



An  
Bord  
Pleanála

## Inspector's Report ABP-319612-24

### Development

Application under section 37L of the Planning and Development Acts, 2000-2015 for Further Development of a Quarry

### Location

Aghnaskew, Scotshouse, Co. Monaghan.

### Planning Authority

Monaghan County Council

### Applicant(s)

Scotshouse Quarries Limited

### Type of Application

Application under section 37L of the Planning and Development Act 2000, as amended, for further extension of quarry.

|                                |                                |
|--------------------------------|--------------------------------|
| <b>Observer(s)</b>             | None                           |
| <b>Prescribed Bodies</b>       | DAU<br>An Taisce               |
| <b>Date of Site Inspection</b> | 14 <sup>th</sup> February 2025 |
| <b>Inspector</b>               | Ronan O'Connor                 |

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## **1.0 Introduction**

- 1.1. This application is made under section 37L of the Planning and Development Act as amended. The applicant was granted Leave to Apply for Substitute Consent in March 2022 (ABP Ref 311522-21). A subsequent application for Substitute Consent with an rEIAR was made under Section 177E. The Planning and Development, Maritime and Valuation (Amendment) Act 2022 allows for parallel applications for prospective developments on sites which are entering and already within the s177E Substitute Consent process. The relevant provisions of same were commenced on December 15<sup>th</sup> 2023. At the time of this application the Substitute Consent application (ABP 316144 refers) has not been decided upon. The current application is now submitted for assessment in parallel.

## **2.0 Site Location and Description**

- 2.1. The site is situated c1km south-east of Scotshouse Village, in Co. Monaghan. The site covers an area of 14.6 Ha. On site there is a working quarry (the 'Permitted Area') which is an area of 3.3 Ha which received planning permission for extraction of minerals in 1983 (PA Ref 83/09). There is a further excavated area which is the subject of the current Substitute Consent application (ABP Ref 316144). For the purposes of this s37L application, the site includes both the Substitute Consent area, and lands to the south of same.
- 2.2. The L6280 forms the north-eastern boundary of Scotshouse Quarry and adjoins the R212 to the west. This road is the main haul route for HGVs accessing and egressing the existing quarry.
- 2.3. The immediate surrounding area is agricultural in nature, with residential development present in the form of scatted single house developments, with the nearest such dwelling located c135m from the northern site boundary.

## **3.0 Proposed Development**

- 3.1.1. The proposed development incorporates an area of c14.6Ha extending the registered quarry QY1 in a southerly direction. This consists of:

- Zone A – Covers 6.5 ha area of land previously exposed to extraction activities including that area for which substitute consent has been applied:
- Zone B – Covers 8.1 ha area of land to the south of the existing excavated area which is currently used for pasture.

- 3.1.2. The proposed development proposes to bring the remaining reserves within the 'Substitute Consent' area down to the established quarry floor depth of c105m OD, and further lower this area over time by a further 15m bench to 90m OD over time. In addition, it is proposed to expand the quarry footprint into an existing greenfield area. This area will be brought down in multiple benches by a total of 45-50m to 90m OD with the upper benches (above 105m OD) worked in tandem with the deepening of the Substitute Consent Area below 105m OD.
- 3.1.3. The proposed development will extend the quarry to a total area of c17.9 ha. The site has an estimated reserve of c3,642,300 m<sup>3</sup> of rock or c8,013,060 tonnes, using an estimated reserve of 2.2 tonnes per m<sup>3</sup> of aggregate. The Proposed Development plans to extract and process up to the historic maximum output of 350,000 tonnes per annum.
- 3.1.4. Three phases of development are set out the construction phase, the operational phase and the restoration phase.
- 3.1.5. The construction phase will involve the stripping of overburden, the creation and seeding of soil embankments and berms, the creation of haul routes and the removal of a derelict stone agricultural structure from the site.
- 3.1.6. At operational phase the operational face will be developed in phased manner, using industry standard drilling and blasting techniques. Processing will consist of the primary crushing and screening by mobile plant near the blast area followed by transportation, either directly to market or to the main processing plant within the existing Scotshouse Quarry to the north of the site. The operational phase is divided into 8 no. phases, as described in Section 3.3.3.2 of the EIAR.
- 3.1.7. The restoration phase is described in Section 3.3.3.3 of the EIAR.<sup>1</sup> It is noted that following the operational stage, the resultant ground level across Zone A and B will

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<sup>1</sup> The Board will note that the Restoration Plan as proposed under this s37L application differs from that proposed under the Substitute Consent application (ABP 316144 refers)

be below the water table – the estimated groundwater level is 104-105m OD. The groundwater will be allowed to recharge and form a water body across the site. It is stated that given the low conductivity of the rock in the Site, it will take many years for inundation to former levels to occur. It is stated that this represents a departure from the rehabilitation plan previously submitted to the competent authority for Zone A. This is necessitated by the deepening of the quarry.

- 3.1.8. I would note also that a Restoration Plan is included as separate document (Drg. No. PP-110-01 'Proposed Site Layout Map and Details') which has been submitted with the application.

## **4.0 Planning History**

- 4.1.1. The key quarrying elements of the planning history of the site are summarised below.

### Planning Applications

ABP Ref 316144-23 – Current Application - Application for substitute consent under Section 177E for Quarry.

PA Ref 83/09: Develop quarry c. 3.3 hectares: Permitted on 25th July 1983.

### Section 261 Registration

Ref QY1: Section 261 registration of a 11.5-hectare quarry with an extraction area of 10 hectares: Registration confirmed by the Planning Authority on 12th April 2005.

Ref Q04/3002: Section 261(6)(a)(ii) conditions attached to operation of quarry on 24th March 2006. Pursuant to Condition 3 a restoration plan for the 11.5-hectare quarry was submitted to and agreed in writing by the Planning Authority on 6th November 2006.

### Enforcement

Section 261A(2)(a): In 2012, the Planning Authority prepared a "Quarry Assessment – Internal Report", which addressed the need for EIA and NIA and which recommended that "no further action is required".

Enforcement report dated 21st March 2014 following site visit on 14th March 2014: No unauthorised quarrying recorded and no non-compliance with conditions recorded.

Enforcement enquiry E1760: Enforcement report dated 24th October 2017 concluded that “the quarry is operating within the boundaries/site area registered under ref. 4/3002 and compliant with subsequent permissions.”

Enforcement enquiry E82.2019: Warning letters issued on 2nd October 2019 and 20th February 2020 concerning extension to quarry and quarrying on lands without planning permission and a subsequent enforcement notice was issued on 2nd June 2020.

4.1.2. Other planning applications are summarised below, all of which were made by the current applicant:

- 08/787: Existing floodlights: Retention permission granted.
- 09/618: Portal frame workshop: Permitted.
- 10/127: Prefabricated single storey office building, weighbridge, and 2.4m high roadside boundary palisade fence: Retention permission granted.
- 14/124: Crushing plant facility: Retention permission granted.
- 14/157: Site office, wastewater treatment unit and associated raised filter percolation area, 7-space car park, storm drainage, foul drainage and all other associated site works: Permitted and subsequent application 19/9011 for extension of duration of permission granted until 27th August 2024.
- 15/113: Coated road stone plant: Permitted.
- 18/485: ESB sub-station and customer switch room: Permitted.

## **5.0 Policy Context**

### **5.1. Local Policy**

### **5.2. Monaghan County Development Plan 2019-2025**

5.2.1. The relevant Development Plan is the Monaghan County Development Plan 2019-2025. Relevant Policies are as follows.

## Mineral Extraction Policies

ERP 1 - To safeguard for future extraction all identified locations of major mineral deposits in the County

ERP 2 - To promote development involving the extraction of mineral reserves and their associated processes, where the Planning Authority is satisfied that any such development will be carried out in a sustainable manner that does not adversely impact on the environment or on other land uses. Consideration in this regard shall be given to the impact of the development on the local economy.

## Policies for Extractive Industry

EIP 1 To require all applications for extractive development to submit the following as part of the planning applications;

- a) Map detailing total site area, area of excavation, any ancillary proposed development and nearest dwelling and/or any other development within 1km of the application site.
- b) Description of the aggregate to be extracted, method of extraction, any ancillary processes (crushing etc), equipment to be used, stockpiles, storage of soil and overburden and storage of waste materials.
- c) Total and annual tonnage of extracted aggregates, expected life time of the extraction, maximum extent and depth of working and a phasing programme.
- d) Details of water courses, water table depth and hydrological impacts, natural and cultural heritage impacts, traffic impact and waste management.
- e) Assessment of cumulative impact when taken with any other extractive operations in the vicinity.
- f) Likely environmental effects, proposed mitigation measures and restoration and after- care proposals.

EIP 4 To restrict extractive developments that may have a detrimental impact on the natural or built environment or matters of acknowledged public importance including the use of public rights of way

## Water Protection Policies

WPP 1 In assessing applications for developments, the Council will consider the impact on the quality of surface waters and will have regard to targets and measures set out in the River Basin Management Plan for Ireland 2018-2021 and any subsequent local or regional plans.

WPP 2 In assessing applications for development, the planning authority shall ensure compliance with the European Communities Environmental Objectives (Surface Waters) Regulations, 2009 (S.I. No 272 of 2009) and the European Communities Environmental Objectives (Groundwater Regulations, 2010 (S.I. No. 9 of 2010).

WPP 3 To protect known and potential groundwater reserves in the county. In assessing applications for developments, the planning authority will consider the impact on the quality of water reserves and will have regard to the recommended approach in the Groundwater Protection Response Schemes published by GSI. The employment of the methodology identified in the 'Groundwater Protection Scheme Reports for County Monaghan public supply sources' (available at [www.gsi.ie](http://www.gsi.ie)) and 'Guidance on the Authorisation of Discharges to Groundwater' (available at [www.epa.ie](http://www.epa.ie)) will be required where appropriate.

WPP 4 To require submission of a water protection plan and detailed site drainage plans with all planning applications. Maps of sensitive areas waters, a Water Protection Plan Checklist (Appendix 7) and latest water body status information at [www.catchments.ie](http://www.catchments.ie) will assist in the preparation of plans at application stage.

WPP11 Development which would have an unacceptable impact on the water environment, including surface water and groundwater quality and quantity, river corridors and associated wetlands will not be permitted.

WPP 15 To protect waterbodies and watercourses from inappropriate development, including rivers, streams, associated undeveloped riparian strips, wetlands and natural floodplains. This will include protection buffers in riverine and wetland areas as appropriate.

#### Other Relevant Policies

LP 1 To control lighting in urban and rural areas and in sensitive locations, in order to minimise impacts on residential amenity and habitats and species of importance.

NP 1 To promote the implementation of the Noise Directive 2002/49/EC and associated Environmental Noise Regulations 2006.

AQP 1 Quality and Cleaner Air for Europe (CAFE) Directive (2008/50/EC) and ensure that all air emissions associated with new developments are within Environmental Quality Standards as out in the Air Quality Standards Regulations 2011 (SI No. 180 of 2011) (or any updated/superseding documents). Promote the preservation of best ambient air quality compatible with sustainable development in accordance with the EU Ambient Air.

AQP 2 To contribute towards compliance with air quality legislation; greenhouse gas emission targets; management of noise levels; and reductions in energy usage.

Industrial and Commercial Development

Section 15.13.7 Residential Amenity All developments must have regard to the potential impact upon the residential amenity of existing and permitted residential land uses in the vicinity of the development.

Policy RDP 24 Development which has the potential to detrimentally impact on the residential amenity of properties in the vicinity of the development, by reason of overshadowing, overbearing, dominance, emissions or general disturbance shall be resisted

Section 15.19 Landscaping (Urban and Rural) and Policy LCP 1 'Landscaping Policy'

LCP 1 To require all planning applications to include a comprehensive landscaping plan commensurate to the scale of development on site in accordance with the specifications set out in Section 15.19 of Chapter 15 of the Monaghan County Development Plan 2019-2025.

LCP 2 Developments which necessitate the removal of extensive hedgerow and trees shall only be permitted in exceptional circumstances. In these instances, a comprehensive landscape plan must be submitted with the proposal which includes a replanting schedule along with the replacement of planting being lost.

### **5.3. National Policy and Guidance**

### **5.4. Climate Action Plan 2024**

5.5. The Government of Ireland's Climate Action Plan was first published in June 2019 by the Department of Communications, Climate Action and Environment. The Climate Action Plan 2024 (CAP24) is the third annual update to Ireland's Climate Action Plan 2019. This plan is prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021, and following the introduction, in 2022, of economy-wide carbon budgets and sectoral emissions ceilings.

5.6. **Climate Action and Low Carbon Development (Amendment) Act 2021**

This Act amends the Climate Action and Low Carbon Development Act 2015. It sets out the national objective of transitioning to a low carbon, climate resilient and environmentally sustainable economy in the period up to 2050. The Act commits us, in law, to a move to a climate resilient and climate neutral economy by 2050.

An Bord Pleanála is a relevant body for the purposes of the Climate Act. As a result, the obligation of the Board is to make all decisions in a manner that is consistent with the Climate Act.

5.7. **Ireland's 4<sup>th</sup> National Biodiversity Action Plan 2023–2030**

Ireland's 4<sup>th</sup> National Biodiversity Action Plan (NBAP) sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which we value and protect nature. The NBAP will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity,
- Objective 2 - Meet Urgent Conservation and Restoration Needs,
- Objective 3 - Secure Nature's Contribution to People,
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5-Strengthen Ireland's Contribution to International Biodiversity Initiatives.

5.8. **National Planning Framework (Project Ireland 2040) and National Development Plan 2018-2027**

These joint documents set out a vision for the future development of the country and in particular, to support the sustainable development of rural areas by encouraging growth.

### **Section 5.4 Planning and Investment to Support Rural Job Creation**

Aggregates and Minerals Extractive industries are important for the supply of aggregates and construction materials and minerals to a variety of sectors, for both domestic requirements and for export. The planning process will play a key role in realising the potential of the extractive industries sector by identifying and protecting important reserves of aggregates and minerals from development that might prejudice their utilisation. Aggregates and minerals extraction will continue to be enabled where this is compatible with the protection of the environment in terms of air and water quality, natural and cultural heritage, the quality of life of residents in the vicinity, and provides for appropriate site rehabilitation.

**National Policy Objective 23** seeks to facilitate the development of the rural economy through supporting, amongst other sectors, a sustainable and economically efficient extractive industry sector, whilst at the same time noting the importance of maintaining and protecting the natural landscape and built heritage, which are recognised as being vital to rural tourism.

### **Draft First Revision to the National Planning Framework July 2024**

The updated Draft Revised NPF published 5<sup>th</sup> November 2024, references the Circular Economy and Miscellaneous Provisions Act 2022 and the National Circular Economy Strategy 2022, and that the Circular Economy as playing a much more significant role. The updated Draft Revised NPF published in November also sets out new upward targets for housing.

**National Policy Objective 42** seeks to target the delivery of housing to accommodate approximately 50,000 additional homes per annum to 2040.

**National Policy Objective 76** seeks to 'sustainably manage waste generation including construction and demolition waste, invest in different types of waste treatments and support circular economy principles, prioritising prevention, reuse, recycling and recovery, to support a healthy environment economy and society'.

## 5.9. Regional Policy

### **Northern & Western Regional Assembly - Regional Spatial and Economic Strategy 2020-2032**

The primary statutory purpose of the Strategy is to support the implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and the ten year National Development Plan (NDP) - including the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the region.

## 5.10. Other Relevant Policy/Directives/Guideline

### **European Union Water Framework Directive**

The European Union Water Framework Directive 2000/60/EC (WFD) was adopted in 2000 as a single piece of legislation covering rivers, lakes, groundwater and transitional (estuarine) and coastal waters and includes heavily modified and artificial waterbodies. The overarching aim of the WFD is to prevent further deterioration of and to protect, enhance and restore the status of all bodies of water with the aim of achieving at least 'good' ecological status by 2015 (or where certain derogations have been justified to 2021 or 2027).

### **Quarries and Ancillary Activities Guidelines for Planning Authorities (2004), DOEHLG**

These Guidelines were issued to offer guidance to planning authorities and An Bord Pleanála for the quarrying industry through the Development Plan and determining planning applications for planning permission for quarrying and ancillary activities and for the implementation of Section 261 of the Planning and Development Act, 2000.

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

**Section 3.2** notes that extractive industries are associated with many noise-generating activities including the removal of topsoil and overburden, excavation with machinery, drilling and blasting of rock, crushing and screening of aggregates, transport of raw materials and finished products within the site and on public roads. The Guidelines set out a recommended standard of 55dB(A)  $L_{Aeq}$  (1 h) for daytime noise and 45 dBA  $L_{Aeq}$  (1 h) for night-time at the nearest sensitive receptor. The guidelines also note that it may be appropriate to permit higher noise Environmental Limit Values (ELVs) for short-term temporary activities such as construction of screening bunds, etc, where these activities will result in a considerable environmental benefit.

**Section 3.3** sets out a number of best practice mitigation measures to prevent dust creation at source, one such measure includes paving road surfaces. As the predicted dust levels in all scenarios, at sensitive locations, are within the criteria set out in national guidelines, I am satisfied that the impact would not be significant and there is no requirement for the paving of roads within the quarry site.

**Section 3.6** notes the development plan will indicate areas of high landscape quality, together with proposed geological Natural Heritage Areas, where quarrying will not normally be permitted. While Quaternary landscape features such as eskers and moraines comprise valuable sediments, they also represent non-renewable records of past climate and environmental change and should be afforded some protection.

**Section 3.7** notes in relation to traffic impact best practice/possible mitigation measures: Some related mitigation measures (e.g. in relation to noise and dust) have been outlined above. Specific traffic-related measures may include:

- The improvement of sightlines at the site entrance;
- The strengthening/widening of local roads;
- Limiting HGV traffic to specified routes to and from the site;
- Queuing of vehicles with engines running at quarry sites in the early morning can impact on residential amenity, and must be avoided;
- Provision of footpaths/pedestrian refuges as well as passing bays for vehicles on rural roads in the vicinity of the site.

**Section 4.9** states that when considering whether a further permission should be granted, the planning authority should have regard (inter alia) to the extent of the

remaining mineral resources and the extent of existing capital investment in infrastructure, equipment, etc.

### **Supplementary Guidelines for Planning Authorities July 2012 DOEHLG**

These guidelines support and clarify the legislative arrangements relating to the control of quarries through the planning system following the enactment of Section 261A of the Planning and Development Act. 2000 and related provisions.

### **Environmental Management in the Extractive Industry, Environmental Protection Agency, 2006**

These guidelines provide a summary of environmental management practices for quarries and ancillary facilities. Key environmental management issues have been identified and addressed.

**Section 3.5** notes that noise and vibration are present in many normal everyday activities. In relation to quarry developments and ancillary activities, it is recommended that noise from the activities on site shall not exceed the following noise ELVs 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.

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.

## **5.11. Natural Heritage Designations**

5.11.1. The site itself is not a designated site. It does not directly adjoin a designated site.

The nearest such sites are as follows:

- Drumcor Lough pNHA (site code 001841) 1.1km to the north-west of site
- Upper Lough Erne SPA (site code UK9020071) 4km north-west of site

- Upper Lough Erne SAC (site code UK0016614) 4km north-west of site
- Lough Oughter and Associated Loughs SAC (site code 000007) c5.3km north-west of site.

## 6.0 Submissions

### 6.1. Observer submissions

6.1.1. None received.

### 6.2. Prescribed Bodies

6.2.1. Development Applications Unit (DAU), Department of Housing, Local Government and Heritage [submission received 23<sup>rd</sup> July 2024]:

- Notes Archaeological Assessment in the EIAR/notes the scale of the proposed development/encompasses a greenfield site extending to c8.1 ha (Zone B), in addition to a further 6.5 ha where quarrying activity has already occurred (Zone A).
- A number of recorded monuments are in close proximity.
- No advance archaeological investigations have been carried out to inform the EIAR other than a walkover survey.
- No record of advance archaeological investigations or monitoring of groundworks for the existing quarry, Zone A Lands or Zone B Lands.
- EIAR acknowledges that there is potential for previously unknown sub-surface archaeological features or deposits may be present within the greenfield section of the site.
- Strongly advises that advance geophysical survey and advance archaeological test excavation should be carried out prior to any development of the site (Zone B).
- Recommends conditions.

6.2.2. An Taisce [submission received on 23<sup>rd</sup> July 2024]:

- Note reference to groundwater body in letter sent from Monaghan County Council (MCC) (dated 7<sup>th</sup> June 2023, in relation to the Substitute Consent application – ABP 316144-23 refers).
- Requirements of assessment under the Water Framework Directive (WFD) must be adhered to/under Article 4 of same.
- In relation to potential contamination, the Council only carried out a visual inspection of the watercourse at the discharge point/insufficient.
- Water sample should be collected and scientifically evaluated to determine whether contamination has occurred.
- No reference in the EIAR to water outflow from the outfall pipe in which algae was observed on large cobbles within a stream and the water was of grey colour/MCC should carry of a monitoring exercise.
- Note the presence of a potential ringfort to the west of the quarry area/need to ensure a robust Archaeological Impact Assessment has been conducted.
- Operational timeframe of 35 years is excessive/does not allow for a review of quarrying operations after a 10-year period.
- Hedgerows treelines and scrub habitats should be retained, or replaced.
- Supplementary planting should be carried out to ensure no net biodiversity loss.
- Significant removal of vegetation/requires a management plan for supplementary planting.
- The implementation of the restoration plan will not take place for at least 35 years.
- Biodiversity Management Plan would be more useful to ensure continuous monitoring of biodiversity features/prevent the spread of disease/note the present of mature ash within the site/preserving this species is desirable.
- Need to give close consideration to the quality of effluent which discharges downstream of Dunsrim Lough/could act as a potential pathway for suspended solids from on-site activities to enter into the connected drainage network which joins the Gortuna River/Gortuna River is at risk of not achieving good water

quality status under the WFD by 2027/is a wetland area of ecological value/likely to contain birds and plants.

6.2.3. Inland Fisheries Ireland – No observation on application received.

### 6.3. **Planning Authority Submission**

6.3.1. A submission from the Planning Authority was received on 19<sup>th</sup> June 2024 and this submission notes policies that are of relevance to the application.

## 7.0 **Assessment**

7.1.1. This assessment on the application for further quarrying, as made under section 37L of the Act, should be read in association with the parallel application for Substitute Consent (ABP-316144-23 refers).

7.1.2. I would note that the Planning Authority has neither expressed support nor objection for this S37L application in their submission to the Board (received on 19<sup>th</sup> June 2024). Submissions were invited from prescribed bodies (as set out in Section 7.2). I would note that the submission from the Development Applications Unit (DAU), Department of Housing, Local Government and Heritage refers to matters relating to archaeological heritage and I have considered same in Section 10 below. The submission from An Taisce relates, in the main, to matters which I have considered in Section 10 of this report (water quality, archaeology and biodiversity). The operational timeframe of 35 years is cited as being excessive and I have considered this issue in Section 8 below.

7.1.3. The assessment below is set out in three sections under the following headings.

- Section 8- Planning Assessment
- Section 9 (And Appendix 2) - Appropriate Assessment
- Section 10 - Environmental Impact Assessment

## 8.0 **Planning Assessment**

8.1.1. The planning issues raised, and which have not been considered in other sections of this report, are as follows:

- Principle of Development
- Operational Timeframe
- Development Contributions
- The Planning Authority's Submission and Conditions

## 8.2. Principle of Development

- 8.2.1. In relation to the principle of development, I have reviewed the proposal in the light of the National Planning Framework, the Monaghan County Development Plan 2019-2025 and other relevant national and regional guidance, the planning history of the site, the submissions of the applicant, the Planning Authority, and from prescribed bodies, and my own site visit.
- 8.2.2. Within the National Planning Framework (NPF), National Policy Objective 23 seeks to facilitate the development of the rural economy through supporting, amongst other sectors, a sustainable and economically efficient extractive industry sector, whilst at the same time noting the importance of maintaining and protecting the natural landscape and built heritage, which are recognised as being vital to rural tourism. The Regional Spatial & Economic Strategy for the northern and western region, supports the implementation of the NPF, for the future physical, economic and social developments for the western and northern regions.
- 8.2.3. Guidelines for Planning Authorities on Quarries and Ancillary Activities (DoEHLG,2004) acknowledge that extractive industries make an important contribution to economic development in Ireland and the guidelines emphasise the continued need for aggregates. The guidelines note that such operations can give rise to land use and environmental issues which require mitigation and control through the planning system. Corresponding policies of the Monaghan County Development Plan 2019-2025 support, in principle, the exploitation of aggregate resources in the county, where it can be demonstrated that the development would not adversely impact on the environment and other land uses (Policies ERP 1 and ERP 2, EIP 4 refer). I have considered such land use and environmental issues in Section 8.0 below.
- 8.2.4. Policy EIP 1 sets out required documentation that is required to be submitted with applications such as these that such application (criteria a to f). I would note that all

of the required information has been submitted within the EIAR, the AA Screening Report and other supporting documentation and I am satisfied that the development complies with this policy.

- 8.2.5. Having regard to the above, the development is clearly supported within the current planning policy context. It is therefore reasonable to conclude that the consequences for proper planning and sustainable development in the area are largely positive. This is contingent on ensuring that the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable and that the integrity of European Sites would not be adversely affected, in view of the relevant sites' conservation objectives. I have set out my considerations of these and other relevant matters in the following sections of my assessment, under the headings of Environmental Impact Assessment and Appropriate Assessment respectively.

### **8.3. Operational Timeframe**

- 8.3.1. Permission is sought to continue extraction into the extended area and the area of below the current level of the substitute consent area for a period of 35 years. I refer to the applicant's cover letter dated 18<sup>th</sup> April 2024. Therein, it is submitted that based on the available reserve of approximately 8 million tonnes available, and a maximum demand of 350,000 tonnes per annum, and a likely average output of 350,000 tonnes per annum, a period of 35 years is appropriate. It is argued that the term should be provided for noting that rarity of the product quarried (high PSV source material) and the identified societal demand for same.
- 8.3.2. An Taisce, in its submission on the application, state that the operational timeframe of 35 years is excessive and this does not allow for a review of quarrying operations after a 10-year period.
- 8.3.3. I would note that a permission of 35 years is considerably greater than what is recommended in the Quarry and Ancillary Activities Guidelines, 2004, which sets out that it is normally appropriate to grant permission for a period in excess of five years such as 10 to 20 years (Section 4.9 of same refers).
- 8.3.4. As such, having regard to same, I concur that the proposed 35 year permission is excessive, and I am of the view that, in light of the nature of the development, the available reserves, the possibility for changing economic circumstances and noting

the provisions of the guidelines, in the event of a grant of permission, it would be appropriate in this instance to grant permission for a 20-year period, which would be consistent with the approach taken by the Board in its consideration of other quarry applications. I would note, that as per the Guidelines, the purpose of setting a finite period is not to anticipate that extraction should not continue after the expiry of that period, but rather to enable the planning authority, in conjunction with the developer and environmental authorities, to review changes in environmental standards and technology since the permission was granted.

#### **8.4. Development Contributions**

- 8.4.1. In the event of granting planning permission, the Board should attach a condition requiring payment of a development contribution in accordance with the Development Contribution Scheme for County Monaghan. The current County Monaghan Development Contribution Scheme 2021-2026 refers to a contribution for quarrying of 'other minerals/materials' of €3,160 per Ha or part thereof. There are no exemptions or reductions for a development of this nature. I would note that the area to be extracted overlaps the area that is the subject of the Substitute Consent. I would refer the Board to my consideration of same in my assessment of the Substitute Consent application (ABP 316144 refers).

#### **8.5. The Planning Authority's Submission and Conditions**

- 8.5.1. I would note that the Planning Authority's submission on this s37L application refers only to relevant policies that should be considered in the Board's assessment of same, and I have noted same. However, I would note that the Planning Authority's submission on the associated Substitute Consent application (ABP 316144 refers), to be considered in conjunction with this s37 application, set outs a total of 10 no. recommended conditions which the Planning Authority suggest are appropriate to attach to any grant of Substitute Consent. I am of the view that a number of the conditions therein would be more appropriately attached to any grant of permission for this s37L application, given that the conditions can be read in the light of future development on the site. As such, where I have considered appropriate, I have included a number of these conditions, or modified versions of same, in my recommendation below. I have set out further consideration of these conditions in this section.

- 8.5.2. PA recommended Condition 1 refers to Development Contributions which I have considered above.
- 8.5.3. PA recommended Conditions 2 and 3 refers to Environmental Control measures. Should the Board be minded to grant permission for this s37L application, I am satisfied that the conditions I have recommended below have captured all relevant aspects of these suggested conditions. In relation to PA recommended Condition 3(a) I note that the proposed extraction activities are proposed to occur below the water table and as such this condition would not be appropriate here.
- 8.5.4. I am of the view that PA recommended Conditions 4, 5, 6 and 7 (which relate to Landscaping and Restoration) and Condition 9 which relates to a Security Bond are appropriate to impose on any permission here, should the Board be minded to grant permission. Condition 10 is a standard condition which is captured by Condition 1 of my recommendation below.

## **9.0 AA Screening**

- 9.1. Please refer to Appendix 2 (AA Screening) of this report which contains an AA Screening Report where I have concluded the following:

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended), and on the basis of objective information, I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on:

- Standard pollution controls that would be employed regardless of proximity to a European site, and effectiveness of same.
- Distance from European Sites.

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

## **10.0 Environmental Impact Assessment**

### **10.1. Proposed Development**

- 10.1.1. The proposed development is described in detail in Section 2 above. In summary, it incorporates an area of c14.6Ha extending the registered quarry QY1 in a southerly direction. This consists of:

Zone A – Covers 6.5 ha area of land previously exposed to extraction activities including that area for which substitute consent has been applied:

Zone B – Covers 8.1 ha area of land to the south of the existing excavated area which is currently used for pasture.

### **10.2. EIA Structure**

- 10.2.1. This section of the report comprises the environmental impact assessment (EIA) of the proposed development in accordance with Planning and Development Act 2000 (as amended) and the associated Regulations, which incorporate the European directives on environmental impact assessment (Directive 2011/92/EU as amended by 2014/52/EU). Section 171A of the Planning and Development Act, 2000 (as amended) defines EIA as:

- a. consisting of the preparation of an Environmental Impact Assessment Report (EIAR) by the applicant, the carrying out of consultations, the examination of the EIAR and relevant supplementary information by the Board, the reasoned conclusions of the Board and the integration of the reasoned conclusion into the decision of the Board, and
- b. including an examination, analysis, and evaluation, by the Board, that identifies, describes and assesses the likely direct and indirect significant effects of the proposed development on defined environmental parameters and the interaction between these factors, and which includes significant effects arising from the vulnerability of the project to risks of major accidents and/or disasters.

- 10.2.2. Article 94 of the Planning and Development Regulations, 2001 and associated Schedule 6 set out requirements on the contents of an EIAR. This EIA section of the report is therefore divided into two sections. The first section assesses compliance with the requirements of Article 94 and Schedule 6 of the Regulations. The second

section provides an examination, analysis and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on the following defined environmental parameters, having regard to the EIAR and relevant supplementary information:

- alternatives,
- population and human health,
- biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive,
- land, soil, water, air and climate,
- material assets, cultural heritage and the landscape,
- the interaction between the above factors, and
- the vulnerability of the proposed development to risks of major accidents and/or disasters.

10.2.3. The assessment provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Boards decision, should they agree with the recommendation made.

### 10.3. **Compliance with the Requirements of Article 94 and Schedule 6 of the Regulations, 2001**

10.3.1. Compliance with the requirements of Article 94 and Schedule 6 of the Regulations is considered below.

**Table 8.2.1**

| <b>Section 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)</b>                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A description of the proposed development comprising information on the site, design, size, and other relevant features of the proposed development (including the additional information referred to under section 94(b). | A detailed description of development is set out in Chapter 3 of the EIAR, and also depicted in the associated drawings. Information is included on the site, design, size and features of the development. The EIAR also details the history of the quarry and describes the operation and restoration phases of the development.<br>I am satisfied that adequate detail has been provided to enable decision making. |

|                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b)).                                                                                                                                                                                                                                    | An assessment of the likely significant direct, indirect, and cumulative effects of the development is carried out for each of the environmental parameters set out in the Regulations. I am satisfied that the assessment of significant effects is comprehensive and robust and enables decision making.                                                                                                                                                                          |
| 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 (including the additional information referred to under section 94(b)).                                                                                              | These are included in each of the technical chapters of the EIAR and the associated appendices. The various mitigation and monitoring measures are also included in Chapter 16 'Schedule of Commitments' of the EIAR.                                                                                                                                                                                                                                                               |
| 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 (including the additional information referred to under section 94(b)). | <p>Chapter 4 sets out Alternatives Considered. It considered that extending the existing quarry as proposed is considered to be the most viable option, given the presence of known quality aggregate in close proximity to already established infrastructure. Alternative expansion to the north-east was ruled out due to, amongst other factors, traffic impacts.</p> <p>In relation to alternatives, I am satisfied that all reasonable alternatives have been considered.</p> |
| <b>Section 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).</b>                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| A description of the baseline environment and likely evolution in the absence of the development.                                                                                                                                                                                                                                                                                                         | A detailed description of the baseline environment is included in each of the technical chapters of the EIAR and I am satisfied that it is sufficient to enable the assessment of likely effects and to enable decision making.                                                                                                                                                                                                                                                     |
| A description of the forecasting methods or evidence used to identify and assess the significant                                                                                                                                                                                                                                                                                                          | Forecasting methods and/or evidence to identify and assess significant effects are included in the EIAR, as required for relevant environmental topics. Technical difficulties are identified where necessary,                                                                                                                                                                                                                                                                      |

|                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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     | and I am satisfied that there are no significant deficiencies that prevent decision making.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 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. | Section 5.4.2.1 and 5.4.2.2 considers the issues of 'Safety' and 'Unplanned Events'. It is set out that the use of on-site explosives will be carried out in a carefully controlled manner by expert specialist companies, and that no explosives will be stored on-site. Activities on site will have regard to best practice guidance. The EIAR considers all relevant risk aspects including risk from fire, flooding, explosions and vehicular accidents and sets out measures to minimise same. I am satisfied that the EIAR has considered the risks of major accidents and disasters that are relevant to the nature of the proposed development. |
| A summary of the information in non-technical language.                                                                                                                                                         | A non-technical summary of the EIAR (Volume 1) is provided by the applicant and satisfactorily describes the likely environmental effects of the development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Sources used for the description and the assessments used in the report                                                                                                                                         | Where relevant, sources used for the description and assessment of environmental effects are included in each technical chapter of the EIAR and within Chapter 17 'References'.                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| A list of the experts who contributed to the preparation of the report                                                                                                                                          | Chapter 1 of Volume 2 provides an introduction and sets out the format of the report, its methodology and an overview of the various subject chapters. It includes a table setting out the names of the EIAR study team and details of their competencies and expertise.                                                                                                                                                                                                                                                                                                                                                                                 |

#### 10.4. Compliance

- 10.4.1. Having regard to the foregoing, I am satisfied that the information contained in the EIAR is sufficient to comply with Article 94 of the Planning and Development Regulations, 2001 (as amended).

#### 10.5. Assessment of Likely Significant Effects

10.5.1. In accordance with section 171A of the Act, this assessment includes an examination, analysis and evaluation of the application documents, including the EIAR, the associated drawings, documents/appendices and the submissions received, and identifies, describes and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on the environmental parameters set out in the Regulations and the interaction of these. Each topic section is therefore structured under the following headings:

- Issues raised.
- Examination of the EIAR.
- Potential Effects
- Evaluation and Assessment: Direct and Indirect effects.
- Conclusion.

10.5.2. I would note that throughout the EIAR, the terms 'Zone A' and 'Zone B' are used, and I have utilised the same terms in my assessment. Zone A refers to the 6.5 ha area of land previously exposed to extraction activities, including that area for which substitute consent has been applied and 'Zone B' refers to the 8.1 ha area of land to the south of the existing excavated area which is currently used for pasture.

## 10.6. **Population and Human Health**

### *Issues Raised*

10.7. No third-party submissions to this application were received and no issues in relation to directly relating population and human health were raised by Prescribed Bodies (although issues relating to water quality have been raised in the submission from An Taisce, as detailed in the relevant sections below). The PA have not raised any issues in relation to this s37L application.

### ***Examination of the EIAR***

#### *Context*

10.7.1. Chapter 5 of the EIAR considers 'Population and Human Health'. It is noted that the closest settlement is the village of Scotshouse, which is 1.5km from the site. Within 1km of the boundary of the site there are 65 no. buildings in this area, 47 of which are residential properties. In respect of human health, it is noted within the EIAR that

there have been no complaints lodged to either MCC or the Applicant in respect of nuisance associated with the development as existing. It is further noted that impacts on health are considered in other chapters including Chapter 8 (Water), Chapter 9 (Air Quality), Chapter 10 (Climate), Chapter 11 (Acoustics – Noise and Vibration), Chapter 12 (Landscape and Visual) and Chapter 14 (Material Assets – Traffic and Transport).

#### *Potential Effects*

- 10.7.2. In terms of employment, it is set out in the EIAR that the existing quarry employs c25 no. staff, as well as supporting indirect employment in the area. It is further set out that the proposed development would not increase employment numbers but will retain these jobs.
- 10.7.3. In terms of safety, the use of explosives is noted on site, although no explosives are stored on site. Operations are carried out in accordance with best practice guidance. It is concluded within the EIAR no significant impacts have occurred on human health and no specific mitigation measures as required in relation to same (although mitigation is proposed for other aspects that may impact on health, as detailed in the relevant chapters of the EIAR).
- 10.7.4. In terms of residual effects, it is set out that the effect of the proposed development on the population and local economy can be considered as long-term and neutral, with the effect on the local and regional aggregate supply can be considered as long-term, positive and moderate. Residual effects on human health with the local population are concluded to be ‘imperceptible’ to ‘not significant’ in the long-term. No cumulative or in-combination effects are identified.

#### *Evaluation and Assessment: Direct and Indirect Effects*

- 10.7.5. I have examined, analysed and evaluated Chapter 5 of the EIAR and all of the associated documentation and submissions on file in respect of population and human health. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the retrospective potential impacts and provides suitably comprehensive range of mitigation and monitoring measures to reduce any potential impacts.

10.7.6. In relation to the conclusions as set out in the EIAR, I concur with the conclusions of same, in that the quarrying on this site will not adversely impact on human health or population, and subject to compliance with certain planning conditions of the consent. I am of the view, however, that the proposal will have an overall beneficial impact upon human health and population, in terms of employment, although I would not conclude that this positive impact could be considered significant. I would note that there are also numerous inter-related environmental topics described in detail throughout the EIAR document which are of relevance to human health. During the operational phase noise, air, water, traffic and landscape and visual will be the key environmental factors that will have an impact on population and human health and each topic will be addressed in further detail in my assessment of the individual chapters of the EIAR.

## 10.8. **Biodiversity**

### *Issues Raised*

10.9. No third-party submissions to this application were received. The PA have not raised any issues in relation to this s37L application. I note the submission from An Taisce which states that *inter alia* the hedgerows, treelines and scrub habitats should be retained, or replaced, and that supplementary planting should be carried out to ensure no net biodiversity loss. It is noted that there is significant removal of vegetation and this requires a management plan for supplementary planting. It is also stated that the implementation of the restoration plan will not take place for at least 35 years. It is further set out that a Biodiversity Management Plan would be more useful to ensure continuous monitoring of biodiversity features and would prevent the spread of disease. The presence of mature ash within the site is noted and it is stated that preserving this species is desirable. The submission also raised issues which relate to water quality and I have considered same in the relevant sections of this report.

### *Examination of the EIAR*

#### *Context*

10.9.1. Chapter 6 of the EIAR considers Biodiversity. An ecological survey was carried out in September 2022. Bat surveys were carried out in May and June 2023. A Bat Survey is also included in Appendix 6-1 of Volume 3 of the EIAR. I would note that Section

6.3.2.1 of the EIAR considers Natura 2000 sites. I have considered same in Appendix 2 of this report. The location of Natural Heritage Areas (NHAs) and proposed Natural Heritage Areas (pNHAs) relative to the site are set out in Section 6.3.2.2 with the closest being Drumcor Lough pNHA (site code 001841, located 1km to the southwest of the site). In terms of existing habitats on the site, it is set out that there is an active quarry present within the extension boundary, covering c6ha of the total area. In the greenfield portion of the site, agricultural grassland is the predominant habitat within the greenfield portion of the Site, encompassing c3ha of the total site area. It is evaluated as having low ecological value. Other habitats recorded on the site include Scrub (WS1), Dry Meadows and Grassy Verges (GS2), Wet Grassland (GS4), Hedgerow (WL1), Treeline (WL2) and Recolonising Bare Ground (ED3). This chapter also considers potential indirect impacts as relates to water quality. However, I have considered same in Section 10.12 of this report and I refer the Board to same.

- 10.9.2. In relation to mammals, there was no recent evidence of badger found on the site, however given the suitability of the habitats on the site to support sett building, foraging and commuting, and records of badger in the wider area, it is considered likely that this species may be found within the development footprint. Similar considerations apply to the Hedgehog. The site was not considered suitable for otter, red squirrel or pine martin. The bat surveys recorded 4 no. bat species, with bat activity found to be concentrated at the trees adjacent to the derelict building, and at the treelines and hedgerows along the boundary of the existing quarry. In relation to birds, it is noted that Barn Owl, if nesting in the wider area, could utilise the greenfield area of the site to forage. It is also noted that the hedgerows and treelines present on site are considered suitable to support nesting birds and the land parcels are suitable to support foraging birds. While the quarry face has potential to support nesting birds, it could not be verified whether the quarry was used for breeding birds, noting that the survey was carried out outside of the nesting season. The site was also considered suitable for amphibians and reptiles. There was also potential for the spread of invasive species, notwithstanding that examples of same were not found on the site.

#### *Potential Effects*

- 10.9.3. At construction phase (as relates to the preparation of agricultural fields for extraction), there would be a permanent loss of habitat with the removal of the overburden and potential damage to trees and hedgerows that are being retained., There will be 0.8ha of scrub lost, 1.6ha of dry meadow and grassy verges and 1110m of hedgerows lost., with 223m of treeline potentially damaged, and same was considered to be a long-term negative effect, which is considered significant at a local level (as per Table 6.8 of the EIAR).
- 10.9.4. At operational phase the habitat loss for will be confined to the quarrying within the existing quarry, in addition to the quarrying of exposed rock from the construction phase. The habitat loss during the operational phase is not considered to be significant.
- 10.9.5. Without mitigation, it is set out that quarrying activities could result in pollution of water courses and groundwater pollution and subsequently impact on habitats and species present in any affected waterbody. Soil material being washed into the watercourses could also result in impacts on water quality. Long term negative impacts on surface water and groundwater could result in the absence of mitigation (see discussion of potential effects on groundwater and surface water in Section 10.12 of this report).
- 10.9.6. As well as those impacts as set out above, Table 6.8 of the EIAR sets out that locally significant impact on mammals, bats or birds are possible, in the absence of mitigation measures, as a result of habitat loss and disturbance (in respect of birds and mammals) and as a result of the removal of potential foraging and commuting habitat (in respect of bats).

#### *Mitigation*

- 10.9.7. In relation to proposed mitigation measures, these are set out in Section 6.5 and include mitigation measures that are currently in place for the working quarry and include *inter alia* dust suppression measures and limits on noise levels. Proposed mitigation includes mitigation that is incorporated into the design including phasing of development, creation of berms on the site boundaries which will be planted. The berms will reduced emissions to air and provide an area for biodiversity protection. Dust suppression measures and pollution control measures are set out in the EIAR

(Chapter 9 refers). Adherence to the discharge license, as granted by Monaghan County Council is a further measure set out in the EIAR.

10.9.8. In relation to surface water management, it is set out that currently all surface water is managed via diversion to existing settlement ponds, and passes through a hydrocarbon interceptor prior to discharge, and it is proposed that surface water in the proposed development will be managed in the same manner. I would note that mitigation measures in relation to surface water and groundwater are also set out in Chapter 8 of the EIAR. Further mitigation measures include measures relating to bats (which are included in the bat survey report in Appendix 6-1 of the EIAR). In relation to birds, a breeding bird check of the quarry face is recommended, which should be carried out at the appropriate time of year before any works take place. Ecological enhancement measures are set out in Section 6.5.3 and will be implemented on an ongoing basis as part of the restoration plan. No cumulative impacts are expected.

#### *Residual Effects*

10.9.9. The totality of predicted impacts on habitats and species (after mitigation) are set out in Table 6.8 of the EIAR and in relation to residual effects, it is set out that with mitigation measures in place, the proposed development will not result in any significant impacts on biodiversity.

#### *Evaluation and Assessment: Direct and Indirect Effects*

10.9.10. I have examined, analysed and evaluated the information provided in Chapter 6 and all the associated documents and submissions on file in respect of Biodiversity. In relation to the conclusions of the EIAR, I concur with same. The proposed site preparation stage will clearly have some inevitable impacts on biodiversity, with and result in the permanent loss of habitats, with associated impacts on mammals, birds and bats within and around the site. I concur with the conclusions in the EIAR that this loss of habitat would be a locally significant impact, given that 1100m of hedgerow, 1.6ha of dry meadow and grassy verges and 0.8ha of scrub would be lost, and I also concur that impacts on bird, bats and mammals would also be locally significant. However, the proposed mitigation measures, which includes the creation of the berms on the boundaries of the site, with the associated planting, resulting in a total length of 1.5km of hedgerow and boundary planting and

which will be carried out at the same time as quarry operations, would serve to reduce the significance of the residual effects on habitats and species to 'not-significant'. The proposed planting will provide substantial benefits in providing replacement habitat for mammals, birds and bats along the boundaries of the site. I note also that the retention of the boundary treeline and hedgerows will also have a positive impact on biodiversity. In relation to same I note that, while the EIAR states the existing hedgerows, where present along the boundaries of the site, will be retained (Section 3.3.1 and Section 6.9 refers for example) and Section 12.41 states that approximately 190m of hedgerows will be retained, there is little detail in relation to same. In this regard, I am satisfied however that a condition can be imposed on any permission, requiring details of same, as well as details of tree and hedgerow protection measures to be put in place. Condition 14 of my recommendation below relates to same.

10.9.11. In addition, the Ecological Enhancement Measures (as detailed in Section 6.5.3 of the EIAR and the restoration plan (as shown on Drg. No. PP-110-01 'Proposed Site Layout Map and Details) provides for the site's phased restoration and will allow a large proportion of the site to evolve into an aquatic habitat, with the filling of the quarry with water upon the cessation of the quarrying activities. Bird and bat boxes are proposed to be erected around the perimeter of the quarry on cessation of operations. As per the above discussion, the proposal includes significant landscaping that will contribute to the biodiversity of the area in the future and conditions will be included with respect to the site's phased restoration.

10.9.12. Specifically in relation to those issues raised in the An Taisce submission, as relates to biodiversity, I would agree that that there is significant removal of vegetation from the site, as discussed above. However, I am satisfied that, the retention of the existing hedgerows and trees on the boundary of the, along with the proposed phased restoration, which includes replacement and enhanced boundary planting, would reduce the residual effects on habitat and species to 'not significant'. In relation to the timeframe of the implementation of the restoration plan, I would note that berm construction and planting will take place on an ongoing basis and I have recommended Condition 6 below, to ensure that appropriate phasing and monitoring of the implementation of this restoration plan takes place. In relation to

the retention of individual trees within the site, I am not of the view that this is possible, given the nature of the extraction activities proposed.

10.9.13. I have addressed issues concerning potential surface water and potential groundwater contamination in detail in the relevant section of this report (Section 10.2 refers) and I am satisfied that significant effects will not arise subject to compliance with the various mitigation measures and suitable conditions which should be attached in the event of a grant of permission.

10.9.14. With regard to cumulative effects, I am satisfied that there will be no potential for significant cumulative effects on biodiversity, given the absence of significant effects likely to arise from the proposed development and the protective policies and objectives on the land-use plans that will direct future development locally.

10.9.15. In conclusion therefore, while the proposed quarrying activities will clearly impact on ecological habitats, with the adoption of mitigation measures outlined in the EIAR, and the additional conditions which I have recommended below (Conditions 5, 6 and 14 refer), I am satisfied that the proposed quarrying development would not have any significant residual effects, provided the mitigation measures outlined are strictly adhered to.

#### **10.10. Land, Soil, Water, Air and Climate**

10.10.1. The format of my assessment follows the headings as set out in the Planning and Development Acts, (as amended). Having regard to the information provided in the applicants EIAR the following sub-headings are used;

- Soils and Geology
- Water (Surface and Groundwater)
- Air and Climate
- Noise and Vibration

#### **10.11. Soils and Geology**

##### *Issues Raised*

No third-party submissions to this application were received. The specific issue of groundwater was raised in An Taisce's submission, and I have considered same in

Section 10.12 of this report. The PA have not raised any issues in relation to this s37L application.

#### *Examination of the EIAR*

- 10.11.1. Chapter 7 of the EIAR considers Soils & Geology. In terms of topography, it is noted that the lands within Zone A have been extracted to a depth of approximately 105m OD, at the lowest point. Zone B is generally around 130mOD, with a high point to the south-east of 151m OD. In terms of the underlying geology, the bedrock beneath the site comprises of pale to dark green, non-calcareous greywackes with beds of red shale. Of note is that the site lies close to the northern edge of the 'Scotshouse-Redhills Cross-Cutting Ribbed Moraines', a Monaghan County Geological Site (CGS), which covers an area of c4,280 ha. It is noted that these moraines are unique in that there are the only moraine field in the world to record two separate ice-flows. In terms of soils, the original soils in Zone A are no longer present, and instead a layer of made ground comprised of hardcore gravel (aggregates from site) which sits atop bedrock. Zone B is underlain by AminPD soil (mineral poorly drained mainly acidic) which comprised the majority of the area. In order extract the bedrock within Zone B , the stripping and removal of soils and topsoils will be required. These soils will then be used to construct perimeter berms around the peripheries of the stripped areas.

#### *Potential Effects*

- 10.11.2. In terms of potential effects, it is set out that the Scotshouse-Redhills CGS is a geological attribute of 'high importance', with extraction activities taking place within same. However, the proposed extracted area represents less than 0.5% of same it is was concluded that the impact on same would not be significant. In relation to impacts on soils on site, it is stated that proposed development represents a slight, permanent negative effect on local soils, as original soil conditions will be altered and original soil topographies will not be restored. It is noted that there is potential for hydrocarbon releases from heavy machinery, resulting in significant negative effect on soils and geology exposed, and therefore mitigation measures in relation to same were required.

#### *Mitigation*

10.11.3. Proposed mitigation measures are set out in Section 7.5 and of note is that the risk of pollution from the site will be minimised by way of adherence to best practice guidelines (Environmental Management in the Extractive Industry – Non Scheduled Minerals, EPA 2006). Specific mitigation measures include *inter alia* measures relating to appropriate areas for refuelling, the provision of spill kits, appropriate fuel storage and the removal of any soil that is contaminated.

10.11.4. No significant cumulative impacts are reported, and it is of note that the only active quarry with in the Scotshouse-Redhills CGS is the Scotshouse Quarry.

*Residual effects*

10.11.5. Residual effects, following mitigation, are recorded as slight, irreversible long-term negative effects, due to the permanent alteration of the original soil character from the baseline conditions to a new character derived from reworking and mixing of soils and subsoils during overburden stripping. It is noted that the final condition of the site following restoration will be a water body surrounded by vegetated regions, and will over time become a valuable non-anthropogenic land use.

*Evaluation and Assessment: Direct and Indirect Effects*

10.11.6. I have examined, analysed and evaluated the information provided in Chapter 7 and all the associated documents and submissions on file in respect of Soils and Geology. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts and provides suitably comprehensive range of mitigation and monitoring measures in to reduce any potential impacts.

10.11.7. In relation to the conclusions of the EIAR, I would concur with same. It is inevitable there will be an impact on soils, given the extensive removal of same to facilitate the proposed works, and this impact is irreversible. This soil currently forms part of the agricultural landscape and is utilised for pasture. However, I concur that the size the site, relative to the availability of such agricultural pasture in Ireland, would mean that the removal of same is not significant. I would note that this soil will be utilised to facilitate the creation of berms as described above (Section 8.7 refers) and the overall impact on same are as described in the EIAR (i.e. slight, negative, irreversible). I note that the Scotshouse-Redhills CGS is a geological attribute of 'high importance', with extraction activities taking place within same. However, the

proposed extracted area represents less than 0.5% of same and as such, I concur that the impact on this feature would not be significant. In relation to the potential for soil and bedrock contamination, I concur that the impacts on same could be significant, in the absence of mitigation. However, the pollution control measures, as set out the EIAR will serve to reduce the risk of same, and I concur that there will be no significant residual effects soils and geology.

## 10.12. **Water**

### *Issues Raised*

10.12.1. No third-party submissions to this application were received and the PA have not raised any issues and conditions in relation to this application.

10.12.2. The submission from An Taisce refers to both groundwater and surface water. It is set out that the requirements of assessment under the Water Framework Directive (WFD) must be adhered to. In relation to potential contamination of from the surface water discharge, it is set out that the Council only carried out a visual inspection of the watercourse at the discharge point and that this is insufficient, and that the water sample should be collected and scientifically evaluated to determine whether contamination has occurred. Furthermore, it is set out that that there is no response set out in the EIAR to the algae growth referred to in Section 6.4.2 of the EIAR. It is further set out that there is a need to give close consideration to the quality of effluent which discharges downstream of Dunsrim Lough as this could act as a potential pathway for suspended solids from on-site activities to enter into the connected drainage network which joins the Gortuna River. It is noted that the Gortuna River is 'At Risk' of not achieving 'good' water quality status under the WFD by 2027, and is a wetland area of ecological value which is likely to contain birds and plants. I have considered the submission from An Taisce, as relates to water quality, in my assessment below.

### Specialist (Environmental Scientist) Report

10.12.3. I would draw the Board's attention to the Specialist (Environmental Scientist) Report (Appendix 1 refers<sup>2</sup>) and I will make reference to same in my assessment below.

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<sup>2</sup> This appendix has been attached to my report as a separate document.

## ***Examination of the EIAR***

### ***Context***

- 10.12.4. Chapter 8 of the EIAR considers Water. As per other Chapters in this EIAR, I would note that the term 'Zone A' refers to the 6.5 ha area of land previously exposed to extraction activities, including that area for which substitute consent has been applied and 'Zone B' refers to the 8.1 ha area of land to the south of the existing excavated area which is currently and previously used for pasture.
- 10.12.5. This chapter of the EIAR considers the likely effects of the proposed development on surface water and groundwater. Site investigations included installation of 7 no. groundwater wells at specific locations within the quarry void (GW2, GW6 – Zone A) and the extension lands locations (GW3, GW4, GW5, GWB and GWD – Zone B) located south of the quarry void in the extension lands, with groundwater monitoring taking place in December 2022, January 2023 and February 2023. A well from a private dwelling north of Scotshouse Quarry was sampled on 25<sup>th</sup> January 2023. Surface water monitoring was carried out historically between May 2016 and November 2019 by MCC with more recent monitoring carried out by the application between October 2022 to present (the time of preparation of the EIAR).
- 10.12.6. It is noted that the primary groundwater receptors are the underlying bedrock aquifer quality and water availability, with secondary groundwater receptors being groundwater quality and availability in downgradient bedrock aquifers, groundwater source protection areas (Clones Scotshouse PWS) and local groundwater wells in the vicinity of the Site. The primary surface water receptor is the quality of surface water downstream of the discharge point (Dunstrim Lough) with secondary surface water receptors being water quality in the sections of the Gortuna\_10 surface waterbody downstream of Dunstrim Lough and any areas affected by a potential increase in flood risk.

### ***Groundwater***

- 10.12.7. In terms of the underlying geology, the EIAR sets out that site is underlain by a 'Poor Aquifer' (PI) – Bedrock which is Generally Unproductive except for Local Zones' and it is classed as 'low importance' with reference to the methodology as set out in Table 8.2 of the EIAR. In relation to groundwater flow, it is set out within the

EIAR that the permeability of bedrock is limited due to the occurrence of high content shale unit, and permeability is further impaired by dolerite intrusions in the Ordovician rocks that act as groundwater flow barriers. It is noted that a 'Regionally Important Aquifer (Rf) – Fissured Bedrock' is located approximately 1.4km north of the site, with this feature being categorised as 'high importance' (Figure 8.2 refers). Reference is made to 2023 EPA mapping which indicate that the site is above the Cavan groundwater body (GWB), with this waterbody having a 'Good' status under the WFD 2016-2021 monitoring round, and is currently considered 'not at risk' of meeting its environmental objectives. The Regionally important aquifer, as referred to above, sits above a different groundwater body (the Clones GWB) (Figure 8.3 refers). Groundwater vulnerability is defined as 'Rock at or near Surface or Karst (X)' (given this area has been extracted to bedrock) with the majority of Zone B having Extreme (E) vulnerability. It is noted that groundwater flow direction across the site is generally southeast to northwest.

10.12.8. In relation to Groundwater Protection Schemes, it is noted that the Source Protection Areas of these schemes are divided into Source Inner (SI) and Source Outer (SO) areas, with Table 8-2 of the EIAR defining their importance as hydrogeological attributes as 'Very High' and 'High' respectively. It is noted that Clones Scotstown Public Water Supply (PWS) Source Protection Areas are downflow of the Site, based on the groundwater flow direction predicted, with the SI and SO being 1.74km and 1.34km from the site respectively. 19 registered wells were recorded within 2km of the site.

10.12.9. Results of the groundwater monitoring are set out in 8.3.1.6 of the EIAR (and are set out in detail on Appendix 8-1 of the EIAR), and it is noted that there were some exceedances in Groundwater Regulation Values (GAC) for a number of relevant parameters (total ammonia as N, water hardness) within Zone B wells (see Figure 8.8 'Groundwater Monitoring' locations). Groundwater flows from Zone B to Zone A (where the existing quarry is). Therefore, it is set out within the EIAR that those exceedances in Zone B wells (GW4, GWB and GWD) were not associated with quarry activities, instead reflecting external pressures on groundwater quality or local aquifer characteristics. The exceedances in total ammonia (as N) occurred only once within the quarry but 3 no. times in the upgradient wells, and the EIAR concludes that levels of ammonia were not associated with quarrying activity, noting

that exceedance levels were recorded upgradient of the quarry. Water hardness levels were considered to be a local characteristic of the groundwater or be associated with other upgradient pressures, noting also that high water hardness is not considered to cause human health risks.

10.12.10. One exceedance in sulphate levels were observed in Zone A but not noted in Zone B, and the EIAR states that this could be associated with onsite activity. The most likely source of sulphate onsite is dissolution or leaching of sulphate from minerals within crushed rock and dust generated onsite. However, this exceedance only occurred once during the monitoring period and it was concluded that it was not a consistent pressure on groundwater. It was considered then to be a brief to temporary, not significant negative effect on groundwater.

10.12.11. In terms of the hydraulic conductivity of the groundwater (the ease with which groundwater can move through the bedrock), slug tests were performed to determine same at 7 no points. The results indicate that the bedrock is unlikely to be conveying significant quantities of groundwater. Groundwater through what is now the southern face of Zone A is estimated to be no greater than  $0.42\text{m}^3/\text{day}$ . This groundwater would have been intercepted by quarrying activities. Similar conditions are expected to be encountered in Zone B. This groundwater discharge to the site was considered negligible relative to the average rainfall on the quarry of  $288\text{m}^3/\text{day}$ . Pumping tests were performed at GW3, GW4, GW5, GW6 and GWB to provide more accurate estimates of the hydraulic conductivity and potential rates of groundwater ingress which may occur during the operational phase of the proposed development. In relation to predicted volumes of dewatering expected, it is set out that the volume of groundwater ingress into the site will be between less than  $1\text{m}^3$  per day to a maximum of  $50\text{m}^3$  per day, which will collect in low points created on the site, and there will not be a continuous discharge of groundwater from the site, rather it will be pumped only when necessary. Total groundwater pumped is expected to comprise a maximum of 14% of the total discharge from the site, and total discharge will remain at  $350\text{m}^3$  at a maximum (and in line with license requirements).

#### *Surface Water*

10.12.12. The EIAR notes that the GORTNANA\_010 water body is located c400m northeast of the site within the Finn[Monaghan]\_SC\_020 catchment. It is noted that

there are large number of lake/lough waterbodies located to the west and southeast of the Site, with the majority of the western lakes being recurring in nature. The closest of these lakes is Dunsrim Lough, located north of the Site. There is no direct data referring to water quality on the EPA database for Dunsrim Lough. The lough is located downstream of the licensed discharge point (WP26/15) for Scothouse Quarry and is connected via open roadside drain/drainage ditches feeding into local wetland that connects to Dunsrim Lough. The lough, preceding wetlands and drainage are the main receptors for potential surface water effects that may occur as a result of onsite activities. These in turn could impact on the River GORTNANA\_010 downstream.

- 10.12.13. It is noted that the discharge passes through settlement tanks and a hydrocarbon interceptor before discharge to the adjacent drainage ditch at the northern boundary of Scotshouse Quarry. The water is then carried via an open roadside drain to the drainage ditch through two underground culverts before discharging to a wetland prior to entering Dunsrim Lough. Limits on quality parameters and volumes also form part of the discharge license.
- 10.12.14. Based on five monitoring events in January, February, June and July 2023, there is an average discharge rate of c89m<sup>3</sup>/day, indicating a relatively small volume of water leaving the site during winter months when compared to the permitted discharge volume (360 m<sup>3</sup> per day). Historic monitoring carried out by Monaghan County Council (between May 2016 and November 2019) and more recent monitoring carried out by the applicant (between October 2022 and October 2023) has identified exceedances in ELVs and in surface water acceptance criteria (SWACs) for a number of parameters including total ammonia as N, suspended solids and BOD, at various monitoring points (see Figure 8.12 'Surface Water Sampling Points').
- 10.12.15. In relation to total ammonia (as N), elevated levels of same were found both upstream and downstream of the existing quarry site, indicating that the quarry is not the source of same upstream of the site, with surrounding agricultural lands also likely contributing to same. However, from the existing quarry works, it is set out in the EIAR, that likely sources of ammonia (as N) are residue from the use of explosives on site.

10.12.16. In relation to the exceedances of the ELVs for suspended solids and ammonia, at the surface water discharge point and at monitoring point (SW4), it is noted that these do not correspond with exceedances measured further downstream (at monitoring points SW5 and SW6) indicating that impacts are localised, temporary and not significant. It is set out that transport via surface water and the attenuation effects of the wetland reduce the impacts of same prior to entering the surface water at Dunsrim Lough.

10.12.17. In relation to other parameters, at point SW6, located further downstream, BOD and phosphate levels were also exceeded, although these were unlikely to be related to onsite activities as these exceedances did not occur in or around the discharge point.

#### *Flood Risk*

10.12.18. In relation to flooding, it is noted that the site is not located within any predicted flood events or areas at elevated flood risk. Intrusion and flooding of groundwater will occur when the site area is extracted below the groundwater table, and said water will be allowed to collect at low points in the site, then pumped within allowable discharge limits to the existing discharge point. During storm events water will collect at low points and it is calculated that the minimum area of 0.7% of the area of the quarry will be sufficient to hold storm waters, utilising a high end future scenario (or a worst case scenario) accounting for climate change. It is concluded the site will not contribute to surface water flooding.

#### *Potential Effects*

10.12.19. Section 8.4.1 of the EIAR sets out potential effects of the proposed development. In relation to groundwater, it is set out that the removal of soils, subsoils and bedrock from Zone B during the proposed development will increase the vulnerability of groundwater to contamination. However, it is set out that this increased vulnerability will occur over only a small area of the Cavan GWB. It is set out that the proposed development will likely result in brief to temporary negative effects on groundwater quality associated with sulphate concentrations exceeding the Groundwater Acceptance Criteria as activities on site are expected to remain consistent with current site operations. Groundwater monitoring shows that the elevated sulphate concentrations are non-persistent onsite, naturally declining below

the acceptance criteria in the monitoring events following the exceedance. Elevated sulphate sourced from pumped groundwater within the surface water discharges is considered to be not of concern as no SWAC limits are set out for sulphate in relation to water quality and there is no licensed requirement to monitor or control sulphate discharge offsite. No significant impacts are expected from same. No significant impacts on surrounding wells or on the nearby PWS. Impacts on downflow wells are ruled out due to the low productivity of the underlying aquifer, meaning that any change in availability is not expected to be significant. The PWS abstracts from the Clones GWB rather than the Cavan GWB under the site, and no reduction in water availability is expected.

10.12.20. In relation to surface water, it is noted that there is potential for a slight negative impact on surface waterbodies due to increases in suspended solids.

10.12.21. It is noted that there is risk to both groundwater and surface water from heavy machinery and from controlled blasting, and fuels and hydrocarbons used on site. As such mitigation is required to reduce the risk to an acceptable level.

#### *Mitigation*

10.12.22. Section 8.5 of the EIAR sets out proposed mitigation measures. These include standard pollution control measures including appropriate refueling measures, bunding. Of note are measures to ensure that blasting practices reduce the occurrence of nitrate/ammonia residues by way of proper blast design and implementation, the use of appropriate type of explosives and appropriate disposal of any excess explosives. Also of note is the use of settling ponds to allow solids to settle out. It is also recommended that a penstock valve and flow monitor be installed at the existing discharge point, this would allow flow from the discharge point to be shut off if flow limits were exceeded. It is set out that the phased design allows for low points on the site to be created, which retain water, which in turn allows for increased sediment settlement as well as providing capacity for water retention during storm events.

#### *Residual Effects*

10.12.23. Section 8.9 sets out residual effects. No significant negative effects on groundwater or surface water are expected. In relation to monitoring, it is set out that the trade effluent license stipulates conditions on monitoring and reporting on

discharge to surface water onsite. Such monitoring is recommended with reports on same to be submitted to MCC on a quarterly basis with an Annual Environmental Report (AER) to be submitted before 30<sup>th</sup> November each year. While groundwater monitoring is not part of the license, groundwater monitoring is also recommended within the EIAR, one up flow and one down flow of the proposed development.

#### *Water Framework Directive*

10.12.24. I would note that a Water Framework Directive report is included in Appendix 8-6 of the EIAR, and this report utilises the monitoring results as discussed above. In relation to surface water bodies, it is concluded within same that, with mitigation in place, increased discharge from the proposed development should remain compliant with discharge limits, and as such will not jeopardise the achievement of good surface water quality status or of good ecological status for any connected surface water body or the achievement of good surface water chemical status. In relation to groundwater, it is stated that the proposal will not result in a deterioration of groundwater quality, and as such the Cavan GWB is expected to remain of 'Good' quality and 'Not at Risk', with the Clones GWB not expected to be impacted by the Proposed Development.

#### *Evaluation and Assessment: Direct and Indirect Effects*

10.12.25. I have examined, analysed and evaluated the information provided in Chapter 8 and all the associated documents and submissions on file in respect of water. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts and provides suitably comprehensive range of mitigation and monitoring measures to reduce any potential impacts.

#### *Groundwater*

10.12.26. In relation to the conclusions of the EIAR, I would concur with the findings of no significant effects on groundwater for the following reasons.

10.12.27. In relation to groundwater, the limited permeability of the bedrock means that groundwater flow is minimal, and it has been shown to be as such through extensive testing carried out on site. As such there will be limited impact on downstream wells, and there is limited groundwater ingress into the site. I would note that groundwater monitoring has identified some exceedances in ammonia and sulphate levels within

groundwater underlying the site, and this is expected to be the case once the proposed development is operational. I would accept that exceedances of ammonia also likely derived from upstream agricultural practices, noting that exceedances were determined in Zone B but not Zone A, and as such I would concur that the effects of the proposed development on groundwater quality in relation to ammonia would not be significant. I would note that the exceedance of sulphate would appear to be temporary in nature, are non-persistent onsite, and naturally decline to acceptable levels in later monitoring events. The exceedances of sulphate are likely caused by the nature of the underlying bedrock, and elevated sulphate concentrations are caused through mineral dissolution of in-situ and extracted bedrock. I refer the Board also to the Specialist (Environmental Scientist) report (Appendix 1 refers), where it is concluded that levels of sulphate and ammonia are not impacted by activities on the site, and wherein it is concluded that impacts on groundwater have been shown not to be significant.

- 10.12.28. I would note also that the removal of the overburden and quarrying activities will increase the risk to groundwater resulting from hydrocarbons and other pollutants associated with plant and machinery. I am satisfied however that the mitigation measures as set out in the EIAR, will ensure any residual effects are not significant.

#### *Surface Water*

- 10.12.29. In relation to the conclusions of the EIAR, I would concur with the findings of no significant effects on surface water for the following reasons.

- 10.12.30. In relation to suspended solids, I would note that 4 no. exceedances (of a total of 8 no. samples) of the relevant ELV, at the surface water discharge point, were recorded by MCC via historic monitoring (between the period 2016 to 2019). I refer to the Specialist (Environmental Scientist) report wherein it is stated that the mean value of the 8 no. samples obtained was 21.5 mg/l (noting the ELV is 20 mg/l), and wherein it is noted that achieving the emission limit value for suspended solids was problematic during this period. In relation to ammonia, 6 no. exceedances were recorded of a total of 8 no. samples) by MCC during the same period, with the mean value of the 8 no. samples being 0.6 mg/l as N (ELV value 0.3 mg/L as N). Again, the Specialist (Environmental Scientist) report has stated that achieving the emission

limit value was problematic during this period. However, it is noted therein that the exceedances do not automatically infer a significant impact on receiving surface waters.

10.12.31. I would also note that, with reference to Appendix 8-2 of the EIAR, the comparison of MCC's grab samples with 'Surface Water Acceptance Criteria' is not an appropriate method of assessing impacts, noting that the comparison of a result from a single sample episode against an annual arithmetic mean is not best practice (Sections 3.1.2 to 3.1.13 of the Environmental Scientist reports refers) and therefore such, the reported exceedances of SWACs as noted in the EIAR, and as summarised above cannot be relied upon as an indication of surface water impacts resulting from the quarrying activities for the period in question.

10.12.32. Notwithstanding the above, and with reference to Specialist (Environmental Scientist) report on file, it is shown that the 'annual average data' for all parameters were below the Emission Limit Values (ELVs) set in the Discharge Licence granted by Monaghan County Council. I refer to the conclusions of the Specialist (Environmental Scientist) report, wherein it is stated that while there may have been individual exceedances of the ELVs, the general quality of the surface water discharge from the quarry was satisfactory and unlikely to be a significant risk to water quality in the wider Gortnana\_010 waterbody.

10.12.33. In relation to the monitoring results at SW4, SW5 and SW6 (downstream of the site), again I refer to the conclusions Specialist (Environmental Scientist) report, wherein it is stated that total ammonia values are elevated in all sites, including at SW3 (located upstream of the site). To my mind, this would indicate that there are also other sources of ammonia impacting on values, most likely that from agricultural run-off. However, it is likely that operations on site, namely from blasting also have had an impact on ammonia concentrations, and decreased levels of same within the lagoon on the quarry floor (at SW1) may have resulted from a change in blasting operations on site, as noted in the Specialist Report. However, the Board will note that the Specialist Report includes a 'loadings assessment', the results of which have concluded that discharges of ammonia from the site are not significant in the context of the Gortuna\_010.

- 10.12.34. In relation to the concentrations of sulphate as recorded above, I would concur that concentration of same have resulted from the nature of the underlying bedrock, as discussed above, and this conclusion is supported by the Specialist (Environmental Scientist) report.
- 10.12.35. Specifically in relation to the algae growth noted in Section 6.4.2 of the EIAR (and as raised in An Taisce's submission in relation this application), I refer to the Specialist (Environmental Scientist) Report (Appendix 1 refers) which notes that such growth is not unusual as the discharge contains the permitted levels of nutrients, and the growth of same does not indicate a significant impact.
- 10.12.36. I note that monitoring of surface water at various points, including at the surface water discharge point, and at points further downstream, have not indicated any significant impacts on surface water as a result of quarrying operations on the site. I am satisfied, then, that it can be inferred then that no significant impacts on surface water will result from the proposed quarrying operations, noting that the proposed nature of activities on the site, will be similar to those which have previous occurred on the site. As such, and taking into consideration all of the information on file, including that within the EIAR and associated appendices, and the Specialist (Environmental Scientist) report, I am satisfied that the residual impact of the proposed development on surface water quality therefore be considered 'not significant'.

#### *Water Framework Directive*

- 10.12.37. Specifically in relation to the Water Framework Directive, I would note that the quarry is located within the River GORTNANA\_010 waterbody which has a WFD rating of "At Risk" for the WFD cycle 3. The environmental objective for the waterbody is to achieve Good Status and it is currently not on target to achieve this status. I refer to the Specialist (Environmental Scientist) report (Appendix 1 refers), wherein it is concluded that the data as submitted in the EIAR (including the Water Framework Directive Assessment Report, Appendix 8-6), when considered along with EPA's surface water data, have demonstrated that current activities on the site do not have significant impact on surface water quality. It can also be concluded, therefore, that the development as proposed will not have an impact on the WFD

status of the River GORTNANA\_010 waterbody, or other waterbodies downstream of the site.

10.12.38. Specifically in relation to the submission from An Taisce, I have considered impacts on both groundwater and surface water above. In relation to monitoring of water quality, I note that the submission from Monaghan County Council on the Substitute Consent application (ABP 316144-23 refers) states that visual monitoring of water quality was carried out. I concur that this, in and of itself, would not be sufficient to determine a finding of no-significant impacts on water quality. However, the EIAR (and the rEIAR as relates to the Substitute Consent application) details scientific analysis of grab samples carried out by both Monaghan County Council, and by the applicant. I am satisfied, therefore, that sufficient information is on file to allow a finding of no-significant impact on water quality, and I refer to the Specialist (Environmental Scientist) report on file which supports this conclusion. In relation to the algae observed on the cobbles within the stream, this has been considered in the analysis above, and, in and of itself not an indication of a significant negative impacts on water quality. I have considered the Water Framework Directive in the analysis above.

*Conclusion: Direct and Indirect Effects*

10.12.39. I am satisfied that sufficient information has been provided to inform the consideration of effects in respect of water resources and hydrology. Having regard to the considerations above, I would agree with the conclusion reached in Chapter 8 of the EIAR that the proposed development will not give rise to direct nor indirect significant impacts on water quality. This conclusion is supported by the contents of the Specialist (Environmental Scientist) report (Appendix 1 refers).

**10.13. Air Quality and Climate**

*Issues Raised*

10.13.1. No third-party submissions to this application were received and no issues were raised by prescribed bodies as relates to air quality and climate. The PA have not raised any issues in relation to air quality and climate.

***Examination of the EIAR***

*Context and potential effects*

### *Air Quality*

10.13.2. Chapter 9 considers Air Quality. The main potential impacts on air quality are from airborne particulate matter (PM<sub>10</sub>) and nuisance dust deposition. It is set out that historic dust monitoring was carried out between November 2022 to present (the time of completing the EIAR), with all dust deposition values recorded being below the relevant limit (TA Luft limit value of 350mg/m<sup>2</sup>/day).

### *Potential Effects*

10.13.3. In accordance with relevant guidelines, receptors within 400m of the site boundary were considered in the dust risk assessment, with 10 no. receptors identified. In terms of the potential effects of the proposed development, it is set out that the greatest potential for high rates of dust deposition and elevated PM<sub>10</sub> concentrations occurs with 100m of the dust generated activities.

10.13.4. In relation to predicted PM<sub>10</sub> concentrations resulting from activities on the site, and utilising data which includes data on background concentrations of PM<sub>10</sub>, it is set out that the predicted environmental concentration will be 27.4 µg/m<sup>3</sup> which is below the annual mean objective of 32 µg/m<sup>3</sup> as set out in best practice guidelines. Therefore, the EIAR does not further consider the risk from elevated PM<sub>10</sub> concentrations.

10.13.5. In relation to dust deposition, risk to all 10 no. receptors was considered negligible, following considerations of such factors as location relative to the site, and potential pathways to said receptors, including determining potential wind speeds and direction. It is of note that the nearest residential dwelling lies beyond the above cited 100m buffer (it lies c135m north-east of the site).

10.13.6. Cumulative impacts of PM<sub>10</sub> and dust deposition were considered (including impacts from the existing site operations) and no significant impacts were highlighted as resulting from same.

### *Mitigation*

10.13.7. Notwithstanding, the EIAR sets out mitigation measures as relates to dust in Section 9.5.1 of the EIAR. These measures include *inter alia* that site stripping and reinstatement handling activities will be completed to ensure basic good practice

mitigation measures are implemented, dampening and sheltering of extracted material and the use of the wheel wash within the site.

- 10.13.8. Residual impacts from PM<sub>10</sub> and dust deposition were determined as being negligible. Monitoring is proposed at 4 no. locations around the proposed development and the existing quarry.

#### *Climate*

- 10.13.9. Chapter 10 of the EIAR considers climate change, in the context of potential greenhouse gas (GHG) emissions, utilising best practice guidelines on same.

#### *Potential Effects*

The EIAR considers direct emissions from the site (from the operation of onsite plant and generators), indirect emissions associated with the proposed development (water usage from main lines and offsite well) and indirect emissions (truck movements).

- 10.13.10. In terms of GHG emissions from the operational phase, it set out that the HGV movements from the site, and from plant and water usage, contribute a minuscule amount to the overall national carbon budget and as such the overall effects on climate were concluded as not being significant. Notwithstanding mitigation measures are set in Section 10.5 of the EIAR and relate to the efficient carrying out of operations, energy efficient plant and fleets, and offsetting GHG emissions through the use of landscaping.
- 10.13.11. Cumulative impacts with the existing working quarry were also considered in the EIAR with predicted effects concluded to be not significant. Residual impacts were concluded to be not significant. I would note that the EIAR also considers the potential effects of climate change on the proposed development itself and it was concluded that these are not likely and not significant.

#### *Evaluation and Assessment: Direct and Indirect Effects*

- 10.13.12. I have examined, analysed and evaluated the information provided in Chapters 9 and 10, and all the associated documents and submissions on file in respect of Air Quality and Climate. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts generated

by the proposed development and provides a suitable range of mitigation and monitoring measures, some of which are already in place at the quarry site.

10.13.13. I note the results of the dust deposition monitoring conducted between November 2022 and January 2023, with no exceedance of the TA Luft deposition limit value of 350mg/m<sup>2</sup>/day were recorded, with concentrations ranging from 32 mg/m<sup>2</sup>/day to 308 mg/m<sup>2</sup>/day. I am satisfied it gives an reliable indicator of potential impacts resulting from the proposed development works on the Site. In relation to potential dust deposition, I am satisfied that the risk to potential receptors surrounding the site been adequately considered and I am satisfied that, with mitigation in place, the residual impacts of same can be concluded to be negligible.

10.13.14. In relation to Climate, I am satisfied that the conclusions of the EIAR, in relation to impacts on climate change, are sound, and that the effect of the proposed development on national GHG emissions will insignificant and therefore will have no significant impact on climate. Notwithstanding, the mitigation measures as set out in the EIAR will reduce carbon emissions from activities associated with the proposed development.

#### **10.14. Noise and Vibration**

##### *Issues Raised*

10.14.1. No third-party submissions to this application were received and no issues were raised by prescribed bodies, in relation to noise and vibration. The PA have not raised any issues relating to noise and vibration.

##### ***Examination of the EIAR***

##### *Context*

10.14.2. Chapter 11 considers Noise and Vibration. A total of 12 no. Noise Sensitive Receptors (NSRs) were identified around the site, with the closest residential dwelling located approximately 130m from the site. Background noise surveys were carried out in 2023 and 2023, and it is noted that that the background noise environment was dominated by agricultural activities, quarry plant machinery and traffic noise from local road movements.

##### *Potential Effects*

10.14.3. At construction stage, the predicted noise levels at all 12 no. NSRs were found to be compliance with relevant standards (BS5228-1), with all receptors experiencing an  $L_{Aeq,1hr}$  value of less than 65dB. At operational stage, typical operations (excluding blasting) on the site (i.e. the use of plant) will not result in the relevant noise limit (55db) being exceeded at any of the 12 no. NSRs. In terms of significance of impacts, it is noted that impacts on 1 NSR (NSR03) were deemed moderate, with a predicted change to noise levels (compared to background noise levels) of +4BA at this NSR. However, this was considered unlikely to be intrusive. All other NSRs experience negligible effects.

10.14.4. In relation to blast events, it is noted that same will result in a short duration, locally significant event. Recommended air pressure levels in relation to same are set out in Section 11.2.2.3 (and Table 11.2) of the EIAR and it is stated that such air pressure levels will be below same, though appropriate blast design. In relation to vibration from blasting, it is stated that same will be controlled though compliance with blast limits (as set out in Table 11.2). Of note is that previous monitoring of blast events showed that air pressure and vibration remained within the recommended threshold values for same.

#### *Mitigation*

10.14.5. Mitigation is set out in Section 11.5 of the EIAR and, of particular note, are those measures relating to blasting events which include communication of same in advance of each event, which will reduce any 'startle' effects to nearby residents. Measures are also set out to reduce vibration, which include adherence to best practice measures (as identified in BS 5228-2).

#### *Evaluation and Assessment: Direct and Indirect Effects*

10.14.6. I have examined, analysed and evaluated the information provided in Chapter 11 and all the associated documents and submissions on file in respect of Noise and Vibration. I have inspected the site and the surrounding area. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts generated by the proposed development and provides a suitable range of mitigation and monitoring measures in order to reduce any impacts from the proposed development.

10.14.7. In relation to the conclusions of the EIAR, I concur with same. In my view, the most likely activity that would have an impact on the noise and vibration environment would emanate from blasting events. In relation to same, the EIAR has set out that previous events have not exceeded acceptable noise or vibration limits. Appropriate mitigation for same is set out however, including proper use of explosives and minimizing inefficiencies relating to same, which contribute to excess noise and vibration. Therefore, I am satisfied that no significant effects on the noise and vibration environment will result from the proposed development, subject to compliance with the proposed mitigation measures and monitoring discussed above. With the implementation of same I am satisfied that the subject development will not give rise to significant direct, indirect, or cumulative effects.

#### **10.15. Landscape and Visual Impact**

##### *Issues Raised*

10.15.1. No third-party submissions to this application were received and no issues were raised by prescribed bodies, in relation to landscape and visual impact. The PA have not raised any issues relating to landscape and visual impact.

##### ***Examination of the EIAR***

##### *Context*

10.15.2. Chapter 12 sets out a consideration of landscape and visual impacts. A 3km study area is considered, noting that a portion of same lies within the administrative area of Cavan County Council. Reference is made to the landscape and visual impact provisions of the Monaghan Development Plan (2019-2025) (including the Monaghan Landscape Character Assessment 2008), as well as the Cavan County Development Plan.

10.15.3. In the current Monaghan County Development Plan, with landscape character type within which the site sits, is defined as 'Farmed Foothills', as per the Monaghan Landscape Character Assessment. The site is within Landscape Character Area 5 (LCA5) 'Monaghan Drumlin Uplands'.

10.15.4. It is noted that there are no designated scenic routes, views from scenic routes or areas of primary amenity value, within the study area.

10.15.5. In addition, the 3km study area also incorporates an area of County Cavan and as such the provisions of the Cavan County Development Plan are also referred to, noting that there are no designated Co. Cavan scenic viewpoints or scenic routes, or other scenic designations within the study area.

#### *Potential Effects*

10.15.6. A Zone of Theoretical Visibility Map is presented in Figure 12.3, noting that 73.8% of the study area has no visibility of the proposed development. It is further noted that the actual visibility of the proposed development will be much less due to surrounding and intervening vegetation, buildings etc resulting in a much lesser degree of actual visibility. In terms of the impacts on the landscape, it is set out that that the impact is considered moderate in the immediate vicinity of the site boundaries (it is assumed a moderate negative impact) which reduces to slight and imperceptible at greater distances.

10.15.7. In relation to visual impacts. A total of 6 no. representative viewpoints<sup>3</sup> were selected as follows:

- VP1 – Residences to the north of the quarry entrance
- VP2 – Scotshouse Village
- VP3 – Local road northeast of the site
- VP4- Local road southwest of site
- VP5 – Local road southeast of site
- VP6 – R212 southwest of site

10.15.8. The creation of a landscaped embankment approximately 4m wide and 2m high is noted and this will provide visual screening, with the planting of same provide additional screening. It is also noted that approximately 190m of existing hedgerows along the site boundaries will be retained.

10.15.9. Table 12.3 sets out an assessment of impacts on the 6 no viewpoints. It is set out that the proposed development will be very limited in its visibility, and hence the majority of impacts recorded will be imperceptible. A moderate-slight negative impact

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<sup>33</sup> Appendix 12-1 of Volume 3 of the EIAR contains a number of photomontages which show existing and proposed views from the selected viewpoints.

is recorded for VP3 - Local road northeast of the site, noting that this viewpoint is the one locale of the study area where relatively open views of the quarry can be obtained from the public road, although it is at a distance of c1km. It is set out that the expansion of the quarry will be noticeable but the scale of the visual change is limited due to the distance from the road to same, noting also that the existing quarry will become a more prominent feature. No significant visual impacts from any of the view points is recorded.

#### *Mitigation*

- 10.15.10. In relation to mitigation measures, it is such measures are incorporated into the design of the proposed development, including the creation of berms and associated landscaping and impacts have been assessed with these measures in place. Residual impacts are therefore as per the predicted impacts above.

#### *Evaluation and Assessment: Direct and Indirect Effects*

- 10.15.11. I have examined, analysed and evaluated the information provided in Chapter 12 and all the associated documents including the Proposed Restoration Plan (Drg. No. PP-110-01 'Proposed Site Layout Map and Details'). I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the retrospective potential effects of the development on landscape and visual impact.
- 10.15.12. In relation to the conclusions of the EIAR, I concur with same. I would note that the existing quarry site is generally screened from surrounding views, by virtue of the topography and vegetation, save for the visibility afforded towards the site from the north-east. In relation to the proposed extension of same, I concur that hence the majority of impacts recorded will be imperceptible. I also concur that by virtue of the visibility gained towards the site from the local road to the north-east of the site, the impact will be moderate-slight negative, notwithstanding that the distance from the site to the road is 1km. I would also note that the creation of the berm surrounding the site, which will be an ongoing process as the overburden is removed, and the planting matures, will further reduce any impacts on landscape or visual impacts as a result of the proposed development.

### **10.16. Cultural Heritage**

#### *Issues Raised*

10.16.1. I note the submission from the Department of Housing, Local Government and Heritage (received 23<sup>rd</sup> July 2024) in which it is advised that advance archeological geophysical surveys and advance test excavation should be carried out prior to the development of the greenfield section of the site and conditions are recommended in relation to same. I also note the submission from An Taisce (received on 23<sup>rd</sup> July 2024) in which the presence of a potential ringfort to the west of the quarry area is noted and it is set out that there is a need to ensure a robust Archaeological Impact Assessment has been conducted.

#### *Examination of the EIAR*

##### *Context*

10.16.2. Chapter 13 of the EIAR considers Cultural Heritage. The study area consists of the site and an area extending 1km from the development boundary. None of the structures on the site or within the immediate vicinity of the site were considered to be of special architectural significance.

##### *Potential Effects*

10.16.3. It is stated that there are no Recorded Monuments in the application area. It is set out that the closest Recorded Monument to site is MO021-006 (as illustrated in Fig 13.1 of the EIAR) which is a Ringfort-Rath located c115m to the north of the site. It is noted that remediation of the impact of setting of the monument by the existing quarry development has already been carried out in relation to the substitute consent (ABP Ref 316144). It is set out that any potential impact on the setting of the monument by the proposed development will be slight, as screening has already been provided, as well as two intervening field boundaries with hedgerows and trees. The slight impact will be capable of mitigation with the construction of a landscaped screening berm.

10.16.4. It is set out that no other Recorded Monument will be directly or indirectly impacted by the proposed development, noting the distance from the site to same, and the screening provided by landscaping and groundforms.

10.16.5. In relation to potential archaeology existing on the site, it is noted that a field inspection did not provide any visible indication of any significant archaeological or cultural heritage materials at ground level.

10.16.6. In terms of potential impacts, it is noted that, as above, there will be a slight impact on the setting of Recorded Monument MO021-006 as described above, with remedial measures already in place. No other impacts are identified.

*Mitigation and Monitoring*

10.16.7. In terms of mitigation, it is set out that landscaped screening will mitigate the slight impact as set out above. Monitoring is recommended during the soil stripping period in due to the potential for previously unknown archeology within Zone B. After these measures have been implemented, it is concluded that there will be no residual impacts on cultural heritage.

*Evaluation and Assessment: Direct and Indirect Effects*

10.16.8. I have examined, analysed and evaluated the information provided in Chapter 13 and all the associated documents and submissions on file in respect of Archaeology and Cultural Heritage. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts on same.

10.16.9. In relation to the conclusions of the EIAR, I refer to the submission of the DAU which has set out that there is a need to carry out the more detailed geophysical survey and advance test excavations in areas of the site that have not been excavated (Zone B) (rather than solely monitoring the removal of the overburden). I would note also that the EIAR refers to the potential for undiscovered archaeological features within the site (as set out in Section 13.5 of the EIAR). However, with the mitigation measures as recommended by the DAU and as set out in the EIAR, I am satisfied that the proposed development will not have any significant impact on cultural heritage. I refer the Board to Condition 15, as per my recommendation below, which set out additional measures required to ensure no significant effect on cultural heritage.

10.16.10. Specially in relation to the submissions from DAU and on Taisce, both of which raise the need for sufficient consideration of known and potential archaeology in and around the site, I am satisfied that the information as provided in the EIAR, as well as the imposition of Condition 15 below, is sufficient to allow a finding of no significant effect on cultural heritage.

## 10.17. Traffic and Transport

### Issues Raised

#### *Issues Raised*

- 10.17.1. No third-party submissions to this application were received and no issues were raised by prescribed bodies, in relation to traffic and transport. The PA have not raised any issues relating to traffic and transport.

### ***Examination of the EIAR***

#### *Context and Potential Effects*

- 10.17.2. Chapter 14 considers Traffic and Transport. No additional construction traffic is anticipated as the site preparation works will be carried out by on-site plant and personnel. In relation to the potential impacts of the proposed development, a Traffic and Transportation Assessment was undertaken. In relation to the conclusions of same, it is set out that the quarry access will operate well within capacity for all scenarios identified (i.e. 2023 do nothing, 2023 so something, 2028 do nothing 2028 do something, 2038 do nothing, 2038 do something).

#### *Mitigation*

- 10.17.3. Notwithstanding the above, mitigation measures are set out in the EIAR and include provision of sufficient car parking on site and maintenance of visibility splays. No cumulative impacts were identified. It is concluded that the proposed development will have an imperceptible effect on the existing site access and not a significant effect on the road network.

#### *Evaluation and Assessment: Direct and Indirect Effects*

- 10.17.4. I have examined, analysed and evaluated the information provided in Chapter 11 and all the associated documents and submissions on file in respect of Traffic. I have inspected the site and the surrounding area. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts generated by the development and provides a suitable range of mitigation and monitoring measures.
- 10.17.5. In relation to the conclusions of the EIAR, I concur with same. It has been demonstrated the local road network appears can accommodate the proposed development and there is no evidence that the proposed development would

interfere with traffic flows, create a traffic hazard or make an obvious direct contribution to accidents. In light of this, I consider that it is reasonable to conclude that the proposed development, in traffic and transportation terms, will not result in any significant environmental impact.

#### **10.18. Interactions**

10.18.1. Chapter 15 addresses, via a matrix table, the main interactions between the various aspects of the environment that may have been affected as a result of the quarry development. The major interactions between the environmental topics have been covered, where applicable, under the relevant chapters within the EIAR. Quarrying can give rise to inevitable and unavoidable impacts on the environment and many of these impacts interact with each other. The main areas of concern relate to the effects of the extraction and processing works on population and human health, hydrology and hydrogeology and the interaction with soils and geology and surface water processes, ecology, archaeology and on the landscape. As it has been concluded that the proposed development will not lead to significant effects on the environmental factors assessed above, there are no other significant effects on the environment that are likely to arise from the development due to the interaction between those factors.

10.18.2. Cumulative impacts have been covered, where applicable, under the relevant chapters within the EIAR. In relation to same, I note that the quarry site area is located within a rural landscape which has seen only relatively small scale development including rural one off dwellings and some agricultural development. I am satisfied that given the separation distances to other developments, which would be regulated such that no significant effects as a result of cumulative impacts with these or any other developments are likely to have arisen.

#### ***Conclusion on Cumulative Impacts and Interactions***

10.18.3. In light of the assessment above, it can be concluded that no significant effects are envisaged from interactions between the proposed development and any of the environmental factors or as a result of cumulative impacts.

10.18.4. Chapter 16 outlines Schedule of Commitments which are noted.

## 10.19. Reasoned Conclusion

Having regard to the examination of environmental information contained above, in particular to the EIAR and supplementary information provided by the applicant, the report received from the Planning Authority and the submissions received from prescribed bodies, it is considered that the main significant direct and indirect effects of the proposed development are as follows:

**Water:** No significant effects on groundwater quality are expected noting the results of the groundwater monitoring as reported in the EIAR. No effects on downstream groundwater dependent sources are expected as a result of the proposed development, noting the nature of the underlying bedrock as reported in the EIAR. In relation to surface water, and while previous monitoring has indicated some individual exceedance of water quality parameters at the surface water discharge point (SW2), the annual average data (for the period October 2022 to October 2023) for all parameters were below the Emission Value Limits (ELVs) set in the Discharge Licence granted by Monaghan County Council, which indicates that the quality of effluent discharge from existing quarry works was of a satisfactory nature and no significant impacts on surrounding surface water bodies have resulted from same. It can be inferred, therefore, that the proposed development will not have significant effects on surface water quality given the nature of works proposed on the site (i.e. blasting and extraction of rock) are similar to those carried out at present within the 'Permitted Area'. Therefore, no significant adverse direct, indirect, or cumulative effects on the water environment, water quality or WFD objectives will arise as a consequence of the proposed development.

**Biodiversity:** In the absence of mitigation, the permanent loss of habitat, including the loss of c0.8ha of scrub, c1.6ha of dry meadow and grassy verges and c1110m of Hedgerows is considered to be a long-term negative effect, could result in a significant direct effect on habitats at a local level. In the absence of mitigation, the loss of same could also result in potential locally significant indirect effects on c. However, with mitigation, which includes mitigation that is incorporated into the design, including the creation of planted berms on the site boundaries, which will provide replacement habitat over time, the significance of the residual effects on habitats and species will be reduced to 'not-significant'. Specifically in relation to bats, the replacement habitats created by the proposed planting are considered to

reduce the potential indirect effects on same to 'not-significant', with further measures including bat boxes proposed as part of the restoration plan.

**Soils and Geology:** The creation of the extended area of quarry will result in the loss of agricultural pasture. However, it is concluded that given the size the site, relative to the availability of such agricultural pasture in Ireland, would mean that the removal of same is not significant. It is also noted that the soil to be removed will be utilised for the creation of planted berms. Potential significant effects on soils and geology are identified with the EIAR, resulting from the removal of the soil overburden and hydrocarbon releases from heavy machinery. However, with mitigation which include standard pollution control measures, it is concluded that that there will be no significant residual effects soils and geology.

**Noise:** Moderate temporary impacts on the noise environment could result as a result of blast events. However, such impacts can be reduced by compliance with best practice procedures including communication of such events with nearby residents and appropriate blasting techniques. No significant impacts on the noise environment is expected as a result of the proposed development.

**Cultural Heritage:** Potential direct impacts on unknown features of archaeology may arise during the site preparation phase (construction phase) and there is potential for such impacts to be significant, as this phase involves the removal of the overburden within the site. However, these impacts will be mitigated by compliance with the various mitigation measures and suitable conditions, which include pre-construction geophysical surveying and test-trenching.

**Landscape and Visual:** The generally screened from surrounding views, by virtue of the topography and vegetation, save for the visibility afforded towards the site from the north-east. The impact on visual amenity from same will be moderate-slight negative, notwithstanding that the distance from the site to the road is 1km. The creation of the berm surrounding the site, which will be an ongoing process as the overburden is removed, and the planting matures, will further reduce any impacts on landscape or visual impacts as a result of the proposed development. The subject development will not give rise to significant direct, indirect, or cumulative effects on the receiving landscape.

**Overall Conclusion on Environmental Effects**

The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment which will be primarily mitigated by environmental management measures, as appropriate. The assessments provided in many of the individual EIAR chapters are satisfactory to enable the likely significant environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed. Therefore, having regard to the foregoing, I am satisfied that the proposed development would not have any unacceptable significant direct, indirect, or cumulative effects on the environment.

## **11.0 Recommendation**

A Grant of permission is recommended.

## **12.0 Reasons and Considerations**

12.1. Having regard to:

- (a) the policies and objectives of the Monaghan County Development Plan 2019-2025 that seek to support the Extractive Industry in rural areas of the County Monaghan,
- (b) the Climate Action Plan 2024,
- (c) Ireland's 4<sup>th</sup> National Biodiversity Action Plan 2023–2030,
- (d) National Planning Framework (Project Ireland 2040),
- (e) Regional Spatial and Economic Strategy for the Northern and Western Region
- (f) the Quarries and Ancillary Activities - Guidelines for Planning Authorities 2004,
- (g) the Environmental Impact Assessment Report (EIAR) submitted with the application and documentation on file generally,
- (h) the distance to dwellings or other sensitive receptors,
- (i) the report and the opinion of the planning authority under section 177I of the Planning and Development Act 2000, as amended,

- (j) The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,
- (k) the nature and scale of the proposed development, as set out in planning application documentation and the pattern of development in the surrounding area,
- (l) the Inspector's assessment as set out in the Inspector's Report and the Specialist (Environmental Scientist) Report, attached as Appendix 1 to same.

it is concluded that subject to compliance with the conditions set out below, the proposed development would not have unacceptable impacts on the environment, including biodiversity, water, air quality, landscape and cultural heritage, would not seriously injure the residential amenities of the area, in particular with respect to associated noise impacts and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### 13.0 Recommended Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars received by the Planning Authority on the 19<sup>th</sup> April 2024, and as amended by the further plans and particulars submitted with the appeal, 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. The mitigation measures identified in the Environmental Impact Assessment

Report (EIAR) submitted, in and other plans and particulars submitted with the application, shall be implemented in full by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this permission.

**Reason:** To protect the environment.

3. This grant of permission shall be for a period of 20 years from the date of the commencement of the quarrying activities on site. The Applicant/operator shall notify the Planning Authority upon the commencement of operations on site. Extraction is limited to a maximum of 350,000 tonnes of aggregate materials per annum.

**Reason:** In the interest of visual amenity and orderly development, and in order to facilitate compliance with changes in environmental standards and technology since the permission was granted, as per guidance set out in the Quarry and Ancillary Activities Guidelines (2004).

4. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The CEMP shall be prepared in conjunction with and signed off by the project ecologist and shall detail and have regard to the various mitigation measures included within the the EIAR submitted with the application. The agreed CEMP shall be implemented in full in the carrying out of the development.

**Reason:** In the interest of environmental protection.

5. The Applicant/operator shall submit to the Planning Authority an annual monitoring report throughout the lifetime of the permission. The monitoring

report shall be prepared by the Ecological Clerk of Works (ECOW) and shall demonstrate the ongoing maintenance of the proposed on-site water treatment infrastructure.

**Reason:** In the interest of environmental protection.

6. All stripped topsoil and overburden shall be retained within the site, in positions to be agreed in writing with the Planning Authority. All stripped topsoil shall be stored separately from overburden. Furthermore, the site restoration works described in the application shall be undertaken in a phased basis in accordance with Drg. No: PP-120-01 'Phased Extraction Section' and the Restoration Plan as shown on Drg. No. PP-110-01 'Proposed Site Layout Map and Details'. The developer shall submit annually, for the lifetime of the permission, an aerial photograph which adequately enables the Planning Authority to assess the progress of the phases of extraction. The Applicant shall be restricted from commencing each additional phase of extraction (i.e. Phases 2-8) until evidence of the phased restoration (i.e. ongoing construction and planting of berms restoration) is submitted to the Planning Authority.

**Reason:** In the interest of visual amenity and orderly development.

7. Following termination, or planned cessation of use or involvement of all or part of the site in the authorised activity for a period greater than six months, or a period as agreed with the Planning Authority, the developer shall, to the satisfaction of the Planning Authority, decommission, render safe or remove for disposal/recovery, buildings, infrastructure, plant or equipment, or any waste, materials or substances or other matter contained therein or thereon, that may result in environmental pollution.

**Reason:** In the interest of visual amenity and orderly development.

8. The Applicant shall comply with the requirements of the Planning Authority with regard to traffic management and access arrangements and the details of such

works, including general road works, shall be agreed in writing prior to the commencement of development. In particular, the Applicant shall:

- a. Be responsible for maintaining the adjoining public road in a clean state free from mud and debris caused by the extraction of materials from this facility.
- b. Conduct regular condition surveys with the Council on the public roads during the lifetime of the extraction and any issues identified that can be attributed to the extraction are to be dealt with in a timely manner by the applicant in agreement with the Council.
- c. All loads of dry fine materials shall be either sprayed with water or covered/sheeted prior to exiting the quarry.

**Reason:** In order to safeguard local amenities.

9. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

**Reason:** To prevent flooding and in the interests of sustainable drainage.

#### 10. Monitoring

- a. The developer shall monitor and record groundwater, surface water flow, noise, ground vibration, and dust deposition levels at monitoring and recording stations, the location of which shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development.
- b. On an annual basis, for the lifetime of the facility (within two months of each year end), the developer shall submit to the Planning Authority copies of an environmental audit. Independent environmental auditors approved in writing by the planning authority shall carry out this audit. This audit shall be carried out at the expense of the developer and shall be made available for public inspection at the offices of the planning authority and at such other locations as may be agreed in writing with the authority. This report shall contain:
  - i. A written record derived from the on-site weighbridge of the quantity of material leaving the site. This quantity shall be

specified in tonnes.

- ii. A record of groundwater levels measured at monthly intervals.
  - iii. A written record of all complaints, including actions taken in response to each complaint.
- c. In addition to this annual audit, the developer shall submit quarterly reports with full records of dust monitoring, noise monitoring, surface water quality monitoring, and groundwater monitoring. Details of such information shall be agreed in writing with the planning authority. Notwithstanding this requirement, all incidents where levels of noise or dust exceed specified levels shall be notified to the planning authority within two working days. Incidents of surface or groundwater pollution or incidents that may result in groundwater pollution, shall be notified to the planning authority without delay.
- d. Following submission of the audit or of such reports, or where such incidents occur, the developer shall comply with any requirements that the planning authority may impose in writing in order to bring the development in compliance with the conditions of this permission.

**Reason:** In the interest of protecting residential amenities and ensuring a sustainable use of non-renewable resources.

11. Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge).

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

12. The noise levels generated during the operation of the quarry shall not exceed 55 dB(A) Leq,1hr] when measured at the boundary of the site during permitted operating hours and shall not exceed 45 dB (a) leq 15 mins at any other time. When measuring the specific noise, the time shall be any one hour period during which the sound emission from the quarry is at its maximum level.

**Reason:** In order to protect the residential amenities of property in the vicinity.

13. The quarry, and all activities occurring therein, shall only operate between 0800 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the Planning Authority.

**Reason:** In order to protect the residential amenities of property in the vicinity.

14. Prior to the commencement of development, the Applicant shall submit for the written agreement of the Planning Authority, a plan of all existing trees and hedgerows on the site, and which also indicates those trees and hedgerows proposed to be retained, as well as details of all tree and hedgerow protection measures.

**Reason:** In the interest of visual amenity and orderly development.

15. (a) The developer shall engage a suitable qualified archaeologist (licensed under the National Monuments Acts) to carry out a pre-development Archaeological Geophysical Survey and a pre-development Archaeological Test Excavation of the development site and to submit an Archaeological Impact Assessment Report for the written agreement of the planning authority, following consultation with the Department of Housing, Local Government and Heritage, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance and/or construction works. This shall be in addition to any mitigation measures outlined in Chapter 13 of the EIAR.
- (b) The Archaeological Geophysical Survey must be carried out under licence from the Department and in accordance with an approved method statement. The geophysical survey shall include all areas of potential ground disturbance

within the greenfield lands designated as Zone B; the archaeologist shall liaise with the Department in this regard. Having completed the work, the archaeologist shall submit a written report to the Department and the Planning Authority describing the results of the geophysical survey.

(c) The archaeologist liaise with the Department to establish – based on the results of the Archaeological Geophysical Survey – the appropriate scope of the Archaeological Test Excavation to adequately characterise the character and extent of any potential sub-surface archaeological material within the development site.

(d) The report on the Archaeological Test Excavation shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record (archaeological excavation) and/or monitoring may be required.

(e) Any further archaeological mitigation requirements specified by the planning authority, following consultation with this Department, shall be complied with by the developer.

(f) No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority.

(g) The planning authority and the Department shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological work on site, and any necessary post-excavation specialist analysis. All result and associated archaeological costs shall be borne by the development.

**Reason:** To ensure the continued preservation (either *in situ* or by record) of features of archaeological interest.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory restoration of the site, as per the site restoration plan (Drg. No. PP-

110-01 'Proposed Site Layout Map and Details'), coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory restoration of the site in the interest of visual and residential amenity.

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

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

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Rónán O'Connor  
Senior Planning Inspector

31<sup>st</sup> March 2025

## **Appendix 1 – Specialist (Environmental Scientist) Report**

The Board will note that Appendix 1 is attached as a separate document to this report and I refer the Board to same. The report is entitled 'Technical Report to Inspector ABP-319612\_App1'.

## Appendix 2 Appropriate Assessment Screening Determination (Stage 1)

### Screening for Appropriate Assessment

#### Screening Determination

##### Step 1: Description of Project/Site Context

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

In order to screen for Appropriate Assessment I have utilised the information on file, including the Appropriate Assessment Screening Report and the Environmental Impact Assessment Report (EIAR), as well as publicly accessible information on the NPWS website<sup>4</sup>, the Department of Agriculture and Rural Affairs<sup>5</sup> (as relates to the Upper Lough Erne SPA in Northern Ireland) and the EPA Appropriate Assessment tool.<sup>6</sup> I have also had regard to Specialist (Environmental Scientist) Report on file (Appendix 1 refers).

The proposed development incorporates an area of c14.6Ha extending the registered quarry QY1 in a southerly direction. This consists of:

- Zone A – Covers 6.5 ha area of land previously exposed to extraction activities including that area for which substitute consent has been applied:
- Zone B – Covers 8.1 ha area of land to the south of the existing excavated area which is currently used for pasture.

The proposed development proposes to bring the remaining reserves within the 'Substitute Consent' area down to the established quarry floor depth of c105m OD, and further lower this area over time by a further 15m bench to 90m OD over time. In addition, it is proposed to expand the quarry footprint into an existing greenfield area. This area will be brought down in multiple benches by a total of 45-50m to 90m OD,

<sup>4</sup> [Protected Sites in Ireland | National Parks & Wildlife Service](#)

<sup>5</sup> [Upper Lough Erne SPA | Department of Agriculture, Environment and Rural Affairs](#)

<sup>6</sup> <https://gis.epa.ie/EPAMaps/AAGeoTool>

with the upper benches (above 105m OD ) worked in tandem with the deepening of the Substitute Consent Area below 105m OD.

The proposed development will extend the quarry to a total area of c17.9 ha. The site has an estimated reserve of c3,642,300 m<sup>3</sup> of rock or c8,013,060 tonnes, using an estimated reserve of 2.2 tonnes per m<sup>3</sup> of aggregate. The Proposed Development plans to extract and process up to the historic maximum output of 350,000 tonnes per annum. At the restoration phase the groundwater will be allowed to recharge and form a water body across the site.

An Appropriate Assessment Screening Report (dated August 2023) was submitted with the s37L application. Of note is the indirect surface water link to Lough Oughter and Associated Loughs SAC (located 5km west of the site) as a result of surface water discharge to a stream to the north-east of the quarry. This stream flows in a northern direction to an open area of wetland with a c12km hydrological connection to Lough Oughter and Associated Loughs SAC.

The Zone of Influence (Zoi) was determined as being c12km from the site, given the identified hydrological link, and having regard to the scale of the project. A total of 8 no. Natura 2000 sites<sup>7</sup> were identified within the Zoi as follows:

- Upper Lough Erne SPA Site Code UK9020071- 4km north-west of site
- Upper Lough Erne SAC Site Code UK0016614 - 4km north-west of site
- Lough Oughter and Associated Loughs SAC Site Code 000007 – 5km west of the site
- Kilroosky Lough Cluster SAC Site Code 001789- 8km north of the site
- Magheraveely Marl Loughs SAC Site Code UK0016621 – 9km northwest
- Lough Oughter SPA Site Code 004049 – 12km southwest

#### **Potential impact mechanisms from the project**

Noting the nature of the project, and the distance from the site to those European Sites identified above, and noting the entirety of the documentation on file including the AA

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<sup>7</sup> For the purposes of AA Screening I have not included the Ramsar sites that are referenced in the AA Screening Report.

Screening Report, and the EIAR, I am of the view that potential impact mechanisms could reasonably include the following:

Construction/site preparation stage:

- Surface water pollution (silt/ hydrocarbon/ construction related) from site preparation/soil removal works resulting in changes to environmental conditions such as water quality/ habitat degradation.
- Ground water pollution as a result of the removal of overburden and/or as a result of pollutants from vehicle and plant
- Ex-situ Habitat loss and/or deterioration

Operational Phase:

- Surface water pollution (silt/ hydrocarbons from vehicles and plant/other activities including blasting, resulting in changes to environmental conditions such as water quality/ habitat degradation.
- Ground water pollution as result of pollutants from vehicle and plant/Alteration of groundwater flows with subsequent effects on groundwater habitats

### Step 3: European Sites at Risk

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

| <b>Effect Mechanism</b>        | <b>Impact Pathway/Zone of influence</b>                       | <b>European Site(s)</b>                          | <b>Qualifying Features at risk</b>                                                                                                                                     |
|--------------------------------|---------------------------------------------------------------|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Surface Water Pollution</b> | <b>Indirect hydrological link via surface water discharge</b> | Lough Oughter and Associated Loughs SAC (000007) | <u>Lough Oughter and Associated Loughs SAC</u><br><br>Natural eutrophic lakes with <i>Magnopotamion</i> or <i>Hydrocharition</i> - type vegetation<br><br>Bog woodland |

|                                                             |                                                                                                                                             |                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                             |                                                                                                                                             |                                                                                                           | <i>Lutra lutra</i> (Otter)                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Groundwater<br/>Pollution/Groundwater<br/>alteration</b> | <b>Indirect<br/>groundwater<br/>impacts via<br/>underlying<br/>groundwater<br/>body (GWB) on<br/>groundwater<br/>dependant<br/>habitats</b> | Lough Oughter<br>and Associated<br>Loughs SAC<br>(000007)<br><br>Lough Oughter<br>SPA Site Code<br>004049 | <u>Lough Oughter<br/>and Associated<br/>Loughs SAC</u><br><br>Natural eutrophic<br>lakes with<br><i>Magnopotamion</i><br>or <i>Hydrocharition</i><br>- type vegetation<br><br>Bog woodland<br><br><i>Lutra lutra</i> (Otter)<br><br><u>Lough Oughter<br/>SPA</u><br><br>Great Crested<br>Grebe ( <i>Podiceps<br/>cristatus</i> )<br><br>Whooper Swan<br>( <i>Cygnus cygnus</i> )<br><br>Wigeon ( <i>Anas<br/>penelope</i> )<br><br>Wetland and<br>Waterbirds |
| <i>Ex-situ</i> Habitat loss and/or<br>deterioration         | <b>Loss of habitat<br/>associated with<br/>bird species<br/>associated with<br/>a European<br/>Site/Within<br/>foraging range</b>           | Upper Lough<br>Erne SPA Site<br>Code<br>UK9020071                                                         | <i>Cygnus cygnus</i><br>(Whooper Swan)<br>wintering<br>population                                                                                                                                                                                                                                                                                                                                                                                            |

|  |                            |  |  |
|--|----------------------------|--|--|
|  | <b>of Whooper<br/>Swan</b> |  |  |
|--|----------------------------|--|--|

### **Step 3: Site Synopsis'**

In relation to the 3 no. sites above, the relevant site synopsis' are summarised below:

#### Lough Oughter and Associated Loughs SAC<sup>8</sup>

Lough Oughter and its associated loughs occupy much of the lowland drumlin belt in north and central Cavan between Upper Lough Erne, Killeshandra and Cavan town. The site is a maze of waterways, islands, small lakes and peninsulas including some 90 inter-drumlin lakes and 14 basins in the course of the Erne River. As well as the habitats and species listed above (in Table 1), the site also contains areas of dry woodland, marsh, reedbed and wet pasture. The main threats to the quality of the site are water polluting activities (such as run-off from fertiliser and slurry application, and sewage discharge) which have raised the nutrient status of some lakes to hypertrophic.

#### Lough Oughter Complex SPA<sup>9</sup>

Lough Oughter and its associated loughs occupy much of the lowland drumlin belt in north and central Co. Cavan between Belturbet, Killashandra and Cavan town. This area comprises a maze of waterways, islands, small lakes and peninsulas. The Lough Oughter Complex is of importance for a range of wintering waterfowl.

#### Upper Lough Erne SPA<sup>10</sup>

Upper Lough Erne Lough is situated in County Fermanagh in the west of Northern Ireland and is a very large and complex freshwater system. A series of flooded drumlins in the course of the River Erne give rise to a complex of islands, bays and many lakes bordered by damp pastures, fens, reedswamp, alder/willow carr and oak woodland.

### **Step 4: Likely Significant Effects on the European sites 'alone'**

<sup>8</sup> For the full site synopsis, see <https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY000007.pdf>

<sup>9</sup> For the full site synopsis, see <https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY004049.pdf>

<sup>10</sup> <https://www.daera-ni.gov.uk/protected-areas/upper-lough-erne-spa>. For a full site synopsis, see [Upper Lough Erne SPA Citation documents and map.pdf](#)

| Table 2: Could the project undermine the conservation objectives 'alone'                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                        |                                     |                      |          |  |
|----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|-------------------------------------|----------------------|----------|--|
| European Site and qualifying feature                                                               | Conservation objective (summary)                                                                                                                                                                                                                                                                                                                                                                                                                                    | Could the conservation objectives be undermined (Y/N)? |                                     |                      |          |  |
|                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Surface Water Pollution                                | Groundwater Pollution /Ground water | Ex-situ Habitat loss | Effect D |  |
| Lough Oughter and Associated Loughs SAC (000007)<br><br>Lough Oughter Complex SPA Site Code 004049 | <p>To restore the favourable conservation condition of: Natural eutrophic lakes with <i>Magnopotamion</i> or <i>Hydrocharition</i> - type vegetation</p> <p>To maintain the favourable conservation condition of:</p> <p>Bog woodland</p> <p><i>Lutra lutra</i> (Otter)<sup>11</sup></p> <p><u>Lough Oughter Complex SPA</u><sup>12</sup></p> <p>To maintain the favourable conservation condition of:</p> <p>Great Crested Grebe</p> <p>Wigeon</p> <p>Wetlands</p> | No. See discussion below.                              | No. See discussion below.           | n/a.                 | n/a      |  |

<sup>11</sup> For the full text of the conservation objectives, please refer to [https://www.npws.ie/sites/default/files/protected-sites/conservation\\_objectives/CO000007.pdf](https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000007.pdf)

<sup>12</sup> For the full text of the conservation objectives, please refer to [https://www.npws.ie/sites/default/files/protected-sites/conservation\\_objectives/CO004049.pdf](https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004049.pdf)

|                                          |                                                                                                |     |     |                          |  |
|------------------------------------------|------------------------------------------------------------------------------------------------|-----|-----|--------------------------|--|
|                                          | To restore the favourable conservation condition of: Whooper Swan                              |     |     |                          |  |
| Upper Lough Erne SPA Site Code UK9020071 | To maintain each feature (whooper swan) in favourable conservation condition.<br><sup>13</sup> | n/a | n/a | No. See discussion below |  |

The Appropriate Assessment Screening Report (dated August 2023) notes that there are no Natura 2000 sites located within the proposed Site and that there will be no direct impacts from land-take are predicted. It is noted however that removal of the grassland habitat, hedgerow and treelines will have the potential to directly and indirectly impact species associated with Natura 2000 sites. There is also potential to impact water quality and sensitive aquatic species. The surface water will be treated on site (via settling ponds and a hydrocarbon interceptor) prior to discharge to a stream to the north-east of the quarry. This stream flows in a northern direction to an open area of wetland with a distant c12km connection with Natura 2000 sites to the south.

Impacts on Upper Lough Erne SAC, Kilroosky Lough Cluster SAC, Magheraveely Marl Loughs SAC are ruled out due to a lack of any hydrological link to same from the site. Impacts on Lough Oughter SPA are ruled out as it is stated that the development site is located outside the potential foraging range of SCI species associated with the SPA, and it is located outside the zone of sensitivity of any species. I concur with these conclusions as set out in the AA Screening Report, save for potential impacts on the Lough Oughter and Associated Loughs SAC and Lough Oughter SPA as a result of groundwater impacts, which I have discussed below.

#### Surface Water

A hydrological connection to Lough Oughter and Associated Loughs SAC is identified and this is considered for further screening, with a detailed description of the site set out in the Screening Report.

<sup>13</sup> For the full text of the conservation objectives, please refer to <https://www.daera-ni.gov.uk/sites/default/files/publications/doe/upper-lough-erne-spa-conservation-objectives-2015.pdf>

The surface discharge point to the north of the quarry is described as discharging into a drain that flows north towards the Gortnana River. This river then connects to the River Finn c. 5km downstream and then to Lough Oughter and Associated Loughs SAC c12km downstream. It is stated that the discharge is monitored by Monaghan County Council and the licence restricts the discharged water to 360m<sup>3</sup> per day should not exceed certain water quality parameters. It is stated that the monitoring of the discharge point ensures that the outputs from the quarry will not exceed allowable limits, and therefore no potential significant effect is predicted on Lough Oughter and Associated Loughs SAC. It is further stated that should pollutants enter the discharge watercourse, the dilution factor of 12km of watercourse is considered to negate significant effects to the qualifying interests and conservation objectives of Lough Oughter and Associated Loughs SAC.

I generally concur with the conclusions as set out in the AA Screening Report as relates to surface water. However, I would note that the EIAR has identified some individual exceedances of the Emission Limit Values (ELVs) set out in the Discharge Licence granted by Monaghan County Council, in some parameters within the surface water discharge (ammonia levels and suspended solids) at monitoring points downstream of the surface discharge point. However, I refer to the Specialist (Environmental Scientist) report (Appendix 1 refers) wherein it is stated the annual average data (my emphasis) for all parameters at the discharge point was below the ELVs set in the Discharge Licence. I would further note that, following a loadings assessment, it was concluded within this report that the discharges of ammonia from the existing quarry are not significant in the context of the Gortuna\_010 waterbody, and wherein it is concluded that the proposed operation of the quarry would not significantly impact on surface water quality.

I would note that the surface water pollution control measures in place at the quarry, such as the monitoring of the surface water discharge, hydrocarbon interceptor and the settling ponds, are standard pollution control measures that would be put in place for a quarry development and would be put in place regardless of any proximity to any Natura 2000 site, noting also that monitoring of the surface water is a requirement of the discharge licence in place at the quarry.

As noted in the AA Screening Report, even in the event of pollutants entering the surface water, the hydrological distance to Lough Oughter and Associated Loughs SAC is some 12km and this will ensure that dilution of same would take place within the surface water network, so as to ensure that any effects on the SAC would be rendered insignificant.

As such, having regard to the considerations above, it can be concluded that there is no likelihood of significant effects on surface water quality within the Lough Oughter and Associated Loughs SAC.

#### Groundwater

While not discussed in the AA Screening Report, the site overlies the Cavan GWB (groundwater body), and given the nature of the proposed activities, there is some potential to impact on groundwater quality, and subsequently to impact on any sites with groundwater dependant species that overlie the same groundwater body. In relation to same, and with reference to EPA mapping, I would note that the only 2 no. sites that overlie the same groundwater body are Lough Oughter and Associated Loughs SAC (located 5km west the site) and Lough Oughter SPA (located 12km from the site). I would note that bog woodland, a qualifying interest of the Lough Oughter and Associated Loughs SAC is a groundwater dependant habitat. Wetlands are noted as a qualifying interest for Lough Oughter SPA.

In relation to potential impacts on groundwater, I would note that there is a detailed assessment of same set out in Chapter 8 of the EIAR, and significant effects on groundwater are ruled out within same. In addition, I would note that conclusions of the Specialist (Environmental Scientist) report (Appendix 1 refers), wherein potential significant impacts on groundwater are also ruled out. As such, I am satisfied there are no likely significant effects on groundwater dependant habitats within the SAC and the SPA, as a result of impacts on groundwater.

#### Ex-situ Impacts on Habitats

In relation to the Upper Lough Erne SPA, I note that the AA Screening Report notes that the core range of the Whooper Swan, the only listed qualifying interest of same, is c4km up to 5km. However, the typical foraging habitat outside of wetland is stubble

fields and arable crops which are not present on the site. As such I am satisfied that ex-situ impacts on same can be ruled out.

### Conclusion

I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying feature(s) of Lough Oughter and Associated Loughs SAC, Lough Oughter Complex SPA or Upper Lough Erne SPA. Further AA screening in-combination with other plans and projects is required.

### **Step 5: Likely significant effects on European sites 'in combination with other plans and projects'.**

There is no evidence on file of any plans or projects that are proposed or permitted that could impact in combination with the proposed development and as such no in-combination issues arise.

I conclude, therefore, that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European sites. No further assessment is required for the project.

### **Overall Conclusion- Screening Determination**

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on:

- Standard pollution controls that would be employed regardless of proximity to a European site, and effectiveness of same (at construction and operational phases).
- Distance from European Sites.

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

