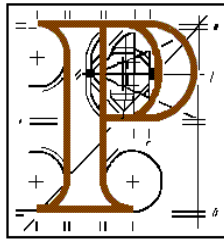


An Bord Pleanála



Inspector's Report No. 2

Development: Further development of a quarry at Bellewstown, County Meath

Planning Authority: Meath County Council

Applicant: Kilsaran Concrete

Application Type: Application for Further Development

Date of Site Inspection: 3rd October, 2018

Inspector: Kevin Moore

1.0 INTRODUCTION

- 1.1 This second report on the proposal for further quarry development follows a request from the Board to submit a further report following the Board's decision to grant substitute consent for the existing quarry at Hilltown Little and Bellewstown, County Meath.
- 1.2 The nature and extent of the proposed development remains the same as that reported in my first report submitted to the Board in November, 2016.

2.0 QUARRY LOCATION AND DESCRIPTION

- 2.1 The quarry location and description, further to a second inspection of the site, remains the same as that previously set out in my first report. I note for the Board that the quarry has reopened.

3.0 THE PROPOSED DEVELOPMENT

- 3.1 The proposed development remains the same as that previously set out in my first report.

4.0 THE APPLICANT'S ENVIRONMENTAL IMPACT STATEMENT

- 4.1 The findings and conclusions that were drawn by the applicant in the submitted EIS and that were set out in my first report remain the same.

5.0 THE APPLICANT'S NATURA IMPACT STATEMENT

- 5.1 The findings and conclusions that were drawn by the applicant in the submitted NIS and that were set out in my first report remain the same

6.0 PLANNING HISTORY

6.1 Details on the quarry's site history remain the same as that set out in my first report. I note that the Board granted substitute consent for the existing quarry extraction area of 8.1 hectares under ABP Ref. 17.SU0101.

7.0 MEATH COUNTY DEVELOPMENT PLAN 2013-2019

7.1 I note that the Development Plan for County Meath remains the 2013-2019 Plan. My references thereto in my first report remain the same.

8.0 PLANNING AUTHORITY SUBMISSION

8.1 There have been no further submissions from the planning authority since the writing of my first report. The details set out in my first report on the planning authority's submission to the Board remain the same.

9.0 APPLICANT'S RESPONSE TO PLANNING AUTHORITY SUBMISSION

9.1 It is again noted that the applicant welcomed the submission by the planning authority.

10.0 OBSERVATIONS

10.1 There have been no further observations made from members of the public since the writing of my first report. The details set out in my first report on observations remain the same.

11.0 APPLICANT'S RESPONSE TO OBSERVATIONS

11.1 It is again noted that the applicant refuted all issues raised in the observations by Irene Pierson, Jonathan Pierson, and Sonja Price.

12.0 SUBMISSIONS FROM PRESCRIBED BODIES

12.1 There have been no further submissions from prescribed bodies since the writing of my first report. The details set out in my first report on these submissions remain the same.

13.0 ASSESSMENT

13.1 Introduction

13.1.1 The Board did not accept my conclusions on Substitute Consent application PL 17.SU0101 that the previous quarry extraction gave rise to a profound adverse impact on cultural heritage by reason of the destruction of a recorded monument and had adverse impacts on the local community arising from significant volumes of HGV movements, noise and dust. Substitute consent for the existing quarry has been granted. Arising from this, I now seek to consider the planning and environmental impacts of the proposal for further quarry development at this site.

13.2 The Proposed Development

13.2.1 The proposed development consists of the further development of the quarry which comprises:

- the continued use of the existing site and ancillary facilities,

- the extension of the existing quarry extraction area to c. 17.3ha,
 - the deepening of the quarry floor to +89mOD using conventional blasting techniques,
 - the processing of the extracted material using mobile crushing and screening plant,
 - product stockpiles,
 - proposed landscaped overburden and topsoil storage/screening berms, landscaping works and a rehabilitation plan, and
 - all related ancillary site works including a new wheelwash, a new septic tank and two new bunded fuel tanks within an area of c. 39.4 hectares.
- Permission is sought for a term of 25 years.

13.2.2 The further extension of the quarry area would be to the north and west into a number of small fields currently in agricultural use for grazing and/or tillage.

13.2.3 The total volume of recoverable reserves within the proposed scheme is estimated at between 11.0 to 11.5 million tonnes. The anticipated level of extraction would be 450,000 tonnes per annum, giving the production life for the extraction area of 25 years and allowing for fluctuations in demand. The applicant submits that the anticipated production level is equivalent to an average 81 daily truck loads.

13.3 **Development Plan Policy**

13.3.1 I note firstly that the planning authority has not raised any particular objections to the application on the basis that it contravenes any policies or objectives contained in the current Meath County Development Plan 2013-2019.

13.3.2 I acknowledge the provisions and objectives of the current Plan as they relate to

the extractive industry. The goal is to facilitate adequate supplies of aggregate resources to meet the future grow needs of the county while addressing key environmental, traffic and social impacts, and details of rehabilitation. The policies set out in the Plan reflect this goal. I acknowledge the established nature of quarry development on this landholding and the applicability of the Plan provisions to future development.

13.3.3 In conclusion, it is apparent that quarrying is a long-established use at this location. The use, in principle, would not be in significant conflict with the Plan provisions. Furthermore, restoration proposals for this site would appear not to conflict with any provisions of the Plan that would relate to the protection of the landscape character of this area or the ecological value.

13.4 Environmental Impacts

13.4.1 Consideration of Alternatives

I note from the applicant's EIS that a range of alternatives in the context of location, designs and processes have been considered. I am satisfied that the matters considered comply with requirements. I also acknowledge that aggregates can only be worked where they occur and, in the context of an established quarry, a sustainable approach is to consider the extension to the established quarry in the formats proposed. Thus, pursuing alternative locations and alternative sources of aggregates elsewhere, while resources are evidently available within the established quarry holding, would appear unwarranted in the instance where it is established that the proposed development would not likely have significant adverse environmental effects. In terms of alternative designs and methods of working, I acknowledge the established practices in place. In principle, it is reasonable that the extended operation would seek to replicate such procedures where they comprise efficient and effective exploitation of the natural resource.

13.4.2 Human Beings

Matters pertaining to soils, water, air quality, noise, landscape and traffic that affect human beings are addressed later in this assessment. Under the heading of 'Human Beings', I note that the applicant's EIS considered population, settlement patterns, employment and economic growth, land use, amenity and tourism, social infrastructure and education.

My observations are as follows:

- The proposed expansion would employ 7 people directly associated with the extraction process and a further 17 associated with haulage activities. Thus, it would assist in sustaining the workforce at this location.
- The proposed further quarrying is at a location where such activities are well-established. It can reasonably be construed as being a compatible land use.
- The established quarry has no known or defined impact on the development of the range of amenities and tourism infrastructure in the vicinity. The proposed further development could not reasonably be seen to encroach on such amenities and infrastructure distant from this site.
- The established quarry continues to function without any known imposition on social and community facilities. The proposed further development could not reasonably be seen to encroach on such facilities distant from this site.
- I note that there has been some incremental development of one-off houses in the locality over recent years. In terms of population growth and development, one cannot reasonably determine that the further

development of an established quarry would significantly and adversely impact on the demographics of this local community.

- On matters pertaining to education, I have no doubt that the quarry could at some stage be used for educational purposes relating to the geological features of the site. Furthermore, the restoration of the site after quarrying ceases could prove beneficial as an amenity resource into the future.

Overall on the matters referenced, it is considered that the further development of the quarry would not result in any known significant environmental impact on the area in which it is located. It is, therefore, accepted that remedial measures are not required.

13.4.3 Flora and Fauna

The site for the proposed further quarry development is not located on, in or near any designated nature conservation site. The area of the quarry to be extended is in agricultural use. It contains no known habitat of ecological significance nor is there any known flora or fauna of conservation value within it. I acknowledge that the deepening of the existing quarry is proposed and that this is likely to result in additional dewatering. However, I note that this will not likely increase, to any significant degree, the overall drawdown of groundwater within the wider area. The area in which the further development is proposed is a location that has previously been worked substantively below natural ground levels. The habitats anticipated to be associated with an active quarry and agricultural lands prevail. The established processes within the overall quarry are proposed to be continued to serve the development. The context of the development in relation to impact on ecology must therefore be recognised. It is, thus, apparent that there would no significant direct impacts on any features of ecological significance within the area. Finally, I acknowledge the proposed restoration plan for the site and consider that the pursuit of the nature conservation measures

therein would culminate in a positive ecological impact at this location after the cessation of quarry works.

13.4.4 Soils and Geology

I once again note the existence of the established quarry at this site and that, due to the previous extractive operations, much of the soil and subsoil material has been removed from the established quarry area. It is also noted that there was previous excavation of underlying bedrock also. Thus, there has been significant direct impact on the soils and geology of this site to date. I am not aware of any of this previous development having resulted in any known direct or indirect impacts for soils and geology beyond the quarry area. I am of the opinion that the continued working proposed at the established quarry, by the deepening of the quarry area, is not likely to have significant environmental impacts on soils and geology beyond the site. It is accepted that the removal of soils and the extraction of rock within the expanded area would constitute a further permanent impact on the land at this location. However, I note again that adverse impacts appear not to have spread beyond the application site area to date. Finally, I note the designation of the site as a County Geological Site, as well as the restoration proposals and the proposal to acquire educational value from the exposure that results from quarrying at this site. These measures do not and will not result in significant environmental impact. Overall, I am of the opinion that the proposed further quarry development on this site would not likely have significant environmental impacts on soils and geology beyond the site area.

13.4.5 Water

I note that there are no natural surface water drainage features within the site and all surface water runoff drains towards the sump area on the existing quarry site. Water collected on the quarry floor is pumped from the site via the quarry

sump to the settlement pond and reed bed for licensed discharge to the Lunderstown Stream via a drainage ditch. Surface water runoff and groundwater seepages associated with the proposed development are proposed to be discharged via this existing settlement pond and discharge point. No amendment to the existing discharge licence is being sought for the proposed extension as it is expected that no significant increases in pumping would arise. The applicant submits that it is proposed that pumping from the quarry and proposed extension would be undertaken in a more controlled manner into the future. The average daily discharge is intended to be maintained below 462m³/day. I note that wastewater is proposed to be discharged to ground via a proposed wastewater treatment system and percolation area. Regarding hydrogeology, the proposed development is not expected to alter existing hydrogeology of the site in any significant way. The application details conclude that groundwater contours and monitoring well hydrographs indicate a quarry void with limited groundwater seepage input. I further acknowledge that private wells are the main source of water in the Bellewstown area. The application to the Board submits that there is sufficient data to indicate that there is no discernible impact on private wells as a result of the current quarry operation.

Having regard to the above, I first note the Board's decision in relation the substitute consent application under ABP Ref. PL 17.SU0101. It was evidently determined that the existing quarry operation did not adversely impact on ground and surface waters and did not have a detrimental impact on private wells in the vicinity. The applicant demonstrated in that application that houses to the south of the quarry site are outside of the groundwater catchment to the quarry. This also is the position in relation to the proposed extension area. Groundwater flow from below the quarry site or proposed extension area would not flow towards wells serving houses to the south. It is also reasonable to conclude that there would be a very low groundwater contamination risk to such wells from the quarry arising from any potential spillage or leakage.

With regard to flood risk, I again note the Board's previous decision and it is clear that there was no concern relating to flooding on the site or flooding impacts beyond the site. The site area is not known to be subject to the risk of flooding. I again note that the rate of controlled water discharge off the site is to be maintained and, thus, it is not anticipated that there would be adverse impacts on water bodies beyond the site or any intensification of flood events elsewhere as a result of the proposed development.

Overall, I am satisfied to conclude that the proposed development is not likely to cause significant environmental impact on the water resource in this area or on water quality.

13.4.6 Air Quality

I have in an earlier report expressed my serious concerns about the adverse impacts on air quality arising from the previous quarrying activities associated with this site in my assessment under ABP Ref. PL 17.SU0101. While dust monitoring has been carried out on this site since 2006, it is apparent that adverse impacts arose for the wider community during a period of intensive activity, considered by the Board to have been approximately between 2006 and 2009. I acknowledge the Board's decision on that application and its determination that the impacts were regarded as being not so severe as to merit a refusal of substitute consent. I remain concerned that intensive activity resulting from the re-opening of this quarry and the expansion of the quarry operation may pose significant threats to the wider community in relation to air quality unless there is strict adherence to conditions seeking to control emissions and strict control of the volume of HGV movements associated with the transportation of materials to and from this site. In the interests of sustainable development and the proper planning of this rural area, this quarry operation cannot again be permitted to function in the manner which previously led to a Court Order

required to limit and control operations to effectively protect the local community. It cannot operate to the intensity previously pursued due to the adverse impacts on the local community.

The applicant's EIS refers to dust monitoring using the Bergerhoff Method having been carried out at the site on a regular basis since September 2006 as part of the adopted Environmental Management System. It further states that the results show that the operations have been in compliance with current Emission Limits Values recommended by the EPA, DoEHLG and the ICF. While it is evident from the Board's previous decision that for a number of years significant problems arose for the local community relating to the functioning of the quarry, it is essential that dust monitoring is continued for the duration of the proposed development, that monitoring results are made available, and that the planning authority take a proactive approach where remedial measures are required to address unsatisfactory results from this monitoring.

I note the physical provisions and the methodologies to be applied as further quarrying at this location would develop. I accept that potential dust generating activities on the site would take place on the quarry floor which permits such activities to be shielded from the potentially negative effects of wind. I also note that the working areas would be enclosed by the quarry faces and that perimeter screening mounds would be adapted and further developed to assist in the containment of dust and the control of the spread of dust to adjoining lands. A critical feature, in terms of the impact on the wider community, relates to the transportation of materials. Clearly the volume of HGV movement, on-site dust suppression measures, prevention of spillage and drawing of dust and other materials onto the public road, and the covering of vehicles are basic provisions for an acceptably functioning quarry. It is apparent, based on the history of the established quarry, that these basic provisions will require a 'watching brief' or ongoing monitoring to ensure the adverse impacts that previously arose for the local community will not result again. The monitoring role of the planning

authority is pivotal and the quarry operator cannot be permitted to self-regulate without oversight and monitoring by the planning authority. It is only by an assurance that such provisions will be made that one can reasonably determine that further quarry development at this site would result in no significant adverse effect on the local residences or on local amenities. The detail of the environmental management procedures relating to this quarry's operations requires to be clear, comprehensive and subject to planning authority oversight.

13.4.7 Noise and Vibration

I note that the proposed development would continue to use the extraction and processing methods that have been used at the quarry until now. The extraction process is intended to take place below the surrounding ground level and processing plant would be located within the quarry excavation, sited 200 metres or more from nearby residences. The western and northern mounds on the site would be relocated further to the west and north respectively as the quarry would develop. Overburden from the extension area would be used to construct a mound to the north of the excavation area on lower ground. The northern and eastern faces of this mound would be constructed first so that subsequent mound construction activities would be screened from neighbouring residences.

In the EIS submitted with the application, the applicant acknowledges the outcome of Court proceedings by submitting that results from noise monitoring, since regular monitoring commenced by the applicant, have demonstrated that the quarry has operated within the thresholds set by Condition 11 attached to the High Court settlement applying to the quarry. It is also submitted that vibrograph monitoring has demonstrated that the quarry has operated within the thresholds set by Condition 8 attached to the High Court settlement applying to the quarry. The applicant submits that the noise emissions from the further development of the quarry will be kept well within standard daytime noise emission limit values. It

is further submitted that ground vibration and air-overpressure will be kept below the guidelines recommended and the controls specified to control and limit ground vibration and air-overpressure will negate against the possibility of flyrock. It is stated that blasting noise and vibration events should persist for no more than 3 seconds and at an average occurrence of one event per two weeks.

Further to the above, it has been acknowledged by the Board that, in determining the substitute consent application, previous adverse impacts by way of noise and general disturbance did arise during a period of intense activity at the existing quarry. One must be assured that any repetition of such adverse impacts for the local community must be avoided if further development of this quarry is to be contemplated. As with my considerations on air emissions above and based on the history of the quarry operations, it is very clear that the quarry operator in this instance cannot be left to self-regulate. Once again, the role of the planning authority is key to monitoring and enforcement, ensuring adherence to development controls and strict limits on the operations in relation to noise and vibration, and overseeing environmental management of this quarry. It is only by an assurance that such provisions will be made that one can reasonably determine that further quarry development at this site would result in no significant adverse effect, by way of noise and vibration, on the local residences or on local amenities. I repeat again that the environmental management procedures relating to this quarry's operations require to be clear, comprehensive and subject to planning authority oversight.

13.4.8 Climate

I consider that the scale and range of the activities the subject of this application are not likely to have significant adverse environmental impacts on climate.

13.4.9 Landscape

As with any quarrying development, the proposed development would result in a significant alteration to the topography of the area in which it is located, in this instance on Bellewstown Hill. Such a landscape impact would arise from the expansion and deepening of the quarry void and the formation of new and replacement earth mounds surrounding the quarry works. The result of such development culminates in a permanent change to the established landform, a change to the land use, a loss of vegetation and established habitats and, thus, in overall terms, there is a profound change on the landscape character of the site and how it is understood in the immediate vicinity. These changes in landscape character and landform would bring with them substantial visual impacts at a local level in this instance when the quarry operation is visible from the public realm and from private properties beyond the site.

While accepting that, in landscape and visual impact terms, the further development of the quarry at this site would bring with it substantial change and impact at the local level, one must understand it in the context of it being further development of an established quarry. This is a quarry that has been a long established use at this location and whose proposed physical extension would be somewhat constrained in visual terms to the public realm due to the direction it is proposed to extend, and due also to the nature of the land uses adjoining it and the lack of significant impact of the development at those locations on residential properties in the wider area. I would also draw the attention of the Board to the measures proposed to screen the development as the quarry workings proceed, in the form of embankments that would help address concerns about the visibility of the extended quarry area.

Further to the above, I again note the Board's previous decision in relation to the substitute consent application, where the landscape and visual impact of the

existing quarry was determined to not have a significant adverse impact on the environment. In this context and having regard to the above considerations, I am of the view that it is reasonable to determine that the proposed further quarry development would not have any significant environmental effect in terms of the landscape and visual impact.

13.4.10 Cultural Heritage

I note that the applicant's EIS was somewhat confused in referring to cultural heritage under the heading of 'Material Assets'. Material assets generally refers to transportation infrastructure, major utilities, resources, land ownership, access, etc. The matters pertaining to these issues are addressed separately below. Cultural heritage invariably relates to matters of heritage significance and most often alludes to archaeology and structures and other features determined to be of architectural, historical and/or cultural value.

The Board will note my conclusions in my report on Substitute Consent application PL.17.SU0101, wherein the removal of Recorded Monument ME027-035 (a barrow) in 2007 by the quarry operator when expanding the quarry was considered to be a significant adverse impact on cultural heritage, notwithstanding the removal of this monument under licence and without planning consent. I acknowledge that the Board has determined that the removal of this monument, where impacts were mitigated by the licensed recording, was not considered a basis for refusing substitute consent. As there are no other known features of archaeological significance on the quarry holding, it is reasonable to determine that it is likely that the proposed further development of the quarry would not likely have any further significant effects on archaeology in this area. However, having regard to the scale of the development proposed, I consider that it would be reasonable to attach a condition with any grant of

permission for the proposed development requiring archaeological monitoring at the initial stages of development of lands heretofore not developed as a quarry.

Finally, I note that there are no features of architectural heritage value or other features of cultural or historical heritage value within the site area or in the immediate vicinity that could be affected directly or indirectly by the proposed development.

13.4.11 Material Assets

I will consider the matter of transport and traffic in the following section of this assessment. In this part of my assessment I will consider briefly major utilities, resources, land ownership, and access as follows:

- There are no known major public utilities that would be affected by the proposed further development of the established quarry. It is noted that water supplies and sanitary services are privately provided for in the area in which the quarry is located.
- I am satisfied that the proposed further development, inclusive of blasting and consequent vibration, would not have adverse impacts beyond the site on the structural condition of the road network.
- The quarry holding is within the control of the applicant and it does not affect land ownership beyond the site.
- Access to the site from the public road network and within the site is, and would be, provided adequately to meet the operator's needs.

13.4.12 Transport and Traffic

The applicant submits that the receiving road network traffic flows have not altered significantly since 2008 and it is likely that the level of impact on the receiving road arising from the proposed development will be similar to that of 2008. General road improvement measures are suggested for the local road network beyond the Mullagh Road whilst specific road improvement measures are suggested for Mullagh Road. The EIS concludes that the receiving road network has sufficient capacity to accommodate the traffic arising from the Bellewstown Quarry and that this traffic will not have a significant impact upon the capacity of the receiving road network.

I acknowledge that the Board, in its determination of the substitute consent application PL 17.SU0101, considered that, for a particular period of intense activity at the quarry, the local community experienced negative impacts owing to quarry traffic. This impact was not considered by the Board to have merited a refusal of substitute consent. It is also understood from the grant of substitute consent that the impact of the previous quarrying operation on the road network was not found to have significant adverse environmental impact.

It is my submission to the Board that the transportation of materials and associated HGV movements to and from this quarry, and any extension thereto, being the interface between the quarry operation and the local community, is the matter of most concern to the local community. This is a particular feature of the quarry development that brings with it the greatest negative environmental impact on this area. The activities of the quarry operator previously resulted in very significant volumes of HGV movements along a narrow local road and onto the road network beyond that had serious adverse consequences for the amenities of residents in

the area. These operations required enforcement action by the planning authority and a High Court Order to introduce some degree of control over unacceptable quarry operations and vastly increased levels of traffic movements. The application for a proposed extension of the quarry now before the Board understandably brings with it very serious concerns for the local community.

The applicant's EIS submits that it is currently proposed that 81 HGV per day will be the daily traffic generation of the site. However, it is then qualified that in the case of the proposal this figure is not cited as a ceiling but as an estimate of typical generation when the site is operating at 450,000t per annum. It is considered that, given that quarries are demand driven, some element of flexibility in the 81 HGV figure can be expected, typically $\pm 15\%$. The applicant has also stated that the proposal seeks to continue operations at the existing quarry with no increase in the number of HGVs generated by the site on an annual basis from that which was cited in the 2004 registration under Section 261. I note from Enforcement Reports by the planning authority on this quarry that the planning authority understands that Registration documents provided for 81 total truck and tractor movements. Further to this, I note High Court Order Record No. 2008/21 MCA and the terms arising from those proceedings. Conditions were attached with Part A of that judgement and Condition 4 was as follows:

“4. The Respondent will limit haulage round trips to and from the quarry to within the hours of operation of the quarry and to 32 loads – 64 movements per day, and no more than 20 movements in any hour during each working day.”

In light of the previous excessive activities at this quarry and in the understanding that there have been very substantial adverse impacts

arising from these over-intensive quarrying activities, it is my submission to the Board that very strict transportation controls need to be placed on this quarry operation. I am strongly of the opinion that the High Court Order agreement for the acceptable functioning of this quarry is the sound basis for setting limits on this quarry's operations. I accept that this has consequences for the output from this quarry. However, there must be a balance between allowing exploitation of a natural resource by a private operator and maintaining a functioning road network and controlling the adverse effects of the transportation of extracted materials on the community in which the quarry is located. In my opinion, where the previous Court Order has sought to achieve a balanced agreement, the controls set within such an agreement should be the principles upon which the quarry is allowed to function. As it is intended that the extended development will employ the processes and activities of the established practices at the site, it is proper that the strict controls on HGV movements on and off this site remain within those cited by the Court Order in order to ensure the adverse environmental impact on the local community is minimised.

13.4.13 Cumulative Impacts

I note from the applicant's EIS that no specific consideration was given over to cumulative impacts in relation to the functioning and operations of the proposed quarry development at this location and other quarry operations or other significant developments in the wider area, an area in which there are several functioning quarries. The effects of the proposed quarry development have been assessed above and it is considered reasonable to conclude that the environmental effects that would arise would be localised, primarily emanating from the quarry itself, and that any

cumulative effects would not of themselves constitute 'significant' environmental effects.

13.4.14 Interactions

I note that the interactions of the various potential impacts and mitigation measures have been covered, where applicable, under the relevant sections within the EIS

13.5 Appropriate Assessment

13.5.1 The Board will note again that the existing quarry is hydrologically linked to the River Nanny Shore and Estuary SPA (NPWS Site Code: 004158), located approximately 19.5km downstream. Surface and groundwater run-off from the existing quarry is discharged via a treatment system south to a drainage ditch for 1.1km and discharges into the Lunderstown Stream, a tributary of the River Nanny. This stream flows west for 4.7km where it merges with the River Nanny at Boolies Little. The River Nanny flows north and turns east for 13.7km where it discharges into the River Nanny Estuary and Shore SPA.

13.5.2 With Substitute Consent application PL 17.SU0101, the Board adopted my previous screening assessment and it completed a remedial Appropriate Assessment of the effects of the development on the River Nanny Shore and Estuary SPA. It was concluded that the existing quarry, either individually or in combination with other plans or projects, would not have adversely affected the integrity of this or any other European site, in view of the site's Conservation Objectives, and it adopted my report.

13.5.3 I note that the further development of the quarry is proposed to avail of the current hydrological management regime of the existing quarry to serve the enlarged extraction site. This enlarged site does not lie within, or is not near, any

site designated or considered for designation for nature conservation. There are no other pathways to any other European sites distant from this quarry site. The habitats in the undeveloped part of the site to the north and west are managed for agricultural purposes and they are of low ecological value.

13.5.4 Having regard to the above, it appears reasonable to conclude that the proposed further quarry development, individually or in combination with other plans and projects, would not likely have any significant impact on the River Nanny Estuary and Shore Special Protection Area. I, thus, conclude that the integrity of this Natura 2000 site would not be significantly adversely affected by the development the subject of this application, in view of the site's Conservation Objectives.

13.6 The Planning Authority's Submission

The planning authority's conclusions on the applicant's EIS and NIS are acknowledged and it is again noted that no reference is made to any conflict with the provisions of the current Meath County Development Plan. Details were provided to the Board on a development contribution that would be required in accordance with the planning authority's Development Contribution Scheme. It is reasonable that, in the event of any grant of planning permission, a development contribution would be made in accordance with the planning authority's prevailing Scheme.

13.7 Submissions from Prescribed Bodies

My considerations on submissions received from prescribed bodies are as follows:

- The submission from Transport Infrastructure Ireland would indicate that there is no particular concern that the proposed development would have significant environmental effects on the national road network.
- I understand the concerns of the Health Service Executive based upon the quarry's previous operating history and impact on the local community. In the event of any grant of permission for the further development of the quarry, stringent controls on noise, blasting, dust, and water are paramount along with ongoing effective monitoring.
- It is apparent that the requirements of the Geological Survey of Ireland have been met in the application.
- It is noted that the Department of Arts, Heritage and the Gaeltacht had no archaeological objections to the proposal. It is my submission that archaeological monitoring and assessment of the extended area will be required, given the scale of the area effected by the proposed development. Impacts on flora and fauna arising from the proposal would not be significant.

13.8 Third Party Submissions

I acknowledge the significant numbers of third party submissions on the proposed development. Many of these clearly reflect the substantial negative impacts of the existing quarry operation and understandably demonstrate a real concern about ongoing operations and an extension to these operations based on their experiences. For a functioning quarry to be acceptable at this location there is a need for stringent controls on its operations. In light of the Board granting substitute consent, while acknowledging the adverse impacts that the quarry has had on the local community, it is reasonable that, in the event of a grant of permission for the further development of this quarry, strict enforceable

controls, through planning conditions, are put in place to protect the community from significant adverse environmental impact.

14.0 RECOMMENDATION

I remain concerned about the adverse environmental impact of the established quarry and the proposed extension of this quarry's operations by way of its effects on the local community in relation to traffic, noise, blasting, dust and general disturbance based on how the operator functioned previously. However, having regard to the Board's decision on the substitute consent application PL 17.SU0101 and my assessment set out above, I am satisfied to recommend that permission is granted for the further development of the quarry based upon particular conditions that will minimise adverse impact on the local community. The reasons, considerations and conditions recommended are as follows:

REASONS AND CONSIDERATIONS

The Board had regard to, *inter alia*, 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,
- (e) the Natura Impact Statement submitted with the application,

- (f) the report and the opinion of the planning authority under section 37L(12)(a),
- (g) the submissions/observations made in accordance with regulations made under Article 270(1) of the Planning and Development (Amendment) (No. 2) Regulations 2015,
- (h) the planning history of the site,
- (i) the pattern of development in the area,
- (j) the details contained within application for substitute consent on the site ref. PL 17.SU0101,
- (k) the nature and scale of the development the subject of this application, and
- (l) the Inspector's Report.

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. The Board accepted and adopted the conclusion carried out in the Inspector's report in respect of the identification of the European site which could potentially be affected, namely the River Nanny Estuary and Shore SPA (Site Code 004148), 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 this European site in view of the site's Conservation Objectives. The Board completed an appropriate assessment of the effects of the development on the European site. 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 this European Site, or any other European site, in view of the sites' Conservation Objectives.

The Board completed an Environmental Impact Assessment in relation to the subject development and concluded that the Environmental Impact Statement submitted identified and described adequately the direct and indirect effects on the environment of the development.

The Board considered that the Inspector's report was satisfactory in addressing the environmental effects of the subject development and also agreed with its conclusions in relation to the acceptability of development measures proposed and residual effects and that the subject development would not be likely to have a significant effect on the environment.

Having regard to the acceptability of the environmental impacts as set out above, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be contrary to the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars lodged with the application submitted to An Bord Pleanála on the 14th day of January 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement, and shall be implemented in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. This grant of planning permission for further quarry development relates only to the extension of the existing quarry extraction area to 17.3ha and the deepening of the quarry floor to +89mOD in accordance with the details submitted with the application on the 14th day of January 2016.

Reason: In the interest of clarity.

3. The quarry, and all activities occurring therein, shall only operate between 0700 hours and 1800 hours, Monday to Friday and between 0700 hours and 1400 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays. No rock-breaking activity shall be undertaken within any part of the site before 0800 hours on any day.

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

4. Mitigation & monitoring measures outlined in the Environmental Impact Statement and the Appropriate Assessment Screening Report submitted with this application, shall be carried out in full, except where otherwise required by condition attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

5. (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 within three months of the date of this Order. Monitoring results shall be submitted to the planning authority at

monthly intervals for groundwater, surface water, noise and ground vibration.

(b) On an annual basis, for the lifetime of the facility and within two months of each year end, the developer shall submit to the planning authority five copies of an environmental audit. Independent environmental auditors approved 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) An annual topographical survey carried out by an independent qualified surveyor approved in writing by the planning authority. This survey shall show all areas excavated and restored. On the basis of this a full materials balance shall be provided to the planning authority.

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

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

(c) In addition to this annual audit, the developer shall submit quarterly reports with full records of dust monitoring, noise and vibration 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.

6. Within three months of the date of this Order, a traffic management plan shall be submitted to the planning authority for written agreement relating to the control and management of quarry traffic access to the site. This shall include the following traffic management arrangements and works which shall be implemented within three months of the date of this Order and maintained during the life of the quarry operation –

(a) Provisions ensuring that:

- vehicles transporting material to and from the site, and accessing the site, use the Mullagh Road running southwards from the quarry only.
- All HGV movements to and from the quarry operation are undertaken within the hours of operation of the quarry.
- HGV loads do not exceed 32 loads (64 movements) per day and no more than 20 movements in any hour during each working day.

(b) Provision of road signage, warning the public of the entrance and of proposals for traffic management at the site entrance,

Reason: In the interest of traffic safety and in order to mitigate the extent of maintenance and upgrading works to the local road network necessitated by vehicular traffic accessing the site.

7. During the operational phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed-
 - (a) an L_{ArT} value of 55 dB(A) during 0700-1800 hours. The T value shall be one hour.
 - (b) an L_{AeqT} value of 45 dB(A) at any other time. The T value shall be 15 minutes.

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

8.
 - (a) Blasting operations shall take place only between 1000 hours and 1700 hours, Monday to Friday, and shall not take place on Saturdays, Sundays or public holidays. Monitoring of the noise and vibration arising from blasting and the frequency of such blasting shall be carried out at the developer's expense by an independent contractor who shall be agreed in writing with the planning authority.
 - (b) Prior to the firing of any blast, the developer shall give notice of his intention to the occupiers of all dwellings within 500 metres of the site. An audible alarm for a minimum period of one minute shall be sounded. This alarm shall be of sufficient power to be heard at all such dwellings.

Reason: In the interest of public safety and residential amenity.

9. Vibration levels from blasting shall not exceed a peak particle velocity of 12 millimetres/second, when measured in any three mutually orthogonal directions at any sensitive location. The peak particle velocity relates to low frequency vibration of less than 40 hertz where blasting occurs no more than once in seven continuous days. Where blasting operations are more frequent, the peak particle velocity limit is reduced to eight millimetres per second. Blasting shall not give rise to air overpressure values at sensitive locations which are in excess of 125 dB (Lin)max peak with a 95% confidence limit. No individual air overpressure value shall exceed the limit value by more than 5 dB (Lin).

Reason: To protect the residential amenity of property in the vicinity.

10. 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.

11. The developer shall facilitate the archaeological monitoring of topsoil stripping within the quarry expansion area. 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 all site investigations and other excavation works, 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.

12. Within six months from the date of this order, the developer shall establish a local consultative group, including representatives of the developer, the planning authority and members and representatives of the local community. This group shall constitute a forum to address operational issues of the quarry which are considered to impact upon local amenity.

Reason: In the interest of the protection of [residential amenity] and planning control.

13. Restoration shall be carried out in accordance with a restoration plan, which shall include existing and proposed finished ground levels, landscaping proposals and a timescale for implementation. This plan shall be prepared by the developer, and shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this grant of permission.

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

14. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

15. Within three months from the date of this order, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance

company, or other security to secure the provision and satisfactory restoration of the site, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. 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.

Kevin Moore

Senior Planning Inspector

4th October, 2018