An Bord Pleanála

Inspector's Report

APPLICATION UNDER SECTION 37L OF THE PLANNING AND DEVELOPMENT ACTS, 2000-2015 FOR FURTHER DEVELOPMENT OF A QUARRY

REF:-	**QD17.QD0002**
Related Substitute Consent File:	SU17.SU0078
DEVELOPMENT:-	Further quarry development including the extraction of aggregates.
Applicant:	Roadstone Ltd
Type of Application:	Further Quarry Development under Section 37L
Location of Site:-	Barleyhill Quarry, Ardagh, Kingscourt, Co. Meath
Planning Authority:	Meath County Council
Observers:	None
Date of site inspection:	15 March 2016
INSPECTOR:	Una Crosse

1.0 INTRODUCTION & CONTEXT

The current application for further quarry development was received by the Board on 24th November 2015 following the commencement of Section 37L of the Planning and Development Act 2000, as amended. This application is related to Ref. SU17.SU0078, an application for substitute consent lodged by the applicant on the 20th of December 2013 accompanied by an rEIS.

2.0 SITE LOCATION AND DESCRIPTION

The quarry at Barleyhill lies approximately 5kms east of the town of Kingscourt and is located in the townland of Ardagh within a rural agricultural area. Meath Hill is located to the south of the site and Ballyhoe Lough (pNHA) to the east. The site is accessed via a local road (L74021) that spurs off the R165 at Killycroff, c.5kms to the northwest of Drumcondra towards Kingscourt. The overall landholding within which the quarry is located is situated for the most part on the western side of the county road and is c.20.1ha in area. The activity area proposed in the subject application is stated to have an area of 6.07ha and includes both the area currently worked to the south and south east of the quarry towards the rear face and a new area of development comprised of a field located to the south east of the excavation area.

The current topography of the application area varies from approximately 48mOD at the lowest level of the worked area to approximately 105mOD at the highest point. The existing excavated area has high faces with a number of shelves around the excavated area. There are a number of access roads to the south and south east of the site. The quarry floor has a large number of stockpiles of excavated material. The area of proposed new excavation comprises an agricultural field which falls in gradient from west to east by about 20 metres over the area of the field. The concrete batching plant is situated at the north of the main quarry extraction area. There is also a fuel storage and handling area, wheel wash and sprinkler system and associated ponds. Site offices and a carparking area are located opposite the entrance to the quarry on the eastern side of the public road. These are located within the overall landholding area outside of the current application area. The landscape within the vicinity of the site is undulating with the area to the west of the quarry more elevated. There are a number of residential properties and farm buildings located in the vicinity of the Quarry.

3.0 PROPOSED DEVELOPMENT

The development within the subject application for further quarry development comprises an area of 6.07ha. It is located within the existing quarry area to the south and southeast of the excavated area including the rear wall of the quarry. The proposal then seeks to extend into an area of undeveloped land to the south east creating a new quarry face with three shelves along the southwestern boundary with the quarry floor extending across the entire width of the south western/southern boundary of the site. It is proposed to lower the floor of the existing excavated area

to c.37m and to extend into the field to the south east to between c.37mOD and 70/80mOD with two shelves along this new southeastern boundary.

The proposed hours of operation are 06.00 to 20.00 Monday to Friday and 06.00 to 14.00 Saturday. Access to the site is facilitated directly at the site entrance with the weighbridge next to the administration building reserved for outgoing loads. The site is works by way of controlled blasting of rock followed by crushing and screening to produce the grades of rock required which is then stock-piled adjacent to the mobile plant. Fuel is stored on site in two above-ground storage tanks to the north of the application area. Foul water is discharged to a septic tank to the west of the administration building. Surface water is stated to be catered for within the site by way of a water collection sump near the concrete batching plant and a settlement lagoon system near the southern entrance to the quarry. It is stated that there are no water discharges from the quarry with the settlement ponds collecting run-off from the hardstands and wheelwash and following settlement the water is directed to a sump near the entrance and recirculated for use in the wheelwash. A private well provides drinking water. It is noted in the EIS that the quarry is an important source of aggregates, fill and ground limestone in the area. Ground limestone is used by farmers to neutralise acid in the soil to improve growth, fill is used for access tracks on farms and aggregates are used in land drainage projects by local authorities and farmers. It is noted that there are currently 17 people employed on site and those employed for aggregate and concrete haulage.

4.0 PLANNING HISTORY

The Inspectors Report prepared in respect of the Substitute Consent application SU17.SU0078 on the subject site sets out a detailed account of the planning history of the subject site including the processes under Section 261 and Section 261(A) of the Planning and Development Acts 2000 as amended. It is therefore not intended to repeat same but the following provides the key details of the history to date for ease of reference.

- **Ref. SU17.SU0078:-** was lodged by the applicant on the 20th of December 2013 and was accompanied by a remedial EIS. During the process the substitute consent area, was extended from 3.37ha to 4.8ha and revised plans and particulars including revisions to public notices and to the rEIS were submitted on the 30th of April and 17th June 2014.

- **Ref. QV17.QV0028**:- A notice was issued by Meath County Council under the provisions of Section 261A (3)(a) on the 18th of July 2012, instructing the owner/operator of a quarry at, Barley Hill, Ardagh, Co.Meath, to apply for substitute consent for the works undertaken on the site and that the application for substitute consent be accompanied by a remedial Environmental Impact Statement. Subsequent to the Board's Quarry Review decision in

- **Ref.QC17.QC2022:-** The quarry was registered by Meath Council (Ref. QY13) under S261 of the Planning and Development Act 2000 (5th of March 2007). The

information submitted stated that the quarry commenced on site c.1950. Conditions were imposed by Meath Co. Council and subsequently modified by An Bord Pleanala (28th of February 2008).

- **Reg. Ref.01/899:-** Permission granted subject to conditions (19th of Sept. 2001) by Meath Co. Council for the construction of a Readymix concrete batching plant with associated water recycle catchment tanks and a concrete silo at Barleyhill.

5.0 PLANNING CONTEXT

5.1 Meath County Development Plan 2013 -2019

Water

- Section 7.14.2 - protection of Surface Waters - rivers, lakes;
- S7.14.3 provides for the protection of groundwaters
- Policies WS POL19 to 28

Cultural and Natural Assets.

- Section 9.6.9 - Archaeological Heritage
- Section 9.6.10 -Record of Protected Structures (Appendix 8).
- Section 9.7 - Natural Heritage, to biodiversity and the protection of Natura 2000 sites. Policies NH POL5 to POL7 and Objectives NH OBJ 2 and 3 refer.
- Section 9.8 - Landscape and provides for Landscape Character Assessment and Landscape types and sensitivities.
- Section 9.10 - Views and Prospects.
- Appendix 12 - list of Protected Views and Prospects.
- Meath Landscape Character Assessment - the site is located in LCA 2 North Meath Lakelands with a moderate value and low sensitivity. Landscape importance is described as regional.

Rural Development.

- Section 10.12 - Extractive Industry and Building Materials Production. This notes the need for the extractive industry in terms of supply and aggregate for the construction sector, delivering transport infrastructure projects and the export market. However the potential for conflict in the operation of these industries with wider environmental issues needs careful consideration.
- Policies RD POL 21 to 27 refer.

Development Management Guidelines.

- Section 11.14 - Extractive Industry and Building Materials.
- *'Extractive industry proposals should pay particular attention to the potential for likely significant effects on the Natura 2000 sites due to groundwater drawdown or the contamination of surface water'.* It also provides that '*All sites shall be subject to rehabilitation and landscaping programmes in phase with the extraction'.*

5.2 Planning Guidelines

- Quarries and Ancillary Activities: Guidelines for Planning Authorities, 2004
- DOE Guidelines on the Quarry Industry 2006
- Geological Heritage Guidelines for Extractive Industry c.2008
- Appropriate Assessments for Plans and Projects in Ireland: Guidelines for Planning Authorities 2010.
- Regional Planning Guidelines for the Greater Dublin Area 2010-2022.
- Section 261A of the Planning and Development Act 2000 and related provisions January 2012 and Section 261A Supplementary Guidelines July 2012.

6.0 PLANNING AUTHORITY REPORT

A submission was received from Meath County Council on 15 January 2016 (postal copy received 18th January 2015). The report is summarised as follows:

- The report describes the existing development on site and site context, planning and enforcement history and the provisions of the County Plan which are considered relevant;
- In relation to human beings, low scale employment is noted as a positive impact with indirect impacts from traffic, visual impact, noise and dust pollution which are considered to be adequately dealt within the relevant chapters of the EIS;
- It is stated that the Heritage Officer noted in respect of the concurrent rEIS that it had adequately addressed the effects on the environment in relation to flora and fauna with no information within current EIS to alter that view;
- It is not considered that the proposal will have implications for geological aspects and soil on surrounding lands;
- It is suggested that there will be no adverse effect on groundwater levels in private wells in the area;
- Mitigation measures are noted to ensure no further exceedances of the recommended dust levels;
- It is stated that the Planning Authority have no information to hand to suggest any difficulties with noise or vibration on site;
- In terms of visual impact it is noted that due to the undulating topography that the quarry and exposed face can only be seen from sections of roads on elevated ground with other views mitigated by screening mounds with the visual impacts deemed to be of moderate significance;
- In relation to traffic the development is considered reasonable given the capacity of the local road used by same;
- Planning Authority satisfied that the data contained in the EIS is correct and have no information to suggest quarrying will adversely impact on the environment;
- Reference is made to a 2009 hydrological assessment which stated that there is no discharge from the site and no risk to local watercourses;
- No groundwater abstraction from the quarry floor and therefore no impact on the groundwater table level in the local area;
- Appropriate Assessment screening report concludes that any significant impact on the Natura 2000 sites located c.24km downstream is unlikely;

- A development contribution is calculated on the basis of 3.74ha and provides as follows: - surface water - €2,805, Roads - €69,190, Social Infrastructure - €21,505;
- Concluded that quarry will not give rise to significant adverse effects on the environment and impacts are limited in type and significance and can be remediated as outlined in the EIS and recommends a grant of permission;

7.0 SUBMISSIONS

Submissions were sought from a number of prescribed bodies on 17th December 2015 requesting submissions by 28th January 2015*. Submissions were received from the Health Service Executive and Inland Fisheries Ireland. *Given the typographical error on the notice (2015 stated rather than 2016) it was decided to reissue the notice to the bodies that had not made submissions. A summary of the submissions received is provided as follows:

7.1 Inland Fisheries Ireland

- The report refers to the River Glyde river catchment and Ballyhoe Lake and notes the impact of the discharge of silt-laden waters on fish;
- It is stated that it is important to incorporate best practice into establishment and operation methods to minimise discharges of silt/suspended solids to waters;
- It is suggested that stockpile areas for sands, gravels etc should be kept to a minimum size and run off from same should only be routed to the watercourse via suitable designed and sited silt traps/settlements ponds;
- A buffer zone should remain between the silt trap and the watercourse and silt traps/settlement ponds should be inspected daily and maintained daily;
- All fuels and oils should be stored in secure bunded areas with particular care taken during refuelling and maintenance;
- Important to ensure that quarry does not have a negative impact on surface waters;

7.2 Health Service Executive

- The report notes that the physical environment was adequately described in the EIS;
- The assessment of geology and soils is considered satisfactory with no significant alterations to the local or regional environment;
- The assessment of water/hydrology/hydrogeology is considered to be satisfactory;
- It is noted that the stated lowest extraction level will be 37mOD and based on an assessment of water levels at the quarry all works will be above the water table and will not impact on the ground water environment;
- It is stated that the EIS did not provide any information on the capacity of the existing settlement lagoons with the proposal giving rise to an increased surface water flow and considered calculations required on the predicted surface water flow from the extension;

- Information on the capacity and predicted retention time of the existing settlement lagoons should be provided;
- In relation to air quality monitoring and analysis of dust deposition levels it is noted that dust deposition levels exceeded the recommended 350mg/m2/day on 4 events during 2012 and 2013;
- It is stated that dust suppression methods must be effective during periods of dry weather in order to prevent exceedances;
- A number of monthly air monitoring results not provided with a statement that monitoring equipment vandalised;
- Suggested that monitoring equipment should be secured to prevent vandalism in the future with control of dust emissions important to prevent a nuisance arising;
- In relation to noise it was noted that there was one slight exceedance of the recommended night time noise level of 45dBA.

8.0 RESPONSES

8.1 First Party Responses to Planning Authority Report

- A response was received from the applicants agent which can be summarised as follows:
- Agree with overall recommendations of the Planning authority that the application under 37L should be granted;
- Area indicated by Meath County Council for the calculation of contributions is 3.74ha based on the horizontal extension on ground not yet excavated;
- Based on drawings submitted the area for further development where extraction not yet commenced is 1.30 hectares and it is this area that should be used for calculations;

9.0 ASSESSMENT

The application for further quarrying development will be considered as follows:

- Principle of development;
- Surface water management;
- Development contributions;
- Environmental Impact assessment;
- Appropriate assessment screening

9.1 Principle of Development

The subject application for further quarry development involves further quarrying of an existing area of excavation and extension into a new area of ground not previously excavated. I would note that the existing area of excavation is within the area which is the subject of the substitute consent application Ref. SU17.SU0078. It is my opinion that if the Board is minded to grant the substitute consent application then the principle of the subject development on that part of the subject site already excavated should be accepted. If this is accepted then the quarrying of the adjoining field not previously excavated would also in my opinion be acceptable as it is an extension of same.

9.2 Surface Water Management

There are no natural surface water features located within the quarry. A minor drain is located adjacent to and north west of the administration building which has poor to no flow but which is linked to Ballyhoe Lake. The EIS states that surface water management comprises of a water collection sump near the concrete batching plant and a settlement lagoon system near the southern entrance of the quarry. The settlement ponds collect runoff from the quarry hardstand areas and from the wheelwash and following settlement this water is directed to a sump near the entrance and recirculated to the wheelwash or used for dust suppression or concrete production. Surface water runoff (generated by incident rainfall) at the quarry is allowed to infiltrate naturally through the quarry floor. Site surface water supply for aggregate washing and processing, ready-mixed concrete production, dust suppression and canteen/office facilities is extracted from an existing groundwater well located at the eastern side of the quarry.

The surface water features referred to are poorly annotated on the drawings accompanying the application. There is no diagrammatic explanation of the surface water regime on the site. Reference is made to settlement lagoons but there is no such feature annotated. I note the reference on the drawings to a wash tank close to the concrete plant but it appears to refer to the water collection sump referred to in the EIS. There is no reference to the water feature adjacent to the wheelwash which given its proximity to the southern entrance would appear to correlate with the settlement lagoon reference. I note the comments of the Health Service Executive in respect of the settlement lagoons whereby it is stated that the EIS did not provide any information on the capacity of the existing settlement lagoons with the proposal giving rise to an increased surface water flow and considered that calculations were required on the predicted surface water flow from the extension. In addition it was noted that information on the capacity and predicted retention time of the existing settlement lagoons should be provided. The Board may decide to seek information in this regard, however, I would consider that given that the system already exists and appears to operate appropriately that a condition addressing the concerns raised could be attached to any permission which may be granted.

9.3 Development Contributions

In their report Meath County Council have stated that the area they consider to be calculable for development contribution is 3.74ha. They state that this area is calculated to be the horizontal extension and does not include the area upon which extraction had already commenced.

In their response the applicants agent states that the area referred to is indicated as 3.74ha but that based on the planning drawings the area for further development where extraction has not yet commenced, i.e. the greenfield site, is 1.30ha and not 3.74ha as stated by the Planning Authority. The Meath County Development Contribution Scheme 2016-2021 came into effect on 1 January 2016. Section 7 sets out the schedule of charges and it is noted that quarry/extractive industry is charged

at €2,500 per 0.1ha. It is specifically stated in a footnote 6 that it relates to footprint of surface extraction area only.

I would note that while the area for further development includes both existing extraction area and greenfield the application for substitute consent also includes the area already extracted within the subject application. In that regard I would consider that it would be reasonable to limit the calculable area for the development contribution in respect of this application to the greenfield area calculated at 1.30ha. It is not clear where the Planning Authority's figure of 3.74 has emerged and there is a considerable difference between the two figures. I would also note that the site area for the application is stated to be 6.07ha. I would suggest that the Board may wish to refer in any condition they may attach to the application of the contribution to the area of ground not yet excavated and I have included an additional line to this effect in the condition I have included below.

9.4 Environmental Impact Assessment

9.4.1 Overview

The EIS accompanying the application has been prepared by Tobin Consulting Engineers and is presented in the grouped format. The Non-technical summary is set out in a separate document included on the file and is required to provide a summary of the EIS in non-technical language. The statement submitted with the current application provides such a summary, in my opinion. The main EIS is in one Volume with the appendices associated with each of the chapters to the rear of the document. The specialist chapters are set out from Chapter 3-12 and provide a background, address the existing environment, potential impacts and any proposed mitigation measures. I would note that Chapter 2 sets out a description of the existing site and development to date but provides sparse detail on the extent of development already undertaken on site and the proposed development within the application for further quarrying development. However given the drawings and figures which are attached it is evident the extent of the existing quarry and the sections at Figure 1.3 outline the nature of the proposed further development within the existing area of excavation.

9.4.2 Socio-Economic

Chapter 4 presents information on population, employment, tourism and amenities. Fig. 4.1 shows the location of properties in the vicinity of the site with approximately 128 buildings within a 1km radius, 83 of which are residential. The quarry employs 17 people both directly employed on site and those employed for haulage. There are no tourist attractions in close proximity with community amenities in the immediate area comprising a primary school and church. Local historical monuments include a Recorded Monument, situated 200m from the application area. It is not considered that the quarry is a visual hindrance to the area as it is well hidden from public roads and regard is had to the undulating topography of the area. It is provided that the quarry operations to date and its on-going operation have had no direct negative impact on any tourism or amenity site and provides local employment and is of benefit to the local community and wider economy. I would concur that the proposal makes a positive contribution to the community in respect of employment and does

not detract from tourism or any of the amenities in the area. The absence of any local objection to the proposal would seem to support this contention. The visual impact is outlined separately below but in respect of socio economic impacts the development would appear to make a neutral to positive contribution to the area.

9.4.3 Ecology

Chapter 5 considers ecology and notes that the report considers the overall landownership area in respect of habitats and ecological receptors. Surveys were undertaken in September 2012 with further surveys carried out in December 2014 and November 2015 to confirm any significant changes from previous surveys in habitat extent and the occurrence of new faunal breeding grounds. It is stated that there are 13 proposed Natural Heritage Areas within 15km of the site (Table 5.3) with only one within 5km, Ballyhoe Lough pNHA (001594) which is stated to be 0.41km. The quarry is located within the River Lagan Catchment.

The report notes that there are nine habitat classes and habitat mosaics determined within the site. The field to the south east of the active quarry where it is proposed to extend is defined as managed grassland. In terms of potential impacts it is noted that no key ecological receptor habitats or fauna occur within the proposed extraction rea and it is not proposed to remove key ecological receptors. A number of areas of habitat considered to be of local importance within the landholding are proposed to be retained undisturbed and are avoided by the proposal. From a review of Figure 5.2 Habitats Map I would consider that the impact outlined is reasonable.

In terms of the potential impact on Ballyhoe Lough there are 4 potential impacts. In terms of surface water it is noted that there is a drainage ditch adjacent to the site offices which links to Ballyhoe Lough. Sampling of this stream was undertaken but it was noted that there was poor flow in same. Mitigation is proposed by way of the existing water quality management system on site comprising a surface water sump with the water directed on to site lagoons where the material settles out and the water is recirculated. It is considered that the poor flow of the drainage ditch and the effective management on site provide that it is unlikely significant quantities of material reach the lake. It was noted that the lake was surveyed with no evidence of adverse effects. I would note that the matter of surface water is dealt with in more detail in Section 10.5.1 below. However I am satisfied that there would not be any impact on the water quality of the nearby lake from the development proposed.

In relation to groundwater contamination from quarrying which could impact Ballyhoe Lough, it is stated, in terms of mitigation, that works are proposed above the water table and as there would not be works below same that there would not be a pathway to the Lake by way of groundwater. This appears to be a rational response to the potential impact. I would suggest that the Board may want to attach a condition requiring that extraction remain above the water table. In terms of the potential for dust deposition on the Lake I would note that this is discussed below in relation to Air. The final potential impact noted on Ballyhoe Lough is the impact of blasting on wildfowl on the lake. It is stated that the blasting carried out is within permissible limits. In terms of the potential impacts on the nearby Lake I would note

that the mitigation which exists on site appears to appropriately address the concerns. I do not consider that the proposal would cause any adverse impact on the lake.

The impact of blasting on the Peregrine Falcons, which are listed on Annex 1 of the Birds Directive and are an amber listed species of moderate conservation concern, is addressed. This species has been noted on the overall quarry site (their roost site is outside the boundary of the application area). It is noted that the fields and cliff to the south of the site where development is proposed is not a suitable breeding site. In terms of mitigation, it is proposed that monitoring of the species is implemented in March/April each year to confirm the bird breeding status and nest location all of which will be taken into account in operational practices including blasting. It is also noted that the species would have become accustomed to blasting. I would note that there appears to be several suitable potential nest sites within the area which could be used by the Falcon so as to avoid disturbance. Given the existence of the active quarry on site it appears that this species has learned to effectively co-exist with the quarry. I would consider that current mitigation measures and ongoing site practice are considered to be adequate and it is not considered that any additional mitigation is required. I would conclude that no significant adverse ecological impacts are evident from works to date within the current active area of the quarry and the proposed development is not considered to give rise to any significant change in same.

9.4.4 <u>Geology</u>

Chapter 6 includes an assessment of impact to date on the geological environment (soils, subsoils, bedrock) at and surrounding Barleyhill Quarry, as a result of quarrying activities at this location. It provides that as the geological, hydrological and hydrogeological environment is managed as a unit, it is deemed appropriate to assess the overall site as a unit with references to the subject further quarrying application area within the land ownership boundary. It is stated that the topography varies from 37mOD at the lowest point of the quarry floor to 105mOD at the highest point. Due to the nature of quarrying the existing geological environment is impacted. Much of the soil and sub-soils have been excavated within the application area save for the new field proposed for development to the southeast, the excavation of which will involve the removal of soils and subsoils. Soil and geological classification maps for the area have been included. The Barleyhill Quarry site is located within the 'Milverton Group' formation and the bedrock is described as Dinantian pure bedded limestone (Fig.6.3 relates). Fig.6.4 shows that the quarry is located within a Regionally Important Aquifer- Karstified. However it is noted that no karst features have been identified within the quarry and very few are recorded in the area. Potential impacts associated primarily with the removal of the overburden from the field unworked to date include risks to surface water runoff primarily with the potential for elevated suspended solids entering the surface water network. There is also potential risk to groundwater from works on the quarry floor. However, several mitigation measures which are outlined in Section 6.8 of the EIS have been put in place at this quarry already and will continue to be undertaken together with what the applicants described a careful design of the development area. I am satisfied that

any potential impacts will be appropriately mitigated and that there will be no significant environmental effects.

9.4.5 Water

Chapter 7 includes an assessment of impact to date on the water environment within and surrounding the quarry. The matter of water is addressed in respect of surface water and groundwater in turn as follows:

9.4.5.1 Surface Water

It is stated that there are no natural surface water features located within the quarry and there are currently no known surface water abstractions from surface features either upstream or downstream of the quarry. As noted above in section 9.1, surface water management is stated to comprise of a water collection sump near the concrete batching plant and a settlement lagoon system near the southern entrance of the quarry. The settlement ponds collect runoff from the quarry hardstand areas and from the wheelwash and following settlement this water is directed to a sump near the entrance and recirculated to the wheelwash or used for dust suppression or concrete production. Surface water runoff (generated by incident rainfall) at the quarry is allowed to infiltrate naturally through the quarry floor. Site surface water supply for aggregate washing and processing, ready-mixed concrete production, dust suppression and canteen/office facilities is extracted from an existing groundwater well located at the eastern side of the quarry. The HSE report received has raised a number of concerns in terms of the capacity of the settlement lagoons which are addressed separately above at section 9.1 of this report. I would suggest as noted above, that a condition is attached to any grant of permission which may arise which seeks to address the matter of the extent and capacity of these lagoons and to clarify details of the system on site.

9.4.5.2 Groundwater

Section 7.5 refers to the Groundwater Environment. It is noted that in compliance with Condition no.18 of QY13 a Hydrological Assessment was carried out in November 2009, to identify the groundwater flow regime operating in the vicinity of the facility and the receiving waters for any and all discharges. No groundwater wells are located within the further quarrying area (Fig.7.4 refers) and the properties in the area are supplied by a private group scheme. Drinking water for the quarry is supplied by a private well located in a covered building inside the southern entrance of the quarry. All domestic effluent at the quarry is treated by an on-site wwts/septic tank near the administrative building to the north of the substitute consent area. Groundwater levels at the quarry are provided in Table 7.4. It is provided that activities at the site have not impacted on the watertable which is below the quarry floor and therefore operations at the quarry have not had an impact on the groundwater environment. There are no groundwater inflows into the quarry and no groundwater control is required. Also there is no groundwater abstraction from the quarry floor and therefore no impact on the groundwater table level in the local area. Mitigation measures to prevent pollution are referred to in S7.7. The lowest extraction level proposed is 37mOD. Based on the water levels taken at the quarry (water level ranges from 29.5mOD to 33.67m OD) works are proposed above the

watertable. Therefore it is provided that operations at the quarry have not had an impact on the groundwater environment. I consider that the most important mitigation measure is the design of the proposal such that the water table is not impacted. In this regard I consider that the EIS provides an adequate response to the likely potential impacts.

9.4.6 Climate

Chapter 8 outlines the impact on climate and looks at rainfall and evapotranspiration and effective rainfall as well as wind. It is considered that the proposal will not alter the local, regional or global climate and as such no mitigation is considered necessary other than the operation of Best Available Technique guidelines. This is considered to be a reasonable and satisfactory approach to the consideration of impact of the proposal on climate and I conclude that the matter has been appropriately addressed.

9.4.7 Air Quality (Dust)

Chapter 9 states that it examined dust monitoring results taken at the quarry from 2008-2015 in order to address the potential impacts with the results contained in Appendix 9.1. I note the concerns outlined by the HSE in relation to air quality monitoring and analysis of dust deposition levels where it was noted that dust deposition levels exceeded the recommended 350mg/m2/day on 4 events during 2012 and 2013. I would note that the results in Appendix 9.1 show 3 such exceedences. I would note that there have been no exceedances since May 2013. The HSE consider that dust suppression methods must be effective during periods of dry weather in order to prevent such exceedances. While the number of exceedences is limited to 3 in a two year period they were concerned that a number of monthly air monitoring results were not provided with a statement outlining that the monitoring equipment had been vandalised. They suggest that monitoring equipment should be secured to prevent vandalism in the future with control of dust emissions important to prevent a nuisance arising. Details of mitigation measures and monitoring in place are outlined in S9.4 and it is provided that these significantly reduce potential for dust emissions. I would note that a condition should be attached if permission is granted which requires that the dust monitoring equipment is secured from any potential vandalism.

9.4.8 Noise and Vibration

Chapter 10 refers to Noise and Vibration. Fig.10.1 shows noise and blast monitoring locations within the overall quarry site with 7 blast monitoring locations also outlined which include the site office and 6 residential properties closest to the site. Table 10.1 presents noise survey results from May 2010 to June 2015 during operational periods. The results show levels to be within the daytime operational criterion of 55dBLaeq at the nearest noise sensitive locations. The HSE in their submission make reference to one slight exceedance of the recommended night time noise level of 45dBA. One such exceedance is noted on 9 June 2015 at 45.6 however I consider that this is within reasonable tolerance and has not been repeated. Regard is had to blasting, vibration control and control of air-overpressure and to best practice

measures. It is noted that potential impacts from blasting within the application area have been limited to date as a result of the extended stand-off distances from this area and the nearest receptors to the site, screening bunds around the perimeter of the quarry and the implementation of best practice blasting procedures at the quarry. S10.4 refers to mitigation measures relative to noise and blasting and vibration. I consider that the noise and vibration criteria outlined at section 10.6.1 and mitigation measures at section 10.8 are satisfactory.

9.4.9 Landscape and Visual

Chapter 11 includes a visual impact assessment of the receiving environment, a description of the surrounding landscape character and describes measures to reduce the visual impact of the development. It is stated that the site is located within a drumlin landscape and situated on an elevated upland slope with the existing landscape rising to the south and southwest. The study area for this landscape and visual assessment consists of an area of 5km radius around the application site. The visibility of the quarry faces and screening mounds from a number of properties in the area to the north, northeast and east of the site and from Rahan and Ballyhoe Lakes are noted as are the significance of such impacts which vary from none to moderate/significant. Figure 11.1 shows the areas from where open views of the development are available. However none of the viewpoints referred to comprise views listed for protection. The most proximate protected view (No. 22) is from Meath Hill looking northwest towards Ballyhoe Lake and the quarry is not within this visual envelope. I note the reference to the lowering of the quarry floor which facilitates the lowering of stockpiles and onsite machinery effectively screening same within the quarry itself. It is stated that in addition to boundary planting and screening the restoration plan will reduce the visual impact of the proposal with the restoration proposals set out in section 11.4 and Figure 11.4. I consider that while the detail outlined in Figure 11.4 is minimal in respect of details of species etc, the principle of the restoration plan proposed is acceptable. In this regard it may be appropriate to seek to condition a more detailed restoration plan which outlines a more informed outline of appropriate species for the site and also provides an indication of the timelines in terms of screening and cover.

9.4.10 Traffic

Chapter 12 notes that the approach to the assessment undertaken is considered to be conservative as it assesses the traffic generated as a result of activities within the overall landholding of Barleyhill Quarry and has not been restricted to traffic associated with the application area only. The access to the quarry is from the county road (L74021) and the speed limit along this local road is 80km/hr. There are two accesses associated with the quarry operations located on either side of the public road. One access leads to the quarry office and weighbridge while the other leads to the quarry area itself. Fig.12.1 demonstrates that adequate sightlines are available. Warning signage is present on either side of the entrance. Parking and turning areas are provided within the site to accommodate both HGVs and light vehicles.

Table 12.1 provides figures for the average HGV departures from the quarry between 2009-2014 with an average of 1.63 departures/arrivals estimated per hour. The information has been calculated by using the volumes of materials which left the site over this period rather than a traffic count at the site. Reference is made to the average HGV departures referenced in the rEIS for the substitute consent application which has an average of 1.95 for the period 2007-2012. In order to get the number of hourly HGV movements both figures can be doubled as each full load departing requires the arrival of an empty truck with the figure 3.26 movements from 2009-2014 and 2.90 from 2007-2012. The reduction in figures between the two time periods is explained by a reduction in activity at the quarry between 2007 and 2014. It is stated that the proposed extraction of material within the proposed application area will not result in an intensification of quarry activities and therefore traffic volumes should not differ from those currently experienced. Based on the information submitted it is not considered that the impact of the quarrying generated traffic is significant. In respect of mitigation it is stated that outputs will remain in line with the details registered under Section 261 in respect of the site. While I consider that a traffic count at the site would have provided up to date information on the HGV movements in particular at the site in question during 2015 rather than referring back to 2014 I would note that from my visit on site that HGV movements I noted would accord with the averages outlined. In this regard I consider that the consideration of traffic in the EIS is reasonable.

9.4.11 Cultural and Archaeological Heritage

Chapter 13 addresses the matter of Cultural and Archaeological Heritage and comprises a study of the known or potential cultural heritage within the area and is informed by a field assessment carried out in February 2013 with the study area comprising an area of up to 1km of the site. It is noted that while there are no Recorded Monuments within the application area, the closest is MH003-003 'Ardagh Earthwork' and a former castle site MH003-002, with part of the area of notification of RM MH003-003 but not the area of the monument itself partly situated within the application area. It is noted that there is no visible indication of a monument within the area. The castle has been almost completely levelled and it is provided that the remains are not impacted by activity in the application area. Plate 13.3 shows the surviving remains of Ardagh Castle. It is provided that there are no direct or indirect impacts on any known items of cultural heritage, archaeology or buildings of heritage interest in the substitute consent application area or vicinity and no specific mitigation measures are warranted. It is stated in respect of the field within the application area not previously excavated that topsoil stripping of this area is archeologically monitored.

9.4.12 Conclusion regarding EIA

Having read the EIS I would note that the document provides a fair and satisfactory outline of the issues arising within the specialist areas required to be considered. I would suggest that there is a requirement for a number of minor clarifications in respect of surface water management and restoration which can be addressed in my opinion by way of condition. Overall the document in conjunction with other documentation and submissions received facilitates the assessment of likely

significant effects on the environment. The ongoing management and monitoring of the site incorporating existing and proposed additional mitigation measures is considered to be an effective means of ensuring that the development as proposed would not have a significant impact on the environment.

9.5 AA SCREENING

An AA screening report is included at Appendix 5.1 of the EIS and also as a separate document (within a pouch on the file). The report outlines the legislative context at section 2 and the Methodology at section 3 which outlines a summary of the stages within the process. In respect of Stage 1 screening the proposal is described as is the existing environment. In respect of a description of Natura 2000 sites it is stated that no Natura 2000 sites have been identified which might possibly be affected by potential impacts. Figure 1 outlines the nearest Natura 2000 sites to the site with section 4.3 stating that the nearest site is Strabannan-Braganstown SPA which is 17km, The River Boyne and Blackwater SAC/SPA at 20.22km and the Dundalk Bay SAC/SPA at 23.3km. It is concluded that there will be no significant effects to Natura 2000 sites associated with the development as proposed and it is not necessary to proceed to Stage 2 of the process.

The test for Stage 1 screening is whether the project is likely to have a significant effect, either individually or in combination with other plans and project, on the European site(s) in view of the site's conservation objectives. In this regard it is necessary to identify all the European site(s) which could potentially be affected by the proposed development. Figure 1 in the applicants screening report outlines the nearest Natura 2000 sites to the site. I would note that they do not provide any scale but they note in section 4.3 that the nearest site is Strabannan-Braganstown SPA which is 17km to the east of the site.

Strabannan-Braganstown SPA (Site Code 004091) has a generic conservation objective which is to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA which is the Greylag Goose (anser anser). The site synopsis notes that Stabannan-Braganstown SPA, is situated approximately 4 km inland from Dundalk Bay in Co. Louth, is a small, very flat alluvial plain adjacent to the River Glyde. It is bounded to the north and south by low, rolling hills. Much of the site was formerly marshland or wet grassland, but is now drained and agriculturally improved. It is farmed intensively for grass, cereals and root crops. The site is of high ornithological importance as a feeding area for wintering waterfowl. In particular, it supports an internationally important wintering population (1,391) of Greylag Goose, with over 35% of the national total.

Having regard to the distance from the application site to the SPA it is not considered that blasting would impact on the Greylag Goose. There are no other identifiable pathways from the proposed site to this or to the two other sites in excess of 20km from the site. Therefore, I do not consider that any of the sites identified could potentially be affected by the proposal. Therefore, it is reasonable to conclude that

on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 004091, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

10.0 RECOMMENDATION

I recommend that permission for further quarry development be granted subject to conditions in accordance with the following **Draft Order**:

REASONS AND CONSIDERATIONS

The Board had regard, inter alia, to the following:

(a) the provisions of the Planning and Development Act, 2000, as amended, and in particular Section 37L,

(b) the 'Quarry and Ancillary Activities, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2004,

(c) the provisions of the Meath County Development Plan, 2013 - 2019,

(d) the Environmental Impact Statement submitted with the application for further development,

(e) the report and the opinion of the planning authority under section 37L(12)(a),

(f) the submissions/observations made in accordance with regulations made under Article 270(1) of the Planning and Development (Amendment) (No. 2) Regulations 2015,

(g) the report of the Board's Inspector, including in relation to potential significant effects on the environment,

(h) the planning history of the site,

(i) the pattern of development in the area,

(j) the nature and scale of the development the subject of this application for further development, and

(k) Ref. SU17.SU0078 - application for substitute consent at the subject site.

<u>Appropriate Assessment</u>

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on European Site No. 004091, or any other European site, in view of the site's Conservation Objectives.

Environmental Impact Assessment

The Board considered that the Environmental Impact Statement submitted with the application, the report, assessment and conclusions of the Inspector with regard to this file and other submissions on file, was adequate in identifying and describing the direct and indirect effects of the proposed development. The Board completed an environmental impact assessment, and agreed with the Inspector in her assessment of the likely significant effects of the proposed development, and generally agreed with her conclusions on the acceptability of the mitigation measures proposed and residual effects. The Board generally adopted the report of the Inspector. The Board concluded that, subject to the implementation of the mitigation measures proposed, the proposed development would not be likely to have significant effects on the environment.

CONDITIONS

1 The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the drawings received by the planning authority on the 24th day of November, 2015, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Within three months of the date of this order, details of the surface water management system for the entire site shall be submitted to, and agreed in writing with, the planning authority.

This shall include the following:

i. A detailed layout plan of the surface water features on site;
ii. Details of the capacity of the water tanks/lagoons on site;
iii. Calculations on the predicated surface water flow into the lagoons;
iv. Predicated retention time of the existing settlement lagoons;
v. Time frame for implementation of any changes which may be required; Management measures relating to the capacity of the system to cater for extreme rainfall events shall be incorporated;

Reason: To ensure protection of groundwater quality and to provide for the satisfactory disposal of surface water.

3. A detailed restoration scheme for the site according to the broad principles indicated on Figure number 11.4 Rev. A, Restoration Plan submitted to An Bord Pleanála on the 24th day of November, 2015, shall be submitted to the planning authority for written agreement within three months of the date of this order. The following shall apply in relation to the design and timing of the restoration plan:

   Prior to the commencement of restoration works, a further survey of the site by an ecologist shall take place to establish, in particular, the presence of badgers, nesting birds, bats or other species of ecological value, including flora, which may have recently moved onto the site. The restoration plan shall have regard to the results of this survey.

   Details relating to finished gradients of the cliff faces, the type of restoration to be carried out and to measures to ensure safety during site restoration shall be provided.

   Details of landscaping including planting and mounding to be carried out.

   A timescale for implementation and proposals for an aftercare programme of five years shall be submitted to the planning authority for written agreement.

   Reason: In the interest of the visual amenities of the area, to ensure public safety, and to ensure that the quarry restoration protects and enhances ecology.

4. Within three months of the date of this order the developer shall submit details to the planning authority which outline the measures undertaken to prevent dust monitoring equipment on site from vandalism.

   Reason: In the interest of orderly development.

5. The developer shall facilitate the archaeological monitoring of topsoil stripping within the area referred to as 'Area 2' in section 13.4 of Chapter 13 of the Environmental Impact Statement. In this regard, the developer shall -

   (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

   (b) employ a suitably-qualified archaeologist who shall monitor the topsoil stripping, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

6. 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 and Development Act 2000, as amended. The contribution shall relate to the greenfield area of the site which has not to date been excavated and 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.

7. Within three months of the date of this order, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to the Board for determination.

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

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Una Crosse
Senior Planning Inspector
April 2016