of pioneer native woodland and livestock hedgerow species including birch, alder, blackthorn, hawthorn, Scot's pine and willows, covering an area totalling approx. 1.8 ha. Phase 3 and Phase 4 of the Development Plan will see restoration planting of all peripheral habitats and field boundaries with pioneer woodland (4.51 ha), wet woodland (0.61 ha) and gorse and thorn scrub (0.74 ha) as well as reseeding of species-rich neutral grassland habitat (4.56 ha). In time, new biodiverse habitats will be created, and these will in turn provide positive benefits for foraging, commuting, and breeding species.

7.11.5. Mitigation by dust management - A Dust Impact Report was produced to ensure that, in the event of dry weather, dust is managed appropriately on the site. Advanced earthen screening bunds along the south-western boundary of the site will be constructed along the frontage of the site at a maximum height of c. 4 m above current ground levels. The bunding will act as a barrier, containing dust and noise associated with the operations to within the void. Additionally, these bunds will be seeded with native woodland species, at the earliest opportunity which will further prevent dust from escaping into the wider environment. As the quarry deepens, effects from dust will be lessened.

7.11.6. Mitigation for the protection of birds - Hedgerow, scrub and the derelict buildings will be removed outside of the bird breeding season; earthen screening bunds created early into the proposed development will be planted with native woodland species which will provide additional foraging and nesting habitat within the site; Peregrines can be sensitive to disturbance in the early stages of the breeding season (late March to early May). The implementation of minimal blasting schedule over this early period will limit disturbance to breeding peregrines. There will be no blasting within 100 m of any peregrine nest during the sensitive period of the breeding season. Blasting within the quarry will be limited to once per month during the breeding season (March to June inclusive). Destruction of the kestrel nest along the southern boundary of the quarry will occur outside of the bird breeding season, A minimum of two kestrel nest boxes, the location of which will be determined by an experienced ecologist, will be erected as early as possible, prior to the commencement of the works to compensate for the loss of a kestrel nest site.

A variety of other nest boxes will be provided to compensate for the loss of 1.5 km of treelines / hedgerow and the derelict farm shed containing a swallow nest. The number and types of nest boxes will be recommended and erected by an experienced ecologist prior to the commencement of the works. These nest boxes will be tailored to the species recorded breeding within the footprint of the works e.g. swallow nest boxes to be installed inside one of the retained buildings, which allows easy access via an open door or window; open front nest boxes for robins, wrens and pied wagtail; small hole nest boxes of varying sized holes for blue tits, great tits, coal tits, starlings and house sparrows; the creation of compensatory newt ponds in the north-east of the site will create increased foraging opportunities for birds.

7.11.7. On balance, I consider the proposals for the protection of birds, to be acceptable.

7.11.8. Mitigation for the protection of smooth newts - Pond creation for newts - Two suitable ponds will be created in a designated area in the north-east of the site, c. 250 m east of the existing standing water inhabited by newts, that is within the 500 m recommended distance limit of a known newt breeding pond. To a specification set out in paragraph 6.6.1. of the report.

7.11.9. Exclusion from existing ponds - existing ponds in which newts have been recorded will be fenced off in August to January pre-development. If newts are identified as

breeding in a waterbody in which works are proposed, a derogation license must be obtained from NPWS to translocate the newts to the new pond as these species are protected under the Wildlife (1976 & Amendments) Act. Should translocation of newts be required, an exclusion and translocation plan will be drawn up and implemented prior to any destruction or exclusion of waterbodies within the quarry. This exclusion and translocation programme will use methodology agreed with NPWS and will be conducted under licence issued by NPWS.

7.11.10. On balance, I consider the proposals for the protection of smooth newts, to be acceptable.

7.11.11. Mitigation for the protection of mammals excluding bats

7.11.12. A site walkover by an experienced ecologist will be carried out prior to the removal of any suitable hare habitat, to ensure that there are no forms present and to flush any hares.

7.11.13. I am satisfied with the proposals for the protection of mammals excluding bats.

7.11.14. Mitigation for the protection of bats

7.11.15. Monitoring of the potential maternity roost will occur. Blasting should not occur within 100 m of the potential maternity roost during the sensitive maternity period (April to August). Compensatory planting of trees will be carried out along the margins of the quarry adjacent to the bat roosts, to provide additional screening and protection from the quarry works. Hedgerows, treelines and derelict buildings will be removed outside of the active bat season (April to October inclusive). Prior to felling / demolition, pre-construction inspections will be carried out by a licenced bat ecologist at all trees / structures identified during the baseline surveys as having PRFs. This will be by endoscope or emergence/re-entry surveys. When carrying out felling, best practice guidance should be applied. This involves sectional felling, whereby sections removed from trees during felling are left in situ for 24 hours post felling, to allow any potential roosting bats to emerge safely.

7.11.16. New roost opportunities should be created in a 1:1 ratio of number of PRFs (potential roost features) lost. Roost opportunities should be created by an experienced ecologist in the form of woodcrete bat boxes or the veteranisation (the act of intentionally causing damage to trees to create roosting opportunities for bats) of

retained trees, with preferably c. 50% created through veteranisation. Approximately c. 0.53 km of existing mature, species-rich hedgerow and treelines are to be retained, which will minimise potential impact on bat foraging habitat as a result of the proposal. The planting of woodland, including on overburden earth bunds, will provide new foraging habitat for bat species during the operational phase of the quarry. The creation of compensatory newt ponds will create increased foraging opportunities for bats within the site.

7.11.17. Mitigation by design has resulted in the retention of the derelict house and adjacent shed in order to avoid direct impacts on the small soprano pipistrelle roost and potential Natterer's bat maternity roost together; with a 20 m buffer around the maternity roost, within which no quarrying works / felling will occur to avoid disturbance to roosting bats. In addition c. 130 m of the mature trees surrounding the buildings will be retained for a 'screening' effect. It is proposed to implement planting to compensate for the tree and hedgerow loss.

7.11.18. Notwithstanding the proposed mitigation, I am not satisfied that the potential impact on bats has been satisfactorily resolved. The impacts of the removal of the extent of trees and hedgerows as proposed, which has been identified as important for foraging and commuting, is likely to be a significant negative impact. The Board should note the hedgerows and trees on drawing no 220912Dwg0R4, also evident on Tailte Éireann aerial photos and Google maps. The stand of trees to the north-east of the dwelling is to be removed. The boundary hedge to the south of the site and along the laneway and public road is to be retained. All other hedgerows are to be removed. A bund is to be provided inside the retained hedge and quarry waste is to be deposited directly adjoining.

7.11.19. The proposal to retain the dwelling and shed and some associated trees and hedgerows is an important mitigation, however it represents a relatively isolated remnant. It is not clear how the proposed bund may impact on the hedge to be retained. Assuming that the hedge is retained intact, there will still be a significant loss of hedgerow and trees in the vicinity of the roosts. A significant proportion of the hedgerow and tree loss is associated with the development of the spoil heaps. It is not clear how these might impact on the planted bund or retained hedge.

7.11.20. Under the heading mitigation by replanting, in section 6.2.1. of the EIAR, it is stated that as Phase 1 and Phase 2 of the Development Plan progresses, the earthen screening bunds in the south-west of the site will be planted with a mix of pioneer native woodland and livestock hedgerow species including birch, alder, blackthorn, hawthorn, Scot's pine and willows, covering an area totalling approx. 1.8 ha. Restoration planting of all peripheral habitats and field boundaries with pioneer woodland (4.51 ha), wet woodland (0.61 ha) and gorse and thorn scrub (0.74 ha) as well as reseeding of species-rich neutral grassland habitat (4.56 ha) will be carried out during phases 3 & 4. 'In time, new biodiverse habitats will be created, and these will in turn provide positive benefits for foraging, commuting, and breeding species.'

7.11.21. This long-term proposal does not compensate for the immediate loss of hedgerows and trees which are important as foraging and commuting habitat for bats.

7.11.22. In order to compensate in a meaningful way for the loss of hedgerows, the phasing would require that, prior to the removal of any hedgerows or trees, the proposed berms would be in place with necessary protection for retained hedgerows, and the proposed hedge planting would be well established. The impact of continuous deposition of spoil material in proximity to the planted berm would also need to be fully documented / detailed.

7.11.23. The Board may consider that lack of clarity or certainty in relation to the potential impact on bats is of such significance as to require refusal of permission.

7.11.24. The Board may consider that development of a reduced scale, which would be easier to accommodate on the site and would be easier to reconcile with the presence of bats, is what should be permitted.

7.11.25. On balance I am inclined to the view that the proposal as put forward is amenable to condition, to further mitigate the impact on bats to an acceptable degree, provided that:

- more detailed proposals, which include input from a licensed bat ecologist, be agreed with the planning authority prior to commencement of any development; these proposals to include:
    - details of proposed provision of berms, to include the timing of their provision and detailed protection for retained hedgerows.

- details of proposed hedge planting of berms in order that new hedges would be well established prior to the removal of any hedgerows or trees used by foraging or commuting bats.

- details of proposed deposition of spoil material in proximity to the proposed planted berms, which demonstrate that the locations of the proposed spoil heaps and the impact of continuous deposition would not unduly detract from the biodiversity value of the planted berms.

7.12. Surface Water and Groundwater

7.12.1. Third parties are concerned that the proposed development will impact on the quantity and quality of groundwater, which is the source of multiple water supplies for domestic use.

7.12.2. Water is dealt with in chapter 6 of the EIAR and in Appendix 6.1 Hydrological and Hydrogeological Impact Assessment, together with its appendices. Chapter 5 of the EIAR Geological Assessment is also relevant.

7.12.3. The site is located along a water shed so that surface water flows in two directions. Most of the site drains north-eastwards to the Aghnacliffe Stream, and onwards to the Aghamore Stream, Lough Gowna, Louth Oughter and the River Erne. A smaller portion (c10%) drains southwards to an unnamed stream and onwards via the Derreenavoggy Stream to the Camlin River and the River Shannon. The quarry will remove the uppermost section of the Camlin catchment, less than 0.1%, considered of negligible impact. The proposed development will drain to a sump in the quarry floor from where it will be pumped to the existing drainage system with settlement, prior to discharge by license to the Aghamore Stream. It is stated that the volume permitted by the existing license will not be exceeded.

7.12.4. Poor transmissivity through the bedrock, means that water is unlikely to drain through the quarry floor. Proposals to protect water quality are listed, such as refuelling and maintenance of plant in designated areas or from a bowser with a ‘full tank’ sensor; maintenance within a plant workshop, or in emergencies in the quarry using drip trays as appropriate; protocols for handling fuel, lubricants and other chemicals, and to manage risk of accidental spillage etc. Silt fencing will be placed at

the toe of the outer slopes of any screening bund and will remain in place until the slope is seeded and fully vegetated.

7.12.5. The zone of influence of the dewatering of the quarry void is stated to be 140m. There are no wells within this area and well supplies are therefore not likely to be impacted in terms of water quantity.

7.12.6. The planning authority's decision includes a condition regarding replacing water supplies if that becomes necessary:

> Prior to the commencement of development, the developer shall submit detailed proposals, for the written agreement of the planning authority, for the replacement of private water supplies, serving properties in the vicinity, if such supplies are materially affected by the development.

7.12.7. Third parties request the condition be amended to:

> That the developer shall bear the costs associated with the replacement of private water supplies, serving properties in the vicinity, which are materially affected by the development and do so in a timely manner and act on same as soon as they are notified by the said property owner and certainly within 2 weeks of the loss of water supply.

7.12.8. They also request that a bond, of no less than €150,000, be put in place to ensure compliance.

7.12.9. I am satisfied that the condition regarding replacing water supplies should be as drafted by the planning authority.

7.12.10. Restoration - The cessation of dewatering will see the water top out and drain naturally to the existing low point at the north-east corner of the site, where the water at the consented discharge point will follow the same routh as currently. During storm events there will be water level variations within the freeboard zone at the margins of the water body.

7.12.11. Impact on surface water or groundwater should not be reasons to refuse permission or modify the proposed development.

7.13. Landscape and Visual Amenities

7.13.1. Landscape and visual amenity is dealt with in chapter 9 of the EIAR and a Landscape and Visual Impact Assessment is attached as Appendix 9.1 to the EIAR.

7.13.2. Landscape sensitivity associated with this development is considered to rank as medium. During the establishment stage a short term moderate impact is envisaged. During the operational stage minor impact is envisaged. Post restoration, negligible Landscape Character impact is envisaged.

7.13.3. Receptor visual sensitivity is stated to range from high-medium to medium sensitivity. Magnitude of change ranges from high to very low. This results in visual impacts which range from major/moderate through to negligible.

7.13.4. Mitigation - measures are proposed to mitigate against adverse landscape and visual effects: retention and protection of all existing boundary hedgerows; advanced earthworks and proposed screening woodland planting along the boundary with adjoining roads; direction of proposed workings; and, full restoration of the site with a significant portion focused on habitat creation for biodiversity benefit.

7.13.5. No significant residual landscape and visual impacts are envisaged.

7.13.6. It is my assessment that impact on the landscape or visual amenities should not be reasons to refuse permission or modify the proposed development.

7.14. Cultural Heritage

7.14.1. There are seven historic / heritage buildings located within 3km of the site and none are located less than 900m away. It is therefore not anticipated that the historic / heritage buildings will be negatively impacted by the proposed development works.

7.14.2. An Archaeological Impact Assessment was submitted with the application.

7.14.3. In response to the further information request, a further information report by the ICF Project Archaeologist was submitted together with an Archaeological Geophysical Survey and an Archaeological Impact Assessment.

7.14.4. Three topographical characteristics may be considered as of archaeological importance within the landscape setting:

• High ground / elevated areas: these may be deemed as being of archaeological potential given their prominence in the local landscape. Numerous examples of the importance of areas of high / elevated land are recorded within the archaeological record, with specific emphasis upon early Christian defensive sites (i.e., raths / forts), prehistoric funerary (i.e., Barrows / Megalithic tombs) and ritual (i.e., prehistoric enclosures) sites.

• Areas in proximity to river courses: These areas may be deemed as being of archaeological potential given their ease of access to both natural resources such as water, food, and water energy (i.e. mills).

• Areas in proximity to lakes / coastal areas: as with those areas in proximity to river courses, these may also be deemed as being of archaeological potential due to their ease of access to water and food sources.

7.14.5. The site is located within a relatively elevated area within an undulating rural setting with numerous loughs and rivers within the wider landscape: the access to loughs and rivers provides ease of access to natural resources such as water and food. While there are no loughs located within 3km of the site, a reasonably significant watercourse is located c.400m northwest of the site.

7.14.6. The proposed development site could therefore be considered as being located within an area of moderate archaeological potential given its topographical setting. It is recommended that a programme of archaeological monitoring of topsoil stripping at the proposed development will be required as part of development works at the site. It is recommended that any topsoil stripping associated with this proposed development should be carried out under the supervision of a suitably qualified archaeologist under licence to the DHLGH.

7.14.7. Archaeological Investigations: were carried out in response to the further information request. No clear anomalies were identified. Nothing of archaeological heritage significance was identified within the application area, no effects on archaeological heritage have been identified. No further works are recommended.

7.14.8. Given the scale and extent of the proposed development it could impact on subsurface archaeological remains therefore any topsoil stripping associated with this proposed development should be carried out under the supervision of a suitably qualified archaeologist under licence to the DHLGH.

7.14.9. I consider that impact on cultural heritage should not be a reason to refuse permission or modify the proposed development.

7.15. Climate Impact

7.15.1. Section 15 of the Climate Action and Low Carbon Development Act 2015, requires a relevant body to have regard to the approved national mitigation plan, adaptation framework and sectoral adaptation plans, national transition objectives, and the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

7.15.2. Directive 2008/98/EC,19/11/08

The EU directive on waste (Directive 2008/98/EC,19/11/08) lays down measures to protect the environment and human health by preventing or reducing the generation of waste, the adverse impacts of the generation and management of waste, and by reducing overall impacts of resource use and improving the efficiency of such use; which are crucial for the transition to a circular economy and for guaranteeing the Union's long-term competitiveness. It introduces recycling and recovery targets to be achieved by 2020, for construction and demolition waste (70%).

7.15.3. The National Waste Management Plan for a Circular Economy 2024-2030 notes that construction and demolition (C&D) waste accounts for 35% of waste generated within the EU. This waste stream is exclusively generated by the construction sector which is experiencing significant growth in Ireland since the economic downturn with levels far in excess of the EU average (2021 C&D waste accounts for circa 60% of total waste generated in Ireland). It refers to the Circular Economy Action Plan, which identifies construction and demolition waste as a key value product chain through a number of future initiatives (such as the Construction Product Regulation108 and Renovation Wave109). It is planned to introduce material recovery targets set in EU legislation for C&D waste and its material specific fractions. Among its targeted policies is the support of the provision of treatment capacity for non-hazardous construction and demolition waste streams (in particular soils, fines, rubble and concrete).

7.15.4. Climate Change is referred to in chapter 16 of the EIAR, in relation to the emissions resultant from the burning of hydrocarbons as fuel both on site and in the

transportation of materials to and from the quarry. The applicant states that mineral can only be worked where it is found and the site is one which is well placed to serve a number of market areas throughout the Northwest and Midland Regions of Ireland and which they state has been demonstrated to not result in any significant effects upon the environment.

7.15.5. Chapter 2 of the EIAR, referring to alternatives, states that in the absence of significant volumes of aggregates from recycled / secondary sources, primary, indigenous deposits, such as the greywacke resource at Aughnacliffe Quarry, are required to be the main source of construction aggregates in Ireland. It further states that the use of secondary aggregates (i.e. recycled construction and demolition waste) is not considered suitable for the manufacturing of the final products that the mineral at Aughnacliffe Quarry is used for. The physical properties of the mineral are critical to determining its suitability for the production of some products supplied by the applicant, for example surface dressing chips and asphalt products. In order to manufacture these products to relevant standards, the mineralogical composition and physical properties are key, and secondary aggregates are unsuitable for such uses. This, coupled with issues in terms of the reliability and consistency of supply, means that secondary aggregates are largely unsuitable in meeting the demand for aggregate in Ireland.

7.15.6. I have had regard to the current policy context, and in the absence of definitive targets regarding the reuse of C&D waste in the Circular Economy, I consider that it would not be appropriate to refuse permission for the proposed quarry extension, because of the potential impact on climate change.

7.16. Appeal against Conditions

7.16.1. The first party appeal is against condition 14 - operating hours; and conditions 3 and 17 – the special contribution of €150,000.

Condition No. 14

7.16.2. The applicant states that the operating hours, confirmed at section 4.6 of the EIAR, will be in accordance with an extant permission 07/831; that is, 0700-1800 Monday to Friday; 0700-1300 Saturdays.

7.16.3. Condition 14 states – 0800-1800 Monday to Friday; 0800-1200 Saturdays. There will be no working on Sundays or public holidays. From time to time, working may need to occur outside of these hours, for example in the event of an emergency or plant and machinery breakdown. The PA's permission is sought for temporary periods when working outside of these hours.

7.16.4. Third parties welcome the reduced working hours but they have concerns that the operator will not comply, and that measures need to put in place to compel compliance.

7.16.5. The Planning Authority have responded to the appeal noting the operational hours in PL07/831, and the complaints from observers. The Planning Authority is prepared to accept the operational hours specified by the applicant.

7.16.6. Third parties are dismayed at and fundamentally object to the Council backtracking on condition no. 14.

7.16.7. The operating hours: 0700-1800 Monday to Friday; 0700-1300 Saturdays, with no working on Sundays or public holidays, appears reasonable in the circumstances of this case. Strict adherence to and enforcement of these hours, except in exceptional circumstances, subject to prior agreement, would appear to address some of the concerns raised by appellants and the observer.

Conditions Nos 3 and 17

7.16.8. Conditions 3 and 17 are related conditions which refer to a special development contribution. There is some duplication between these conditions which has been addressed in the planning authority's response.

7.16.9. The applicant states that the lack of detail regarding the use to which the contribution would be put, would not enable reimbursement if the work is not carried out. Section 48 (12) of the Planning and Development Act 2000 is quoted in this regard:

> the condition shall specify the particular works carried out, or proposed to be carried out, by any local authority to which the contribution relates.

The Development Management Guidelines for Planning Authorities, and the Development Contributions Guidelines for Planning Authorities are also quoted. The applicant states that 50% of development contributions under Section 48 will be allocated to roads, and that the special development represents double charging.

7.16.10. The planning authority's response has clarified the particular works to which the contribution relates:

> The identified road improvement is a specific road project designed to improve the local road and ensure road safety within the vicinity of the local quarry given the identified increase in vehicle activity within the local vicinity and the current state and status of the identified local road. The special development contribution has been detailed and designed to improve the immediate local road and improve road safety for quarry trucks and traffic and all other road users. No other funds are being sought in respect of the proposed development.
>
> The section or road is approximately 1600m in length, from the quarry entrance to the junction at Molly. The road varies in width; max. width is approximately 5m. There is a straight section from the quarry towards Molly of about 1km. The design works allows for 6 passing bays along this section. Passing bays are assumed as 50m long, 2m wide at surface, and on the downhill side of the road, as this is opposite the overhead services.
>
> Closer to Molly the road becomes curved horizontally and vertically. The design works allow for approximately 90m of hedge to be removed, infill with 804 (no road widening here to keep the sightline free). The overall cost estimate for design, land purchase, and construction is approximately €325,000.

A breakdown of the estimate is provided in an appendix to their submission.

7.16.11. The applicants have responded to the Planning Authority response to their appeal. Their response includes:

Contrary to guidance, to retrofit the scope of the works and the associated projected costs provides no confidence that the specific requirements of the development were ever actually considered. The revised costing provided is more than twice as much as the sum provided for in condition 17. This does nothing to bolster the credibility of the approach.

Given the legislative requirements they question the ability of the Council to provide the additional information at this stage. It should have accompanied the original drafting of conditions, giving the applicant a full understanding and informed position

as to whether or not to appeal. The intention of the process is not to require an applicant to pay an appeal fee in order to determine the precise nature of improvements.

The accountability, both of the decision to grant and upon delivery of the special development contribution, remain a concern. Without the detail and costing it is impossible to determine the validity or indeed if and when the improvements have been satisfactorily delivered.

The appellant remains unclear of the need for the special development contribution as it appears to be a duplication of the charges under the development contribution scheme. This position is reinforced as it is premised on the 'identified increase in vehicle activity within the local vicinity and the current state and status of the identified local road.'

The EIAR at Section 11.6 confirmed that the proposal does not seek to increase the volume of traffic flow. There is no intensification in highway's terms. Is the increase attributable to the project, or does it reflect a general baseline increase?

There will be no intensification, the development was deemed satisfactory by the Road's Section in their internal response of 21 June 2023. The introduction of the wording 'increased heavy traffic generated appears to be a function of the Council using standard condition wording associated with Special Development Contribution (SDC).

7.16.12. A main tenant of the first party argument against the contribution is that there are no exceptional costs, since the development is a continuation of the established use and does not involve an increase in the use of the road.

7.16.13. The existing development being a quarry has a limited natural life. A quarry eventually exhausts the resource being extracted, its operational life-span is not therefore open-ended. An estimated remaining extractive life of about 10 years was proposed by the developer in 2007. Although it is not clear whether or not the projected annual production rates, in the order of approx. 270,000 tonnes per annum, were achieved in the intervening period, having regard to the narrow site configuration, it is questionable whether further deepening of the existing void within the site, is feasible. Notwithstanding any remaining life the existing quarry may have, the proposed extension will involve extending the period of use of the road by heavy

traffic, which must be considered as part of the assessment of the subject development. I do not accept that the proposal does not involve additional traffic on the public road or that a special development contribution to accommodate that traffic is unreasonable. The county development plan states that (DMS16.180) 'a special contribution levy may be required from the developer towards the cost of upgrading or repairing the local roads serving the quarry and to minimise adverse impacts of associated quarry operations on the road network'.

7.16.14. The planning authority response to the appeal gives costings in sufficient detail together with a sufficient description of the proposed works, such as to enable the applicant to establish whether or not the works to the special development contribution applies have been carried out.

7.16.15. Third party concerns regarding traffic impacts on the local roads in the vicinity have been addressed earlier under the separate heading residential amenity.

7.16.16. I consider the Special Development Contribution condition both necessary and appropriate.

7.17. Other Issues

7.17.1. Third parties query why a bond has not been conditioned: that the Environment Section recommended a bond for rehabilitation works. In their opinion a bond of at least €500,000 should be imposed; they request that permission be refused, but in the event of a grant they suggest conditions:

> A bond to ensure site rehabilitation as proposed.
>
> A bond to ensure site rehabilitation including construction and planting of berms to the south and west prior to quarrying.
>
> A bond to ensure payment of costs if private water sources are impacted.

7.17.2. I consider the nature of the proposed development indicates the necessity for a bond. Condition no. 27 refers.

Fair procedure

7.17.3. Third party appeal states that the further information response should have been advertised. Per article 35(1) of the Planning and Development Regulations 2001, it is

a matter for the planning authority to consider whether the information contains significant additional data such that re-advertising is required. The purpose of advertising receipt of a further information response is to ensure that interested parties have knowledge of the additional information and can make further submissions. Third parties have appealed the planning authority's decision and the grounds of appeal are similar to their original objections. It does not appear likely therefore that a different outcome at application stage would have been arrived at if notice of receipt of the further information was published, nor has it prejudiced third parties ability to make the appeal.

8.0 Recommendation

8.1.1. In accordance with the foregoing assessment it is considered that the proposed development should be granted permission for the following reasons and considerations, and in accordance with the following conditions.

9.0 Reasons and Considerations

Having regard to:

The Climate and Low Carbon Development Act 2015 (as amended), the most recent Climate Action Plan 2024, and the National Biodiversity Action Plan 2023-2030;

The Regional Spatial and Economic Strategy of the Eastern and Midlands Regional Assembly 2019-2031;

The Longford County Development Plan 2021–2027;

The Quarries and Ancillary Activities Guidelines for Planning Authorities, 2004;

The character of the landscape in the area of the site;

The pattern of the existing and permitted development in the area;

The environmental impact assessment report and supporting documents submitted;

The Appropriate Assessment Screening Report submitted;

The submissions and observations made in connection with the planning application and appeal;

It is considered that, subject to the following conditions, the proposed development would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1) The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 8th day of December 2023, and conditions attached to the parent application PL07/831 as they relate to the development, 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) This permission shall be for a period of twenty five (25) years from the date of the granting of permission unless, planning permission for continuation of extraction has been granted prior to the end of the period, The proposed site shall be full restored no later than year end of 2052.

Reason: In the interest of clarity.

3) In advance of commencement the applicant shall submit to the planning authority for agreement, a complete schedule of all mitigation measures. This shall identify who is responsible for the implementation of these measures and a timescale for implementation. The schedule of mitigation measures shall include the following additional requirements:

detailed proposals, which include input from a licensed bat ecologist, to include:

proposed provision of berms, the timing of their provision and showing detailed protection for retained hedgerows;

proposed hedge planting of berms well in advance of the removal of any existing hedgerows or trees, used by foraging or commuting bats, in order that the planting would be sufficiently well-established to constitute a meaningful replacement;

proposed deposition of spoil material in proximity to the planted berms, such as to show that the location of the placement or the impact of continuous deposition would not negatively impact the biodiversity value of the planted berms.

Reason: To control and mitigate the impact of the proposed development.

4) Activities carried out on-site shall be restricted to the quarrying, processing, haulage and storage of quarry material, manufacture of asphalt and readymix concrete. No materials, other than those required for the manufacturing processes shall be imported into the site.

Reason: In the interest of clarity.

5) Environmental Monitoring Programme - On an annual basis, for the lifetime of the facility, the developers shall submit an Environmental Audit to the Planning Authority. Independent environmental auditors, approved by Longford County Council, shall carry out this audit. The audit shall be carried out at the expense of the developer and be made available to the public for inspection at all reasonable hours at a location to be agreed with Longford County Council. This Audit is required to provide evidence that Environmental conditions are being complied with. The programme shall specify all of the Environmental standards being monitored, such as noise, dust, blasting, traffic etc., the monitoring procedures / frequency, and results.

Reason: To control and mitigate the impact of the proposed development.

6) Before any development commences, the developer shall submit to the planning authority, for written agreement:

- A proposal for an Environmental Management System (EMS). This shall include the following:

    Proposals for the on-going environmental monitoring of noise, dust and water quality;

Proposals for the on-going monitoring of blast related vibration and air over pressure;

Proposals for the on-going monitoring of ground water levels and quality;

- Proposals for the bunding of fuel and lubrication storage areas, and details of emergency action in the event of accidental spillage;
- Details of site drainage, including the siltation lagoons and pump regime;
- Details of safety measures for the land around the quarry, to include warning signs and stock proof fencing (works to be carried out within one month of the written agreement of Longford County Council to these details);
- Proposals for the giving of notice of blasting to residents of the area;
- Full details of site management arrangements, contact numbers (including out of hours), and public information signs on the entrance to the facility.

The implementation of the above measures shall be as agreed between Longford County Council and the developer.

Details of the monitoring and the frequency of monitoring shall be agreed with the Planning Authority. All data obtained from the monitoring shall be made available to the Planning Authority.

The Planning Authority shall be afforded the opportunity, at all times during working hours, to inspect and check all apparatus and equipment used or required to carry out monitoring and recording operations.

Reason: To control and mitigate the impact of the proposed development.

7) All existing topsoil removed in the course of working, shall be separately retained, so that it can be readily re-used during the reinstatement of the site, and no such topsoil shall be sold or otherwise removed from the site.

Reason: In the interest of clarity.

8) Unsaleable extracted material (other than topsoil) accruing from the working of the site shall be stored within the existing excavated quarry floor area and shall be used

for the future restoration of the quarry in a manner which shall be agreed in writing with Longford County Council

No other waste material of any kind shall be deposited within the site.

Reason: In the interest of clarity.

9) On cessation of operations, all plant and surface equipment shall be removed from the site, and the land shall be restored in accordance with the restoration programme in the Planning Application. A timescale for implementation shall be submitted to Longford County Council before the expiry of the 25 year operational period.

Reason: In the interest of clarity.

10) Ground-borne vibration at sensitive locations shall not exceed peak particle velocity of 12 millimetres per second (when measured in any one of the 3 mutually orthogonal planes) for any blast when measured at the receiving location.

Blasting shall not give rise to air overpressure values at noise sensitive locations exceeding 125 dB (Lin) (linear maximum peak value) with a 95% confidence.

The blasting of rock shall not take place within the site on more than two occasions in any calendar month and shall only be carried out between the hours of 10.30 and 16.30 on working days, Monday to Friday inclusive, with no exceptions.

Advance warning of each proposed blasting shall consist of a minimum 24-hour pre-blast leaflet drop to all households within a 500 metre radius of the quarry face and one weeks notice to all owners / occupiers within 200m of the blast site. The all-clear signal shall also be given, by means of sirens or other measures, when blasting has been completed.

Blasting shall be monitored by the applicant for vibration and noise at all dwelling houses within 200m of the blast site.

The developer shall take adequate safety measures to the satisfaction of Longford County Council to restrict blast generated flying debris to within the site boundaries.

All of the blasting mitigation measures, given in the application, to offset environmental pollution, shall be implemented. Ongoing independent environmental monitoring shall be carried out to the satisfaction of Longford County Council.

Reason: To control and mitigate the impact of the proposed development.

11) Equivalent sound levels attributable to all on-site operations associated with the proposed and existing development shall not exceed 55 dB LAeq 1 hour over a continuous one hour period daytime (08.00 – 20.00) or 45 dBA LAeq 1 hour at any other time, when measured at all noise sensitive locations in the vicinity of the site. Audible tonal or impulsive components in noise emissions should be minimised at any noise sensitive locations.

Adequate noise control measures, shall be implemented to ensure compliance.

Stripping of topsoil and creation of acoustic berms may result in raised noise levels for a temporary period. Maximum hourly Leq values of 61 dB (A) shall not be exceeded at any sensitive receptor. These higher noise level thresholds may apply for not more than 25 days, in any year, at any dwelling.

Reason: To control and mitigate the impact of the proposed development.

12) Total dust depositions (soluble and insoluble) arising from the on-site operations shall not exceed 350 mg/m²/day averaged over a continuous period of thirty days at any position along the boundary of the development. A competent independent contractor shall carry out dust measurement on a bi-annual basis at locations to be agreed with Longford County Council. One annual dust measurement event shall take place in the period May to September.

Reason: To control and mitigate the impact of the proposed development.

13) Measures to mitigate dust pollution shall include:

the provision of water sprays during periods of dry weather to control dust on the ground, on belts, stockpiles, screens and rock crushers, on the site access roadway and on vehicles transporting dust producing products;

use of dust sheets on fine aggregates transported in lorries; and,

that all vehicles transporting rock material from the site onto the public road shall, prior to the exiting the site, be washed in a wheel washing facility.

Dust suppression equipment shall become operative before crushing or screening operations commence. All on-site machinery generating dust shall be provided with dust extraction facilities. Should the dust suppression equipment break down at any time, that portion of the development, which would be affected, shall be shut down until such time as the dust suppression equipment is again working satisfactorily.

Reason: To control and mitigate the impact of the proposed development.

14) The applicant shall take all necessary precautions to prevent damage being caused by wind blown dust to neighbouring land and/or properties. A Complaints Register shall be maintained on-site. Should any complaints relating to dust emissions be submitted, they shall be immediately dealt with.

Reason: To control and mitigate the impact of the proposed development.

15) The location and number of dust gauges shall be agreed with Longford County Council. In the event of concerns from the public or the Planning Authority, indicating levels in excess of the permitted background levels, the Planning Authority may, at their discretion, instruct additional monitoring at the expense of the developer. All dust mitigation measures, shall be undertaken to offset air pollution.

Reason: To control and mitigate the impact of the proposed development.

16) All public roads shall be maintained free of dust and other debris originating from the proposed development. Other than cars parked in the car park, prior to exiting, all vehicles leaving the site shall be washed in a wheel washing facility, which shall be provided with barriers and operated such that exiting vehicles cannot by-pass it.

Reason: In the interest of clarity.

Reason: To control and mitigate the impact of the proposed development.

17) Site drainage arrangements, including the hydrocarbon interceptors and the system of lagoons within which all wash water generated on site shall be recycled and all fines can be collected, shall be as submitted in the applicant's EIS.

Fines collected within the proposed lagoon system shall be removed periodically and stored under cover to prevent run-off into watercourses. They should then be removed from site for re-use/recycling.

Vehicles shall not be washed down on site, and detergents shall not be allowed to enter the surface water drainage system.

There shall be no discharge of cementitious material or concrete washings to surface water or groundwater.

Reason: To control and mitigate the impact of the proposed development.

18) The settlement lagoon as detailed in planning application shall be of adequate capacity and maintained to prevent carryover of suspended solids in water discharged to surface watercourses.

Run-off from the concrete batching plant and processing plant shall be directed to the settlement lagoon.

All potentially polluting material, including oils and lubricants, shall be stored in bunded areas and be returned to the bunded areas as soon as possible after use. Spill response plans shall be put in place to deal with leakages and spillages. An adequate supply of oil spill control materials shall be kept onsite at all times.

The oil and chemical storage areas shall be bunded to a minimum of 110% of the capacity of the largest tank within the bunded area. The bunded area shall also contain all valves, filler nozzles etc. Filling and take off points shall be located within the bund. Bunds shall be maintained free of rainwater, so that the minimum capacity of 110% of the largest tank is available at all times.

There shall be no discharge of concrete material or concrete washings to surface water or groundwater.

Reason: To control and mitigate the impact of the proposed development.

19) No discharge of contaminated or wash water from the site shall be allowed to surface waters or watercourses except in accordance with a licence under the Water Pollution Act from Longford County Council.

Reason: In the interest of clarity.

20) Prior to the commencement of development, the developer shall submit detailed proposals, for the written agreement of the planning authority, for the replacement of private water supplies, serving properties in the vicinity, if such supplies are materially affected by the development.

Reason: In the interest of clarity.

21) All clean rainwater from roofs and clean concrete yards shall be separately collected and disposed of and no rainwater or extraneous surface water shall be allowed to flow onto the public road or adjoining properties.

In the event of a spillage of polluting matter into any of the receiving waters the applicant shall immediately cease discharging and notify Longford County Council of such an incident and of the measures being taken to prevent or mitigate any resulting pollution.

Reason: To control and mitigate the impact of the proposed development.

22) All waste generated at this facility which cannot be reused or recycled shall be disposed of at licensed facilities. Waste shall not be disposed of by open burning. Complete records including waste type, quantity, hauliers and destination shall be maintained for inspection by Longford County Council in respect of any such waste.

Reason: To control and mitigate the impact of the proposed development.

23) Local Road L-5081-0, between the entrance to the quarry site at Aughamore Upper and its junction with the L-1036 (Aughnacliffe to Ennybegs Road) at Fostragh, shall not to be used by traffic accessing or exiting the quarry site: This shall be a condition in all haulage, transport or construction contracts.

Reason: In the interest of clarity.

24) The on-site operations associated with the proposed development shall be carried out only between 0700 hours and 1800 hours on Mondays to Fridays inclusive and 0800 hours and 1400 hours on Saturdays. No such operation shall be

carried out on Sundays, Bank Holidays or other public holidays and no departure from these hours shall occur unless, (and then only in exceptional circumstances), the prior written consent of Longford County Council has first been obtained.

Reason: In the interest of clarity.

25) The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor all site clearance works and topsoil stripping. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation.

The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.

Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation of places, caves, sites, features or other objects of archaeological interest.

26) Prior to the commencement of development, the developer or any agent acting on its behalf shall prepare a Resource and Waste Management Plan (RWMP) as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how construction resources and wastes will be reduced, and as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of

development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times. In the interest of proper planning and sustainable development.

Reason: To control and mitigate the impact of the proposed development.

27) 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:

implementation of the provision of planted berms in a manner to be agreed with the planning authority,

satisfactory reinstatement of the site, on a phased basis, and upon cessation of the project,

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 satisfactory reinstatement of the site.

28) The developer shall pay a financial contribution of €150,000 (one hundred and fifty thousand euro) to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of improvements to the local road from the quarry entrance to the junction at Molly, including edge strengthening and localised road widening / the provision of 6 passing bays; to facilitate use of local road by quarry trucks, and avoid conflict with other road users, which will benefit the proposed development. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect

of public services, which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

29) The developer shall pay to the planning authority a financial contribution of €113,600 (one hundred and thirteen thousand six hundred euro) 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.
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.

Planning Inspector

March 2025

Appendix 1

1.0 AA Screening

1.1.1. An Appropriate Assessment Screening Report, prepared by Woodrow APEM Group, is supplemented by a Hydrological and Hydrogeological Impact Assessment (Appendix 6.1 of the EIAR), and an Ecological Impact Assessment (EcIA) (Appendix 8.1 of the EIAR).

It includes:

As the proposed development is located partly within an existing, active quarry, there are already water quality protection measures in place within the site. This process involves the accumulation of surface water in a quarry sump. The water is then pumped to a settlement pond prior to being discharged off-site into the local drainage network via a field ditch, which flows in a north-easterly direction to join Aghamore Stream, which then joins the Aghnacliffe Stream and flows into Lough Gowna, which is hydrologically connected to Lough Oughter. This process is licenced by Longford Co. Co. under Effluent Discharge Licence Ref WP 02/20.

There are two streams within the site boundary. The Aghnacliffe Stream, the source of which is located in the northwest of the site, and its tributaries, flow in a north-easterly direction to Lough Gowna.

The larger part (c. 90%) of the existing quarry void is within the Erne_SC_020 WFD subcatchment, which drains into the Aghnacliffe Stream and Aghamore Stream. It should be noted that the source of the Aghnacliffe Stream was seen to be dry on 11th October 2022.

South-east, the slopes are drained in a southerly direction by un-named tributaries that join the Camlin River (WFD subcatchment Camlin_SC_010), which is hydrologically connected to Lough Forbes and Lough Ree by the Derreenavoggy Stream via a minor drainage ditch.

Table 1 summarises a source-pathway-receptor linkage to designated sites:

Site name and	Summary of qualifying features	Closest distance from Site	Hydrological connectivity with site

code			
Lough Forbes Complex SAC [001818	Natural eutrophic lakes with Magnopotamion or Hydrocharition – type vegetation Active raised bogs Degraded raised bogs still capable of natural regeneration Depressions on peat substrates of the Rhynchosporion Alluvial forests with Alnus glutinosa and Fraxinus excelsior	c.14.3 km southwest (direct distance) c. 32.5 km via watercourse	Yes. There is a downstream hydrological connection with this SAC via the Derreenavoggy Stream
Lough Oughter & Associated Loughs SAC [000007]	Natural eutrophic lakes with Magnopotamion or Hydrocharition – type vegetation Bog woodland Otter	c. 19.6 km north-east (direct distance) c.29.5 km northeast via watercourse	Yes. There is a downstream hydrological connection with this SAC via the Aghnacliffe Stream and Aghamore Stream
Lough Ree SAC [000440]	Natural eutrophic lakes with Magnopotamion or Hydrocharition – type vegetation Semi-natural dry grasslands and scrubland facies on calcareous substrates	c. 28.4 km southwest (direct distance) c. 49.5 km southwest via watercourse	Yes. There is a downstream hydrological connection with this SAC via the Derreenavoggy Stream.

	(Festuco-Brometalia) (*important orchid sites) Active raised bogs Degraded raised bogs still capable of natural regeneration Limestone pavements Bog woodland Alluvial forests with Alnus glutinosa and Fraxinus excelsior Otter		
Ardagullion Bog SAC [002341]	Active raised bogs Degraded raised bogs still capable of natural regeneration Depressions on peat substrates of the Rhynchosporion	c. 12 km southeast (direct distance) c. 14.9 km via watercourse	No. There is an upstream hydrological connection with the site via the Derreenavoggy Stream, which precludes a pathway for the propagation of impacts
Upper Lough Erne SAC [UK0016614]	Alluvial forests with Alnus glutinosa and Fraxinus excelsior Otter Natural eutrophic lakes with Magnopotamion or	c. 36 km north-east (direct distance) c. 58.4 km via watercours	No. Although there is a distant hydrological to this SAC via the Aghamore and Aghnacliffe Streams, there is no potential for

	Hydrocharition-type vegetation Old sessile oak woods with Ilex and Blechnum in the British Isles		significant effects on the habitats and species of interest due to the considerable distance and assimilative capacity of the intervening waters
Lough Kinale and Derragh Lough SPA [004061]	Pochard Tufted Duck Wetland and Watebirds	c. 14.9 km southeast (direct distance	No. There is no hydrological connectivity between the site and this SPA
Ballykenny Fisherstown Bog SPA [004101]	Greenland White-fronted Goose	c.14.3 km southwest (direct distance) c. 32.5 km via watercourse	No. Although there is a hydrological connection to this SPA, the site has been abandoned by the known flock. Additionally, the site lies outside of the core foraging range for wintering Greenland white-fronted goose and outside of the recommended disturbance buffer and would not impact a QI population at this

			SPA. The habitats are covered within the Lough Forbes Complex SAC
Lough Oughter Complex SPA [004049	Great Crested Grebe Whooper Swan Wigeon Wetland and Waterbirds	c. 19.7 km northeast (direct distance) c. 28.9 km northeast via watercourse	Yes. There is a downstream hydrological connection with this SPA via the Aghnacliffe Stream and Aghamore Stream
Lough Ree SPA [004064]	Whooper Swan Wigeon Tufted Duck Little Grebe Teal Mallard Shoveler Common Scoter Goldeneye Coot Golden Plover Lapwing Common Tern Wetland and Waterbirds	c. 28.4 km southwest (direct distance) c. 49.5 km southwest via watercourse	Yes. There is a downstream hydrological connection with this SPA via the Derreenavoggy Stream

Upper Lough Erne SPA [UK9020071]	Whooper swan	c. 36 km north-east (direct distance) c 28.9 via watercourse	Yes. There is a downstream hydrological connection with the site via the Aghamore Stream
Upper Lough Erne Ramsar Site [89	Ramsar criterion 1: The site is a particularly good representative example of a eutrophic lake and associated swamp, fen and wet grassland. Ramsar criterion 2: The site supports an appreciable assemblage of rare, vulnerable or endangered species or subspecies of plant and animal. Ramsar criterion 3: The site is of special value for maintaining the genetic and ecological diversity of Northern Ireland because of the quality and peculiarities of its flora and fauna. Ramsar criterion 6: The site regular supports internationally important numbers of wintering Whopper Swan	c. 36 km north-east (direct distance) c58.4 via watercourse	No. Although there is a distant hydrological to this Ramsar Site via the Aghamore and Aghnacliffe Streams, there is no potential for significant effects on the habitats and species of interest due to the considerable distance and assimilative capacity of the intervening waters.

Although hydrological connectivity exists between the Derreenavoggy Stream and the Middle Shannon Callows SPA/SAC, these European Sites were not included within the assessment due to being located a considerable distance from the works (>70 km via watercourse, with intervening lakes).

Six European Sites have the potential to be within the Zone of Influence, given their hydrological connectivity with the site. The proposed works are not necessary for the management of these European Sites.

Lough Forbes Complex SAC - Assessment of direct effects - Given the terrestrial distance (c. 14.3 km) between this SAC and the site, there is no potential for direct effects to habitats as a result of the proposal.

The existing water quality measures at the quarry involve any surface water runoff being directed into a quarry sump, which is discharged into a field drain in the north of the site, which flows into the Aghamore Stream, under Effluent Discharge Licence Ref WP 02/20. Spill kits are also maintained on site, in the event of a hydrocarbon spill, and water quality is monitored on a regular basis

There is a hydrological connection between the site and this SAC. Significant effects on aquatic or water-dependent habitats and species are not expected as a result of the proposed works. This is due to the current water quality measures on site, the absence of a strong hydrological connection (slow-moving, minor ditch), and the considerable hydrological separation distance of c. 32.5 km. The dilution factor is expected to dissipate any potential for water quality related effects on this SAC. There is therefore considered to be no potential for indirect effects on the QIs of this SAC.

Lough Oughter and Associated Loughs SAC - Assessment of direct effects - Given the terrestrial distance (c. 19.6 km) between this SAC and the site, there is no potential for direct effects to habitats as a result of the proposed works.

The site lies c. 28.9 km from this SAC via watercourse, which is beyond reported home ranges for otter (approx. 7.5 km for breeding females) and is therefore not considered to be within the range of the mobile QI population at Lough Oughter. In addition, there is no potential for otter to utilise the site, due to disturbance from the existing quarry and lack of suitable habitat (minor / dry ditches). There is not

considered to be any potential for significant impacts associated with habitat loss or direct mortality for this QI species.

Although hydrologically connected via the Aghnacliffe Stream, which is located in the west of the site and the Aghamore Stream, into which surface water run-off from the site is discharged under Effluent Discharge Licence Ref WP 02/20; and these streams are hydrologically connected to Lough Oughter. The works are located partially within the same WFD subcatchment as the Derreenavoggy Stream (Erne_SC_020). The site is also located in an area of high to extreme groundwater vulnerability (as per EPA maps).

Although run-off discharged into the Aghamore Stream is controlled under licence, there are currently no measures in place to protect the Aghnacliffe Stream, which overlaps with the footprint of the works.

The source of the Aghnacliffe Stream within the site was reported to be dry during the surveys.

There is limited potential for surface water run-off to enter the Aghnacliffe Stream; spill kits are also maintained on site, in the event of a hydrocarbon spill; and water quality is monitored on a regular basis.

Significant effects on aquatic or water-dependent habitats and species are not expected as a result of the proposed works. This is due to the current water quality measures on site, the absence of a strong hydrological connection (dry ditch), and the considerable hydrological separation distance of c. 29.5 km. The course of this connection also contains one large lake (Lough Gowna), the dilution factor of which will further dissipate any potential for water quality related effects on this European site. There is therefore considered to be no potential for indirect effects on the QIs of this SAC.

Lough Ree SAC

There is considerable terrestrial distance (c. 28.4) between this SAC and the site.

The site lies c. 49.5 km from this SAC which is beyond reported home ranges for otter (approx. 7.5 km for breeding females)

There is no potential for otter to utilise the site, due to disturbance from the existing quarry and lack of suitable habitat (minor/dry ditches). As such, there is not considered to be any potential for significant impacts associated.

There is no potential for indirect effects through noise or visual disturbance to otter, given the distance of c. 28.4 km between the site and the SAC.

Although hydrologically connected via the Derreenavoggy Stream, which is located to the south of the site; the minor drainage ditch which connects the site to the Derreenavoggy Stream was noted in BCL Hydro (2023) to have sluggish movement; the drainage ditch does not overlap with the footprint of the extension, being c. 170 m southeast of the works; the works are located partially within the same WFD subcatchment as the Derreenavoggy Stream (Camlin_SC_010); the site is also located in an area of high to extreme groundwater vulnerability. Existing water quality measures at the quarry involve any surface water run off being directed into a quarry sump, which is discharged into a field drain in the north of the site, which flows into the Aghamore Stream, under Effluent Discharge Licence Ref WP 02/20. Spill kits are also maintained on site, in the event of a hydrocarbon spill, and water quality is monitored.

Notwithstanding the hydrological connection between the site and this SAC, significant effects on aquatic or water-dependent habitats and species are not expected as a result of the proposed works. This is due to the current water quality measures on site, the absence of a strong hydrological connection (slow-moving, minor ditch), and the considerable hydrological separation distance of c. 49.5 km. The course of this connection also contains one large lake (Lough Forbes), the dilution factor of which will further dissipate any potential for water quality related effects on this European site. There therefore considered to be no potential for indirect effects on the Qis

Lough Oughter Complex SPA – the site is outside of reported core foraging ranges for wintering whooper swan (will not result in the loss of any foraging habitat). There is limited suitable habitat for foraging wintering waterbirds such as whooper swan, lapwing and golden plover within the site, due to disturbance from the existing quarry. There are also no suitable waterbodies for QI species such as wigeon and great crested grebe.

Indirect effects - given the distance (c. 19.7 km) between the site and Lough Oughter Complex SPA, there is no risk of visual or noise disturbance. Although hydrologically connected via the Aghnacliffe Stream, in the west of the site and the Aghamore Stream, into which surface water run-off from the site is discharged under Effluent

Discharge Licence; and the streams are hydrologically connected to Lough Oughter; the site is also located in an area of high to extreme groundwater vulnerability; run-off discharged into the Aghamore Stream is controlled under licence, there are currently no measures in place to protect the Aghnacliffe Stream, which overlaps with the footprint of the works. It should be noted, however, that the source of the Aghnacliffe Stream within the site was reported to be dry during the surveys carried out by BCL Hydro (2023). As such, there is considered to be limited potential for surface water run-off to enter the Aghnacliffe Stream. In addition to existing dewatering processes on the site, spill kits are also maintained on site, in the event of a hydrocarbon spill, and water quality is monitored.

Significant effects on aquatic or water-dependent habitats and species are not expected as a result of the proposed works. This is due to the current water quality measures on site, the absence of a strong hydrological connection, and the considerable hydrological separation distance of c. 28.9 km. The course of this connection also contains one large lake (Lough Gowna), the dilution factor of which will further dissipate any potential for water quality related effects on this European Site. There is therefore considered to be no potential for indirect effects on the QIs of this SAC.

Lough Ree SPA

Direct effects – it is outside of reported core foraging ranges for wintering whooper swan. There is limited suitable habitat for foraging wintering waterbirds such as whooper swan, lapwing and golden plover within the site due to disturbance from the existing quarry; no suitable waterbodies for QI species such as little grebe, wigeon, teal, mallard, shoveler, tufted duck, scoter, goldeneye, coot and common tern.

Indirect effects – due to the distance (c. 28.4 km), there is no risk of visual or noise disturbance impacts t

Although hydrologically connected via the Derreenavoggy Stream; which has sluggish movement, with an estimated flow rate of 0.02 l/s; additionally, the drainage ditch does not overlap with the footprint of the extension, being c. 170 m southeast of the works; partially within the same WFD subcatchment; and an area of extreme groundwater vulnerability; any surface water run off being directed into a quarry sump, which is discharged into a field drain in the north of the site, which flows into the Aghamore Stream, under Effluen Discharge Licence; spill kits are also

maintained on site, in the event of a hydrocarbon spill, and water quality is monitored; therefore significant effects on aquatic or water-dependent habitats and species are not likely.

Lough Oughter Ramsar Site – as Lough Oughter & Associated Loughs SAC, above.

Based on the distance from the site and appropriate water quality measures in place, there is no potential for direct or indirect impacts on these European Sites through water quality deterioration affecting the associated habitats and species.

In-Combination' Effects

Effects in combination with the proposed development require consideration of the readymix concrete batching plant (PA ref 2279), and aggregate storage shed PA ref (ABP 317088, PA ref 22195) yet to be developed.

The proposed quarry extension development may have the potential to act in conjunction with the other proposals directly adjacent to result in cumulative impacts from hydrocarbon/chemical spillage. Such combined effects are unlikely given the small scale and localised nature of both projects, appropriate water quality measures in place, and the absence of a strong and direct hydrological connection between these projects and the nearest European designated sites.

The site will be accessed via the existing approved quarry entrance which is utilised by quarry traffic including HGV's. No alteration to the existing quarry entrance is necessary.

1.1.2. The third party grounds of appeal includes that a stage two AA should have been prepared.

1.1.3. Assessment

1.1.4. I accept that only those sites with hydrological connection need to be considered for AA screening.

1.1.5. I accept that there is not likely to be any impact on sites with a hydrological connection:

having regard to the existing surface water regime on site, the existing licensed discharge from the site to the Aghnacliffe Stream, and the distance from Natura sites; and

the very limited discharge to the Derreenavoggy Stream and the distance from Natura sites.

1.1.6. **Conclusions of Screening**

1.1.7. It has been concluded that there is no potential for significant effects on the QIs/SCIs of any European Sites as a result of the proposed development. As a result of this finding, it is concluded that, in view of best scientific knowledge, there is no potential for the proposal to have any significant effect on any European Site either alone or in combination with any other proposal. There is therefore no requirement to progress to Stage 2 of the Appropriate Assessment process (Natura Impact Statement) in this case.

Appendix 2

1.0 **EIA Pre-Screening**

An Bord Pleanála Case Reference	319143
Proposed Development Summary	The extraction of rock comprising a lateral southerly extension to, and deepening of the existing quarry to a final depth of c.114mAOD, over an area of c.14.2ha, the construction of internal haul roads, earthen screening bunds and storage landforms, the demolition of farm outbuildings (c.126sqm), the restoration of the site to biodiversity after use primarily in the form of a waterbody, and all ancillary works within an overall application area of c.36.8ha.
Development Address	Townlands of Derreenavoggy and Aghamore Upper, Longford

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	

2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)

Yes	/	*2*. b) Part 2, Schedule 5. Extractive Industry, 'Extraction of stone, gravel, sand or clay, where the area of extraction would be greater than 5 hectares',	EIA Mandatory EIAR required
No			Proceed to Q.3

3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?

		Threshold	**Comment (if relevant)**	**Conclusion**
No				
Yes	/	Schedule 5, Part 2, item *2*.Extractive Industry, (b) 'Extraction of stone, gravel,		EIA Mandatory EIAR required

		sand or clay, where the area of extraction would be greater than 5 hectares', environmental impact assessment is required in this case		

4. Has Schedule 7A information been submitted?		
No	No N/A	
Yes		

Inspector: _____ **Date:** _____

Appendix 3

1.0 **EIA**

1.1. Statutory Provisions

1.1.1. Schedule 5, Part 2, item *2*. Extractive Industry, (b) 'Extraction of stone, gravel, sand or clay, where the area of extraction would be greater than 5 hectares'; environmental impact assessment is required in this case.

1.1.2. Article 94 of the Planning and Development Regulations, 2001 and associated Schedule 6 set out requirements on the contents of an EIAR.

1.1.3. Compliance with the Requirements of Article 94 and Schedule 6 of the Regulations 2001 is assessed below.

Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)
A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development:
A general description of the proposed development is provided in Chapter 1 of the EIAR. I am satisfied therefore that sufficient information has been presented to enable an assessment of likely significant environmental effects to be carried out.
A description of the likely significant effects on the environment of the proposed development:
An assessment of the likely significant direct, indirect, and cumulative effects of the development is carried out for each of the technical chapters of the EIAR. These are considered in the technical assessment of this EIA below. I disagree with the applicant's conclusions in respect of the significance of the potential for significant effects on bats. Otherwise, I am satisfied that the likely significant effects of the development on the environment have been described.
A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development:

Measures to mitigate predicted environmental effects are set out in each technical chapter of the EIAR (where relevant). Having regard to my examination of the EIAR and the submissions made, and my assessment of the likely significant effects of the development on the environment, I am satisfied that the EIAR provides a description of the features and measures to avoid, prevent or reduce significant adverse effects; except in respect of bats. However, this issue is addressed under the heading 'Biodiversity' and by further recommended mitigation in condition no. 3.
A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment:
Alternatives are considered in Chapter 2 of the EIAR and include alternative design and layout, alternative processes and the 'do nothing' scenario. Having regard to the details presented I am satisfied that the applicant has provided a description of the reasonable alternatives, and an indication of the main reasons for the resultant proposed development, with reference to effects on the environment.
Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2):
A description of the baseline environment and likely evolution in the absence of the development:
A description of the baseline environment is typically included in each technical chapter of the EIAR and an assessment of the likely evolution of it, in the absence of the development (do nothing scenario). Where it has not been addressed in the EIAR, the baseline environment and its likely evolution can be readily assessed from the information on the file / inspection of the development site.
A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for

example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved:
A description of the forecasting methods or evidence used to identify and assess the significance of effects is included in each technical chapter of the EIAR. No significant difficulties were encountered. Reference to uncertainty is by way of general references regarding climate change and archaeology. Having regard to my review of the EIAR and to the environmental impact assessment carried out below, I am satisfied that there are no significant impediments to the assessment of environmental effects, by virtue of difficulties encountered or areas of uncertainty, except in respect of impacts on bats. This issue can be addressed by the further recommended mitigation (see report section 'Biodiversity').
A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it:
Vulnerability of the proposed development to environmental effects arising from the risks of major accidents and/or disasters is appropriately considered in Chapter 16 of the EIAR.
Article 94 (c) A summary of the information in non-technical language:
A Non-Technical Summary (NTS) of the proposed development is provided as a separate document. I have read the report, and it summarises, in non-technical language, the information contained in the EIAR and likely environmental effects of the development. I am satisfied therefore that the EIAR complies with the requirements of the Regulations in respect of Article 94(c).
Article 94 (d) Sources used for the description and the assessments used in the report:
The sources used to inform the description, and the assessment of the environmental effects of the development are set out in each chapter. I consider the sources relied upon are generally appropriate and sufficient except in relation to concerns raised in respect of impacts on bats for the reasons stated under the heading 'Biodiversity' in this report

Article 94 (e) A list of the experts who contributed to the preparation of the report:
A list of the various experts who contributed to the EIAR is set out in Table 1-2 of the EIAR. Where relevant, this information is repeated in chapter introductions. I have reviewed each of the technical sections of the report, and I am satisfied that it has been prepared by experts with competency in the technical subject areas.

1.2. Compliance

1.2.1. Having regard to the foregoing, and subject to further recommended mitigation in relation to bats, I am satisfied that the information contained in the EIAR, and supplementary information provided by the developer is sufficient to comply with article 94 of the Planning and Development Regulations, 2001. Matters of detail are considered in my assessment below.

1.3. Assessment of Likely Significant Effects

1.3.1. In accordance with section 171A of the Act, which defines EIA, this assessment includes an examination, analysis and evaluation of the application documents, including the EIAR and submissions received, and identifies, describes and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interactions. Each topic section is therefore structured around the following headings:

- Issues raised in the appeal / application.
- Examination of the EIAR.
- Analysis, Evaluation and Assessment: Direct and indirect effects.
- Conclusion: Direct and indirect effects.

1.3.2. The information provided in support of the application includes an EIAR in 3 volumes: volume 1 - main report, volume 2 – appendices; and a non-technical summary

In Volume I- the Main EIA Report are the following chapters:

Chapter 1 Introduction

Chapter 2 Scope of the Environmental Impact Assessment (this includes alternatives)

Chapter 3 Planning Policy Framework

Chapter 4 Project Summary and Objectives

Chapter 5 Geological Assessment

Chapter 6 Water Environment

Chapter 7 Noise and Vibration

Chapter 8 Biodiversity

Chapter 9 Landscape and Visual

Chapter 10 Air Quality and Dust.

Chapter 11 Traffic Impacts

Chapter 12 Cultural Heritage

Chapter 13 Waste Management

Chapter 14 Soil and Natural Resources

Chapter 15 Socio-Economic Impacts

Chapter 16 Climate Change, Accidents and Disasters

Chapter 17 Human Health

Chapter 18 Intra and Inter Cumulative Impacts

Volume II – Appendices contains:

Appendix 2.1 Carrickatean Greywacke Formation

Appendix 4.1 Permission Reference 07/831, approved void design and restoration scheme

Appendix 4.2 Proposed Phasing drawings

Appendix 4.3 Proposed Restoration Concept

Appendix 6.1 Hydrological and Hydrogeological Impact Assessment

Appendix 7.1 Noise Impact Assessment

Appendix 8.1 Ecological Impact Assessment

Appendix 9.1 Landscape and Visual Impact Assessment

Appendix 10.1 Air Quality & Dust Impact Assessment

Appendix 12.1 Archaeological Impact Assessment

1.3.3. Other documents submitted with the application include:

Application form, and

Drawings

1.3.4. Documents submitted with a further information response include:

Response letter

Appropriate Assessment Screening Report

Noise Impact Assessment Report, and

Drawings

1.4. Description of development:

1.4.1. A description of the proposed development is contained in the title to the EIAR and chapter 1 and in more detail in the planning documents. In summary the development applied for is the proposed extraction of rock over an area of c. 14.2ha comprising a lateral southerly extension to, and deepening of the existing quarry to a final depth of c. 114mAOD, the construction of internal haul roads, earthen screening bunds and storage landforms, the demolition of farm outbuildings (c. 126sqm), the restoration of the site to biodiversity after uses, primarily in the form of a waterbody, and all ancillary works within an overall application area of c. 36.8ha at Aghamore Upper and Derreenavoggy townlands, Aughnacliffe, Co. Longford for Lagan Materials Ltd, trading as Breedon Ireland.

1.5. Environmental Impact Assessment

1.5.1. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the appeal / application. In my opinion the information contained in the EIAR and supplementary information provided by the developer, has been prepared by competent experts and adequately identifies and describes the direct and indirect effects of the proposed development on the environment, and complies with the relevant legislative provisions.

1.5.2. I consider that the information available to the Board, which includes information submitted with the application, information in written submissions, and various other sources of information, such as the NPWS web site, is adequate for the carrying out of Environmental Impact Assessment in this case.

1.6. Major Accident or Disaster

1.6.1. Having regard to the nature of the proposed development and the receiving environment, the likelihood of a major accident or disaster impacting the proposed development, or arising as a result of the proposed development, can be discounted.

1.7. Alternatives

1.7.1. Alternatives considered are stated as: do nothing, alternative sources of aggregates, alternative locations.

1.7.2. Alternative sources of aggregates - In the absence of significant volumes of aggregates from recycled/ secondary sources, primary, indigenous deposits, such as the greywacke resource at Aughnacliffe Quarry, are required to be the main source of construction aggregates in Ireland.

1.7.3. Alternative locations - a number of considerations have been taken into account when selecting the proposed development: the availability of mineral, mineral sterilisation (by development), access and highways, resource size, land ownership, planning policy, surrounding land uses. No alternatives sites have been identified within the range of operations.

1.7.4. Alternative design elements which were considered are outlined: maximum depth of 70mAOD, maximum depth revised to 114mAOD; alternative design option 2 - maximum lateral extension followed by deepening; alternative design option 3 - retention of farm buildings. Following the completion of bat surveys in summer 2022, it was identified that the buildings had the potential to be in use as maternity bat roosts, including for rarer bat species. Following consultation with the project ecologist, an alternative project design was advanced in order to avoid the removal of these potential roosting sites.

1.8. Consideration of Significant Effects

1.8.1. I consider the direct and indirect significant effects of the development against the factors set out under Article 3(1) of the EIA Directive 2014/52/EU, which include:

a) population and human health;
b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
c) land, soil, water, air and climate;

d) material assets, cultural heritage and the landscape;

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

1.9. Direct and indirect significant effects of the development:

1.9.1. Population and Human Health

Population and Human Health	
EIAR	This is mainly dealt with in chapter 17 of the EIAR, Human Health. Other chapters referenced in chapter 17 are: 6) Water Environment, 7) Noise and Vibration, 10) Air Quality and Dust. Other relevant sections are: chapter 11) Traffic Impacts, chapter 9) Landscape and Visual, Appendix 10.1 Air Quality & Dust Impact Assessment, and the Noise Impact Assessment Report submitted as further information.
Submissions	Issues raised in the course of the planning application, in the decision made by the PA, and in the grounds of appeal and observation, in relation to population and human health, include: Impact on residential amenity and increasing proximity to houses. Impact on groundwater and private water supplies. Impact of noise and vibration – including the operation of existing activities outside permitted hours; and the lack of enforcement. Traffic impact. Impact of dust including on farmland and crop growth. These issues are addressed under separate headings in the Inspector's report.
Potential Impacts	Assessment and Mitigation Measures: The main impacts on population and human health are from continuation of traffic, noise, dust and vibration impacts and increase in impacts as the distance between the quarry and dwellings reduces.

	This will be mitigated by management of noise, dust and vibration and improvements to the public road. There will be positive impact on population from the provision of materials for the construction industry.

1.9.2. Biodiversity

Biodiversity with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC	
EIAR	This is mainly dealt with in chapter 8 (Biodiversity) of the EIAR and Appendix 8.1 Ecological Impact Assessment. The Ecological Impact Assessment is also relevant.
Submissions	Issues have been raised by observers to the planning authority and in the grounds of appeal in relation to loss of biodiversity: loss of habitat for bat species, for two falcon species and other red listed bird species; loss of wetland habitat which supports newts; and loss of mature woodland and hedgerow. Biodiversity is addressed under a separate heading in the Inspector's report and in appendix 2: AA screening.
Potential Impacts	Assessment and Mitigation Measures: There is potential for negative impact on bats from disturbance to maternity roosts and loss of foraging routes. This is to be mitigated by avoidance of the dwelling and outbuildings where roosts have been identified, the implementation of measures to ensure that bats are not present in trees, prior to removal, and the provision of planting in replacement of hedgerow removal. Measures in addition to those proposed are considered necessary to mitigate the potential for negative impact on bats and are included in condition no. 3.

	There is potential for negative impact on newts. This is to be mitigated by provision of replacement ponds and by adherence to statutory requirements if translocation is necessary. Of the falcon species present on site, the peregrine nest will not be impacted by the development, and nest replacement for Kestrel is included as mitigation, noting that the species utilises existing nests. Impact on other bird species is to be mitigated by provision of nest boxes.

1.14.1. Land, Soil, Water, Air and Climate

Land, Soil and Water	
EIAR	These issues are mainly dealt with in the EIAR in chapter 5 Geological Assessment, chapter 6 Water Environment, chapter 14 Soil and Natural Resources, and appendix 6.1 Hydrological and Hydrogeological Impact Assessment.
Submissions	Issues have been raised by observers to the planning authority and in the grounds of appeal in relation to negative impact on surface water and groundwater. This is addressed under separate heading in the Inspector's report.
Potential Impacts	Assessment and Mitigation Measures The potential contamination of groundwater / surface water, is to be mitigated by measures to control sediment loss, by licensed discharge; and control of accidental spills and leaks. Limited potential reduction in ground water well supplies / water quality is to be mitigated by monitoring ground water and replacement of supplies if necessary.

Air and Climate	
EIAR	These issues are mainly dealt with in the EIAR in chapter 10 Air Quality and Dust, chapter 16 Climate Change, Accidents and Disasters, Appendix 10.1 Air Quality & Dust Impact Assessment and appendix 7.1 Noise Impact Assessment.
Submissions	Issues have been raised by observers to the planning authority and in the grounds of appeal in relation to negative impact on residential properties and land, from dust; noise and vibration impacts on residential properties. Including the operation of existing activities outside permitted hours and the lack of enforcement. These are addressed under separate heading in the Inspector's report.
Potential Impacts	Assessment and Mitigation Measures: Predicted impact from noise will remain within guideline limits[3] for the construction phase of the project, during daytime and night-time periods. Predicted impact from noise will remain within NG4[4] guideline limits for the operational phase of the project, with the nearby quarry included, during daytime and night-time periods. The impact from dust is likely to be similar to that from the existing quarry which shows that no significant impact will occur to any sensitive receptor. The impact from noise has been modelled and shows that no significant impact will occur to any sensitive receptor.

1.27.1. Material Assets, Cultural Heritage and the Landscape

[3] British Standard BS 5228-1: 2009+A1:2014 Code of Practice for Noise and Vibration Control on Construction and Open Sites – Noise.

[4] Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4), published by the Environmental Protection Agency, Office of Environmental Enforcement (OEE)

Material Assets, Cultural Heritage and the Landscape	
EIAR	These issues are mainly dealt with in chapter 12 Cultural Heritage, chapter 9 Landscape and Visual, Appendix 12.1 Archaeological Impact Assessment of the EIAR.
Submissions	The issues raised by observers to the planning authority and in the grounds of appeal are in relation to negative impact on properties from blasting. This is addressed under the heading residential amenity in the Inspector's report.
Potential Impacts	Assessment and Mitigation Measures: No notable issues arise.

1.33.1. Interactions Between the Factors

Interactions Between the Factors	
EIAR	This is dealt with in each chapter and in chapter 18 Intra and Inter Cumulative Impacts of the EIAR.
Submissions	No issues were raised
Potential Impacts	Assessment and Mitigation Measures No notable issues arise.

1.41. **Reasons & Conclusions**

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

- Impact on roads in the vicinity of the quarry and other road users from traffic which will be mitigated by the road improvement works to be carried out by Longford County Council.

- Impact on residential properties from dust, noise and vibration which will be mitigated by operational protocols and monitoring.
- Impact on wildlife through habitat destruction and disturbance, which will be mitigated by the design of the work area which avoids the buildings where bat roosts exist and the trees which immediately adjoin them; the provision of a replacement pond suitable for newts; provision of bat boxes and bird boxes; the planting of native species of vegetation as part of the site restoration, and further mitigation required by condition (no. 3) to address the loss of hedgerows and trees for foraging and commuting bats.
- Although these measures will not fully mitigate the biodiversity impact, it is considered that the loss of habitats is acceptable in light of the availability of similar habitat in the general area.

The positive benefits of the scheme would outweigh any remaining minor negative impacts. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment.

Planning Inspector

18th March 2025

Appendix 4 Photographs

Appendix 5 Laois County Development Plan 2021-2027, extracts.