An Bord Pleanála

Inspector's Report

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:	27th October, 2016
Inspector:	**Kevin Moore**

1.0 INTRODUCTION

1.1 This application is for further development of a quarry at Bellewstown, County Meath in accordance with section 37L of the Planning and Development Act 2000, as amended.

1.2 The proposed development consists of the continued use of the existing quarry, further development of the quarry relating to Substitute Consent application 17.SU0101 and comprises the extension of the existing quarry extraction area to c. 17.3 ha, the deepening of the quarry floor to +98mOD using conventional blasting techniques, the processing of extracted material using mobile crushing and screening plant, product stockpiles, proposed landscaped overburden and topsoil storage/screening berms, landscaping and rehabilitation plan, and ancillary site works including a new wheelwash, a new septic tank and two bunded fuel tanks within a planning application areas of c. 39.4 hectares. Permission is sought for a period of 25 years.

2.0 QUARRY LOCATION AND DESCRIPTION

2.1 The Bellewstown Quarry is located in the townlands of Bellewstown and Hilltown Little, 1.5km west of Bellewstown Cross and 8 km south of Drogheda. The application area is stated to be 39.4 hectares, which forms part of an overall holding of 86.5 hectares. The current extent of the existing quarry extraction area is stated to be 8.1ha.

2.2 The existing development at the site comprises an established quarry (not operational at time of inspection), where rock is extracted using explosives to blast exposed rock faces. The excavation comprises two benches, the lowest is stated to be generally at 116m AOD and the second higher bench is at an elevation of c. 128m AOD. A sump, located at the lowest

part of the lowest bench, collects surface and groundwater, which is then periodically pumped to a constructed discharge water treatment facility located at the southern boundary of the property. The field to the south acts as a buffer between the active quarry and neighbouring residences. Within the quarry void blasted rock has been processed using mobile crushing and screening plant to produce various aggregate grades for sale to the construction industry.

2.4 Ancillary to extraction and processing, the quarry also has two workshops where plant maintenance is undertaken, office facilities, a weighbridge and bunded fuel storage tanks. There is a former canteen and associated small WC that are no longer in use. An existing septic tank is deemed by the applicant to be obsolete.

2.5 There are no rivers, streams or lakes within the boundary of the site. All surface water within the quarry is captured at the quarry sump. Water is pumped intermittently from the sump (manually controlled) through a discharge water treatment facility to a specific discharge point. The discharged water flows via a culvert under the public road into a land drain, which in turn flows into Lunderstown Stream, which in turn flows into the Nanny River. A groundwater monitoring programme has been in place at the quarry since early 2008.

2.6 The quarry void is screened along its perimeter by landscaped screening mounds. The site boundaries adjacent to the local road network have chainlink fences. The quarry entrance is accessed by a double gate with palisade fencing. The quarry has access to Junctions 7 and 8 of the M1 motorway some 3km to the north-east via a narrow local road network.

2.7 There is a mature stand of beech trees to the south east of the property.

2.8 The undeveloped part of the site for the proposed extension lying to the north and west of the existing quarry is agricultural lands used for grazing livestock and for silage production. These fields are enclosed by hedgerows. There is an abandoned dwelling in the proposed extension area to the north.

3.0 THE PROPOSED DEVELOPMENT

3.1 The proposed development consists of the further development of the quarry and 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 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.

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

3.3 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.

4.0 THE APPLICANT'S ENVIRONMENTAL IMPACT STATEMENT

The findings and conclusions that were drawn by the applicant in the submitted EIS are set out as follows:

4.1 Alternatives

Alternative locations, designs and processes were considered. The existence of an established quarry at the site was acknowledged and reference was made to considerations that were made to other potential sites that were not pursued. It is submitted that several alternative designs were considered and the one contained in this EIS was assessed as the most appropriate, meeting health and safety prerequisites, visual impact minimisation and environmental performance. The limitations available to alternative processes within a rock quarry were noted.

4.2 Human Beings

Under this heading, the EIS considered population, settlement patterns, employment & economic growth, land use, amenity and tourism, social infrastructure and education. It is submitted:

- The further development of the quarry would have no direct impact on population per se or population growth directly.
- There is unlikely to be any impact from the continued use and extension of the quarry on the settlement pattern in the area.
- On employment, the proposed expansion would employ 7 people directly associated with the extraction process and a further 17 associated with haulage activities.
- There would be no potential impact on adjoining land uses. A potential increase in educational/academic activity may occur in the area

associated with the unique geological features of the site. The landscape remediation proposed for the site would offer a range of amenities and facilities that could extend further existing land uses.

- There is considered to be a neutral impact on amenity and no direct impact on tourism.
- There would be no direct impact on social infrastructure in the locality.
- There would be a direct but positive impact upon education particularly in the areas of high level or academic research.
- In regard to health and safety Kilsaran has an unblemished health and safety record.

It was concluded that the proposal would have no significant and / or long-term effect on the human environment and there would no residual impact following any mitigation required.

4.3 Flora and Fauna

The site is not within any proposed Natural Heritage Area (pNHA) or proposed Candidate Special Area of Conservation (pCSAC). The nearest statutory designated site is the River Nanny SPA 004158 (comprises the River Nanny estuary and coastal strips north and south of Laytown) - the nearest point of this SPA is located 7.5 km north-east of Bellewstown quarry. The source pathway receptor is too distant in this case to have any significant impact on the SAC.

Apart from the quarry and field boundaries most of the undeveloped parts of the application area is in pasture.

The EIS schedules flora and fauna recorded on the landholding. Likely effects were described on hedgerows, screening mounds, woodland,

pasture, the working quarry and adjoining farmland and mitigation measures to apply were identified. Reclamation proposals were also set out.

4.4 Soil and Geology

The Bellewstown Quarry has been in operation for a significant period of time and is an established development within its surroundings. Over its lifetime there has been no alteration or impact on the geological environment and such current conditions are envisaged to continue. The applicant has invested in significant infrastructure and operational and environmental procedures to ensure that the operation does not adversely impinge on the surrounding environment. Quarrying by its nature, impacts on the geological environment through the excavation, processing and export of aggregate from the host site.

There will be no perceptible change to the environment adjacent to the boundary, in terms of geological impacts. Outside the boundary of the site, the impact on the geological environment is assessed as low to negligible. The applicant will continue to utilise all required infrastructure and operate 'good housekeeping' procedures. All potentially polluting materials will be contained within bunded areas, to ensure full containment in the event of total cumulative failure of tanks. Any rainwater accumulating within the bunded areas is and will continue to be considered as contaminated water and exported from site by an approved and permitted haulier to a designated treatment/disposal site. All vehicles utilised on site will continue to be regularly maintained and checked regularly to ensure any damages or leakages are corrected. Refuelling and maintenance of vehicles will be undertaken at designated and approved locations to ensure the risk to the geological environment is minimised.

Owing to the topographic void created by previous and current extraction, all water falling onto the quarry is fully contained. It is not possible for such water to flow to watercourses under gravity conditions. The existing water management regime will be replicated on subsequent lower benches

While the existing quarry has resulted in a permanent impact on the geological environment by the removal of rock, the continuation of quarrying is considered to pose a low cumulative impact.

4.5 Water (Surface and Groundwater)

Water Discharge

It is proposed that surface water runoff and groundwater seepages will be discharged via the existing settlement pond and discharge point. No amendment to the existing discharge licence is being sought for the proposed extension as no significant increases in pumping are expected. Going forward, it is proposed that pumping from the quarry and proposed extension will be undertaken in a more controlled manner whereby a high water level and low water level in the sump will control daily discharge volumes. This means that the average daily discharge can be maintained below 462m3/day, thereby preventing exceedances.

Discharge of wastewater is proposed to be to ground via a proposed installed wastewater treatment system and percolation area.

Hydrogeology

The proposed extension is not expected to alter the existing hydrogeology of the site in any significant way. Overall the groundwater contours and monitoring well hydrographs indicate a quarry void with limited groundwater seepage input.

Private Wells

Private wells are the main source of water in the Bellewstown area. Generally, every house in the vicinity of the quarry has its own well supply. The distribution of water wells is normally one to every house but in some cases two or three house are supplied by one single well. Given the topography of the area, the localised groundwater catchment to the quarry and the predominant surface water pumping regime it was not deemed necessary to include wells at a greater distance than 150m of the site boundary within the assessment. There is also sufficient data to indicate that there is no discernible impact on these private wells as a result of the current quarry operation.

The groundwater level contour and catchment map indicate that the houses to the south of the quarry site (i.e. along the east/west oriented public road where most of the local private dwellings in the area exist) are outside of the groundwater catchment to the quarry and proposed extension area. The groundwater contour map indicates that a groundwater catchment divide separates the quarry and these wells to the south of the site, in particular the wells to the southwest of quarry. This also means that groundwater flow from below the quarry site or proposed extension will not flow towards these wells and therefore there is a very low groundwater contamination risk to these wells from the quarry in the unlikely event of potential spillage or leakage.

The wells to the southeast of the quarry development are significantly closer to the extraction footprint than the wells to the southwest. The proposed extraction area does not extend laterally towards these wells. The proposed extraction area extends in a westerly and northerly direction and therefore the separation distance between the local private wells and

quarry extraction area will not change. The available groundwater elevation data for this area also suggests that these wells are not located within the groundwater catchment to the quarry or proposed extension area and therefore cannot be impacted by the quarry in terms of water levels or groundwater quality.

Flood Risk Assessment

No areas within the site boundary or proposed extension area were identified from OPW's indicative river and coastal flood map. The sites presence on a topographic high point means the risk of flooding in the area as a result of fluvial flood events is low. No flood events are mapped along the Lunderstown Stream to the south of the south of the site, however flood events are noted on the River Nanny in the Duleek area downstream of the site.

The discharge drain downstream of the discharge point was assessed. The maximum discharge rate for the quarry will be limited to 462m3/day (0.0053m3/sec) which is well below the total drain capacity. The risk of the drain flooding during wet periods as a result of quarry discharge input is very low. The capacity of the Lunderstown Stream which exits downstream of the drain is significantly greater than the drain and therefore the risk of flooding within the stream as a result of quarry discharge is negligible to none.

Designated Sites

River Nanny Estuary and Shore SPA – identified by the Stage 1 Screening Report as potentially being adversely affected by the development site as there is a hydrological link via a stream that receives surface water discharge from the development site. A stage 2 remedial Natura Impact

statement has been prepared to accompany this application. The NIS concludes “Considering the distance removed from the River Nanny Estuary and Shore SPA together with the conservation requirements of the features for which the site is designated it is concluded that the risk of potential significant impacts is low. By incorporating the above mitigation measures and controls, which are proven to be effective at improving the quality of discharge waters, the potential risk of significant adverse impacts to the SPA is eliminated. Continuous monitoring of the quality of surface water discharge from the site will ensure that any possible problems with discharges will be identified immediately and appropriate actions taken to safeguard downstream water quality”.

Section 7.4 of the EIS identifies a range of potential impacts and schedules proposed mitigation measures. No significant impacts on the surface water or groundwater environment as a result of the proposed development are anticipated. There is no proposal to amend the existing discharge licence limits in terms of volume or discharge quality (MLV) and therefore no additional potential impacts are anticipated on downstream waters in terms of surface water quality or flows. Therefore, the proposed extension is not anticipated to contribute to hydrological cumulative impacts in the River Nanny.

4.6 Air Quality

The working void at Bellewstown will be well screened along it’s perimeter with the potential dust generating activities taking place on the quarry floor, shielded from the potentially negative effects of wind. The working area is enclosed by the quarry faces and perimeter screening mounds.

Dust monitoring using the Bergerhoff Method has been carried out at the site on a regular basis since September 2006 as part of the adopted

Environmental Management System. The results show that the operations are/were in compliance with current Emission Limits Values recommended by the EPA, DoEHLG and the ICF. It is proposed to continue dust monitoring for the duration of the proposed development.

A number of best practice dust control measures are proposed as mitigation measures and measures will be provided to suppress dust emission at all working areas. All dust suppression equipment will be maintained in proper working order.

The proposed mitigation measures will ensure that there will be no significant effect on the local residences or on local amenities from the proposed extraction and processing at this site

4.7 Noise and Vibration

Noise monitoring results to-date have demonstrated that, since regular monitoring commenced by the applicant, the quarry has operated within the thresholds set by Condition 11 attached to the High Court settlement applying to the quarry. Vibrograph monitoring has demonstrated that, since regular monitoring commenced, the quarry has operated within the thresholds set by Condition 8 attached to the High Court settlement applying to the quarry.

It is proposed that the further development of the quarry will continue to use the extraction and processing methods that have been used at the quarry up till now. The proposed extraction process will take place below the surrounding ground level, so the flanks of the hill will screen residents from the working area, helping to attenuate noise. The modern processing plants will be located within the quarry excavation and will not be in direct

line of sight with any of the neighbouring residences. The plant will not be sited nearer than 200m from any of the adjoining residences.

The western and northern mounds will be relocated further to the west and north respectively. Overburden from the extension area will be used to construct a mound to the north of the excavation area on lower ground. The northern and eastern faces of this mound will be constructed first so that subsequent mound construction activities will be screened from neighbouring residences.

Sections 9.3.1 and 9.3.2 set out the range of mitigation measures proposed which constitute good management practices.

The noise emission from the further development of this quarry as a quarry, comprising rock extraction and processing operations will be kept well within standard daytime noise emission limit values. 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. Blasting noise and vibration events should persist for no more than 3 seconds and at an average occurrence of one event per two weeks.

4.8 Climate

The development will have had no significant effect on the climate or micro-climate and conversely the climatic factors will not give rise to any adverse effect on the development proposal.

4.9 Landscape and Visual

The result of the proposed development would be a significant alteration of the topography of a part of the Bellewstown Hill, with the expansion and deepening of the quarry void and the formation of new/replacement earth mounds surrounding the excavation. Landscape mitigation and remediation measures are described in three phases (0-5 years, 5-15 years, 15-25 years) and are set out in Section 11.5 of the EIS. These include:

- Management/Improvement of site boundary hedgerows
- Management/Improvement of remnant demesne woodland and trees
- Broadening of existing woodland belts
- Woodland planting on new earth mounds
- New hedgerow on new western site boundary
- Re-vegetation/colonisation of site outside of excavation

Remediation works are also detailed.

The potential magnitude of change to landform is considered medium, and neutral. The potential magnitude of change to land use is considered low, and neutral. The potential magnitude of change to vegetation and habitats, as an aspect of landscape character and value, is considered medium and beneficial.

In summary, the magnitude of landscape change proposed is considered medium

The potential visual effects were assessed for 11 no. viewpoints in the receiving environment, informed by photomontages prepared for the development at years 5, 15 and 25 (i.e. post-closure). The magnitude of change which would be experienced was considered to be generally be low, except for a small number of houses directly to the north of the site on the slope of Bellewstown Hill, where the

magnitude is considered to be medium. In summary, the potential visual effects of the development would largely be of low significance and neutral, with some receptors experiencing beneficial effects in the long term.

4.10 Material Assets

Under this Section, cultural heritage, archaeology and architecture were considered. It was submitted 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 the vicinity. It was concluded that, due to the possibility of the survival of sub-surface archaeological deposits or finds within the application area, topsoil stripping should be archaeologically monitored.

4.11 Transport and Traffic

The current proposal seeks to continue operations at the existing quarry with no increase in the number of HGV generated by the site on an annual basis from that which was cited in the 2004 registration under Section 261. This equates to a total daily traffic generation of 85 no. HGVs and 31 no. cars. It is submitted 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. The total volume of HGVs on the immediate receiving roads are estimated to be practically half that observed in 2008 due to the closure of the unauthorised Keegan Quarry development in the immediate vicinity.

A haul route survey dating from 2008, referenced in the Substitute Consent application, is again referenced. This examined the local road

network affected by the quarry operation. With regards to the Mullagh Road, it is submitted that the subject site currently enjoys direct vehicular access onto the Mullagh Road via a simple priority arrangement. Measured along Mullagh Road the site access is located approximately 550m north of the Bellewstown Road. Between the Bellewstown Road and the site access Mullagh Road varies in width from 4.0-6.0m. Mullagh Road is afforded 4-5 no. informal passing areas between the site access and the junction with the Bellewstown Road. These informal passing areas facilitate opposed HGV flow when the need arises. Overall Mullagh Road is in relatively good state of repair but shows signs of past distresses and frequent maintenance. The road has an undulating vertical profile and there are narrow sections between the application site and the Bellewstown Road. There is no posted speed limit on the Mullagh Road. As such, by default, an 80kph speed limit is considered to apply. The northern section of the Mullagh Road measures 1.8 km between the site access and the R150 and is considered unsuitable for the opposed passage of HGV. This road has not been used by Bellewstown Quarry HGV traffic since mid-2008.

To assess existing network traffic flows, junctions were resurveyed in 2015. This survey data facilitated the examination of the underlying patterns of traffic flow in the absence of any quarry HGV traffic generated from Bellewstown Quarry or the unauthorized Keegan Quarry development which, save for restoration, has been permanently closed by the High Court (case reference 2008/20 MCA).

Comparisons between 2008 and 2015 include details on the wider road network. The following is noted in relation to the Mullagh Road onto which the quarry has access:

It was found that a total of 299 No. vehicles were recorded on the Mullagh Road during the 2008 survey. These vehicles were made up of 76 No. cars and 223 No. HGV. The high percentage of HGV (75%) is due to the operation of the two quarries which were located on the Mullagh Road, namely the Bellewstown Quarry and the unauthorized Keegan Quarry opposite. The vast majority of traffic on the southern section of Hilltown Little has historically been generated by the local quarry sites and it follows that the volume of traffic has reduced considerably with the permanent closure of the unauthorised Keegan Quarry removing practically half of all HGV traffic and the temporary closure of the Bellewstown Quarry at the end of May 2013 reducing the HGV traffic to a background level of 7 No. HGV per day.

The EIS repeats 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 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 ±15%.

The EIS concludes that the receiving road network has sufficient capacity to accommodate the traffic arising from the Bellewstown Quarry and that traffic arising will not have a significant impact upon the capacity of the receiving road network.

General and specific road improvement measures are submitted as mitigation measures. 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 since this is the road upon which the proposed development has the greatest impact.

4.12 Interactions

Interactions between the environmental topics are provided in tabular format at the end of the EIS.

5.0 THE APPLICANT'S NATURA IMPACT STATEMENT

5.1 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.

5.2 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.

5.2 The proposed development area at Bellewstown does not lie within any site designated or considered for designation for nature conservation. The nearest European designated site is the River Boyne and River Blackwater cSAC (Site Code: 2299) located 7km to the north. No part of the existing quarry or proposed extension site lies within the catchment of this cSAC.

5.3 The habitats in the undeveloped part of the site to the north and west of the existing quarry are primarily managed for agriculture, including grazing livestock and silage production. The habitats are considered to be of low ecological value.

5.4 The proposed development site straddles the Nanny, and Delvin Coastal river catchments. The proposed development site is hydrologically linked to the River Nanny Shore and Estuary SPA (NPWS Site Code: 004158). The site occurs on an elevated area at an altitude of 116 – 157m AOD and drains to the north and south respectively. There are no natural watercourses occurring within the proposed development site. The fields to the north are bordered by hedgerows with adjacent drainage ditches. These ditches are mostly ephemeral except for the main ditch that marks the northern boundary which flows eastwards. This discharges from the site in a northerly direction to a tributary (stream) of the River Nanny. This in turn flows north along for ca 2 km before merging with the River Nanny. The River Nanny then flows east for 8.5 km and discharges into the River Nanny Estuary and Shore SPA downstream.

5.5 The southern part of the development site drains south along a fast flowing drainage ditch for 1.1km and discharges into the Lunderstown Stream, a tributary of the River Nanny. The stream flows west for 4.7km where it joins the River Nanny. The River Nanny flows north and turns east for 13.7km where it discharges into the River Nanny Estuary and Shore SPA.

5.6 The following activities are considered to have the potential to give rise to significant effects:

* Discharge of quarry contaminants and materials to receiving surface water bodies (rivers and Streams).

* Disturbance impacts due to drilling and occasional blasting techniques employed during the operation phase.

5.7 Stage 1 Screening - The site is not hydrologically linked to the River Boyne and River Blackwater cSAC, the River Boyne and River Blackwater SPA, the Boyne Estuary SPA and Boyne River and Coast Estuary cSAC.

The site is hydrologically linked to the River Nanny and Shore SPA via watercourses that discharge from the site to the south (19.5km downstream) and north (12.3km downstream. Without mitigation, potential impacts on water quality within the SPA are possible.

5.8 Stage 2 Appropriate Assessment – Mitigation measures to address potential adverse impacts on the conservation status of the River Nanny Estuary and Shore SPA are scheduled in Section 5 of the NIS. These include the established water treatment facility, ongoing monitoring of surface water, and regular groundwater monitoring. It is submitted that the potential risk of significant adverse impacts to the SPA is eliminated by incorporating the proposed mitigation measures. It is concluded that quarrying activities associated with the proposed development will not adversely affect the integrity and conservation status of the River Nanny Estuary and Shore SPA.

6.0 PLANNING HISTORY

6.1 The quarry commenced operation prior to 1st October 1964. Meath County Council operated the quarry in the early 1960s. The quarry was subsequently operated by a number of parties. It was purchased by Kilsaran in 2006.

6.2 An application for registration under section 261 was made to Meath County Council on 27th August 2004 by the then owner John Gallagher. No conditions were issued by the planning authority within the statutory period.

6.3 A number of local residents issued High Court proceedings (2008 No. 21 MCA) seeking an order to close the quarry. A final Order was made by the

High Court on 15th May 2009. The continuation of quarrying activity was permitted under this Order. The planning status of the quarry, premised on the commencement of development before 1st October 1964, was addressed and regulated by Order of the High Court. The Order specifically limited the operating hours, connected haulage trips and other matters connected with that quarrying activity. Quarrying was also limited to Folio 19959F.

Note: The quarry encompasses lands within Land Registry Folios 19959F and 40523F and the High Court Order limited activities to the former.

6.4 An Enforcement Notice was issued by Meath County Council to Kilsaran on 6th December 2007 requiring that vehicle movements be limited to that cited on 261 quarry registration, equating to a total of 81 loads a day.

6.5 On 6th March 2008, the planning authority served a second enforcement notice requesting cessation of all activity at the quarry. The validity of the said notice was questioned by way of judicial review proceedings in the High Court (2008 No. 291 JR). This challenge has not been opposed by the planning authority. No defence has ever been lodged.

6.6 In January, 2009, a planning application was made (P.A. Ref. SA9000494) to extract rock in an area of 13.1 hectares to a maximum depth of 80m above Ordnance Datum, and to process (including crushing and screening) the excavated material. The development was proposed to take place in an overall site of 23.5 hectares. The application was withdrawn in March 2009, on advice from the planning authority that it believed itself prevented, by a circular issued by the Department of the

Environment, Heritage & Local Government (PD 3/08), from considering these kinds of applications on foot of ECJ Case 215/06.

6.7 Under Appeal Ref. PL 17.236763, permission was granted by the Board in November 2010 for a discharge water treatment facility to treat discharge waters from the quarry, subject to 7 conditions (P.A. Ref. SA901256).

6.8 Subsequent to receiving the planning approval for the discharge water treatment facility Meath County Council granted a licence to discharge effluent arising from the quarry to surface waters (Reg. Ref. No. 10/02).

6.9 Under P.A. Ref. QY2, a notice was issued by Meath County Council on 25th July, 2012 under the provisions of Section 261A instructing the owner/operator of the quarry at Hilltown Bellewstown to apply for substitute consent (SC) for the works undertaken on the site and that the application for substitute consent be accompanied by a remedial Environmental Impact Statement (EIS) and remedial Natura Impact Statement (rNIS).

6.10 Under ABP Ref. 17.QV.0026, a review of the planning authority's determination was sought. On 10th October, 2013, the Board confirmed the section 261A(2)(a)(ii) and section 261A(3)(a) decision of the Council.

6.11 Under ABP Ref. 17.SU0101, an application for Substitute Consent for an area of 23.5 hectares was submitted to the Board and is currently under consideration.

7.0 MEATH COUNTY DEVELOPMENT PLAN 2013-2019

7.1 The provisions of the current Meath County Development Plan 2013-1019 apply in this instance. Sections 10.12 and 11.14 of the Plan contain information and relevant considerations in respect of the extractive industry. Further to this it is noted that the quarry is listed as one of 28 County Geological Sites (Section 9.7.7 and Appendix 13) and that it lies within the Bellewstown Hills Landscape Character Area (Section 9.8.4). A copy of the relevant sections of the Plan is attached to this report.

8.0 PLANNING AUTHORITY SUBMISSION

8.1 The planning authority described the context of the quarry and provisions of the development plan considered relevant. On reviewing the submitted EIS, it was submitted that the data contained within it is correct and that there was no information to suggest that quarrying will adversely impact on the environment. In terms of the effects on European sites, it was concluded that the quarrying activities within the site would not adversely affect the integrity and conservation status of the River Nanny Estuary and Shore SPA provided that proposed mitigation measures are adhered to. A calculated development contribution is referenced in the submission also. It is concluded that the quarry would not give rise to significant adverse effects on the environment and it is recommended that permission is granted.

9.0 APPLICANT'S RESPONSE TO PLANNING AUTHORITY SUBMISSION

9.1 The applicant welcomed the submission by the planning authority.

10.0 OBSERVATIONS

10.1 113 observations have been received by the Board from:

Irene Pierson, Jonathan Pierson, Sonja Price, Joe Cooney, Patrick Howard, Louise Reilly, John Maguire, Scoil Naomh Treasa, Thomas and Catherine Brady, Deirbhile Farrell, Stephen Duggan, Terry Lockyer and Maureen Duff, Sheila Scanlan, George and Emer Dawson, Noel Howard, John and Bernadette Moore, Fiona Ahern, Annette Reilly, Jack Gogarty, Mary Howard, Peter Farrell and Grace Foley, Anne Gogarty, Mark Horgan, Anthony and Bridget Grady, Sinéad Buirke and Ger Twomey, Thomas Byrne TD, Shane Horgan, Helen McEntee TD, William Maguire, Emily Maguire, Melissa McGuire, Brian and Jo-Ann Mc Comish, Patrick and Margaret Nulty, Edward and Loretta Ludlow, Richard Howard, Josephine Ann Wall, Dorothy Teeling, David and Martine Flynn, Ruth Howard, Ian Howard, Regina Everard, Bridget Howard, Desmond Woods, Amanda Woods, Patricia Woods, Arthur and Margaret Forbes, Elizabeth Howard, Helen Molloy, Wayne Molloy, Ciaran McNicholas, Ann Bellew, Ann Molloy, Mark Molloy, Darren Molloy, Martin Molloy, Marian and Jude O'Reilly, Josephine Greene, Kevin Greene, John Bellew, Patrick Woods, Enda Kearns, Trevor Despard, Mary and Martin Hartford, David and Annemarie Maughan, Blanaid Howard, Judy and Pat Finnegan, Elaine Blair, PJ Cooney, Joseph Butler, Margaret Rosario Wall, Pamela Howard, Vincent Murray and Patricia Clarke, Órla Nic Conuladh-McGrory, Jeffrey and Jennifer Lofimit, Karl Carolan and Sinead McGleenan, Peter Reilly Jnr, Sinead Reilly, Vivienne Reilly, Angela Reilly, Peter Reilly, Liam White, Fiona and Kate Finnegan, John A Woods, Brendan and Carol Rodgers, Marion Floyd, Olive Hanratty, Bridie Halpin, Paula Murray, Michael Reilly, Niall Mallon, Tommy Brannigan, Clare Barnes, Audrey and Barry Stevenson, John Leonard, David Halpin, Cathy Barnes, Bridie Brannigan, Peter Mallon, Sean, Linda, Fionn and Caoimh Donnelly, Paula and Gerard

Townley, Nicholas Whearty, Richard and Gillian Whearty, Leigh Hanratty, John and Ursula Horgan, Sharon Hanratty, Patrick and Brigid Molloy, Maureen Murtagh, Tracie Curley, John Coyle, Bartle and Bridget McAuley, Shane and Hannah Flynn, Frank and Elaine Wall, Richard, Theresa, Paul and Emma Martin, and Bartle McAuley Snr.

10.2 The observations were in the form of objections to the proposal. The wide range of concerns raised included the following:

- traffic impacts
- contravention of the provisions of the Meath County Development Plan
- adverse impacts on the River Nanny Estuary and Shore SPA, with reference to flooding impacts
- ecological impact
- destruction of archaeology on the site
- water pollution
- impact on water supplies by the deepening of the quarry and blasting effects
- noise pollution
- vibration
- impact on air quality
- geological impact by the extent of removal of rock
- impact on tourism
- inadequate consideration of alternatives

- legal considerations, and
- application deficiencies, including information on illegal dumping and discrepancies in documentation.

11.0 APPLICANT'S RESPONSE TO OBSERVATIONS

11.1 The applicant provided detailed responses to the observations made by Irene Pierson, Jonathan Pierson, and Sonja Price and refuted all issues raised.

12.0 SUBMISSIONS FROM PRESCRIBED BODIES

12.1 Transport Infrastructure Ireland

TII submitted that, having regard to the extent of operations, i.e. to continue with no increase in the number of HGVS generated on an annual basis from that cited in the 2004 registration under section 261 and the location accessing the local road network prior to access the strategic national road network, it had no specific comment to make in terms of impacts on the national road network in the area.

12.2 Health Service Executive

The Environmental Health Officer submitted there was a requirement on the developer to fully inform the public of its proposal and to identify, assess and evaluate any concerns raised. It was further submitted:

- A proper assessment of background noise in the existing environment was not carried out. This is critical for noise impact assessment. No up to date monitoring results are provided since May 2012. No noise monitoring was carried out at residences in the

vicinity of the quarry. It is submitted that adherence to specified noise limit values does not always protect sensitive receptors from noise nuisance. The significance of the predicted change in the noise environment should be fully assessed. Noting the potential cumulative effects of the quarry restoration works planned by Keegan Quarries to the north-east were assessed, the origins of the baseline monitoring data in the noise impact assessment are queried.

- Noting exceedances of limits for blasting imposed by the High Court on two occasions, it is asked that these be thoroughly investigated to establish the reason for them and for control measures to be put in place.
- All mitigation measures outlined for control of dust on site should be implemented in full.
- The EIS provides a satisfactory assessment of the impacts on surface and ground waters.
- No details of the location of the wastewater treatment plant were available. It is noted that all residents in the area are supplied by private well.
- Clarification on working hours is required.
- It is premature to consider an application for the extension of the quarry until a decision is made on the Substitute Consent application.

Recommendations based on the above findings are made.

12.3 **Geological Survey of Ireland**

The GSI submitted that the significance of the quarry in terms of geological heritage has been duly integrated in the EIS and there is no additional comment to be made.

12.4 **Department of Arts, Heritage and the Gaeltacht**

The Department had no archaeological objections to the proposal subject to the applicant's proposed mitigation.

On nature conservation, concern was raised about the applicant's considerations on a range of fauna and noted that a licence is required, following the carrying out of surveys, where there are impacts on protected species and their habitats.

13.0 ASSESSMENT

13.1 **Introduction**

The Board will note my conclusions on the Substitute Consent application. Arising from this, the sole issue of relevance at this time relates to this application's association with the existing application for substitute consent.

13.2 **The Application for Substitute Consent**

13.2.1 The Board will note the report and recommendation with the attached file PL 17.SU0101. This substitute consent application considered the lands associated with the established quarry works, which related to a land area of 8.1 ha.

13.2.3 My report on that application concluded:

* The quarrying activity had significant adverse environmental impact on the cultural heritage of this location by the removal of a recorded monument; and

* There were intense periods of activity at this site which required the planning authority and local residents to pursue enforcement action against the quarry operator and to obtain legal remedy to resolve adverse environmental impacts of a substantive nature arising from transportation, noise, blasting, dust, etc.

It could only reasonably be concluded that the substitute consent application be refused permission and this recommendation followed.

13.2.4 Further to this report, the Board will now note that very substantial numbers of objections were made in response to the application now before the Board for further quarry development, which heretofore was not available for consideration with the Substitute Consent application. These submissions provide further details on the extent of objections to environmental impacts of the quarry development that culminated in a need to seek legal remedy to curb adverse environmental impacts. It is my submission that this reinforces the conclusions drawn on the Substitute Consent application. The serious consequences of the adverse environmental impacts of the established quarry cannot be readily dismissed.

13.2.5 With due regard to the above, consideration of significant expansion of the established quarry at Bellewstown, as is now proposed under this current application, cannot reasonably be considered at this time where a substantial section of this quarry is unauthorised and where regularisation cannot be facilitated due to the matters identified above.

14.0 RECOMMENDATION

I recommend that permission is refused in accordance with the following:

Reasons and Considerations

The proposed development relates to a site the use of which is unauthorised for the carrying on of quarry operations and which has not been regularised in accordance with the provisions of section 261A of the Planning and Development Act. The proposed development would constitute an intensification of the said unauthorised use and it is considered inappropriate that the Board should consider the grant of a permission for the proposed development in such circumstances.

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Kevin Moore

Senior Planning Inspector

November, 2016