



An  
Bord  
Pleanála

## Inspector's Report

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**Development**

Further quarry development at  
Heronstown, Lobinstown, Co. Meath

**Planning Authority**

Meath County Council

**Applicant**

Mountain House Quarries Ltd.

**Type of Application**

Section 37L application

**Inspector**

Pauline Fitzpatrick

**Date of Site Inspection**

09/08/16

1.0

## **Introduction**

The current application for further quarry development was received by the Board on the 20<sup>th</sup> January 2016 following the enactment of Section 37L of the Planning and Development Act, 2000, as amended. This application is related to file ref. SU0066, application for substitute consent lodged on the 14/10/13 accompanied by a remedial EIS.

## **2.0 Site Location and Description**

The site is as described on file SU0066 and is as follows:

- 2.1. The quarry site is located in the townland of Heronstown c. 2km to the south east of Lobinstown village and c. 8km north west of Slane in County Meath. It is located c.4km south east of the N52 which connects Kells to Ardee with vehicular access to the site via local road L1603. The closest residential property is located approx. 20 metres to the south-west of the overall quarry site. Scoil Mhuire, Heronstown National School is c.500 metres to the north.
- 2.2. There is a watercourse (Killary Water) approximately 180m to the north of the site which flows into the River Dee further north. A 220kV power line runs in a north-south direction to the east of the site.
- 2.3. The overall quarry has a stated area of 10.46ha with an extraction area stated to cover an area of c. 4.9ha. The quarry is set back from the local road and is reached by way of an internal access road. The main activities are located on lands to the east of this access road. Ground levels in the quarry vary between 111mOD in the south to 83mOD in the north. The existing quarry floor is divided into two sections; one at 89mOD and the other at 79mOD (located to the north of the first section). Water collects in the quarry void which was previously pumped up to a

settlement pond in the north-eastern most corner where it eventually discharged to a drain along the north-eastern boundary and then to the watercourse to the north.

- 2.4. The plant and structures that remain on site have become dilapidated. There is a former maintenance shed and associated office located immediately east of the internal access route. There are the foundations for a weighbridge located to the north-west of the shed (adjacent to the internal access road). There are also some walls and structures associated with various storage bays, offices and buildings to the north of the storage shed and excavation area. A well pump house is located in the immediate vicinity of the weighbridge location.
- 2.5. The site is largely bare/exposed with patches of gorse and vegetation. Berms have been constructed along sections of the overall site boundaries. The quarry is not currently operational.

### **3.0 Application for Further Quarry Development**

- 3.1. The application for further quarry development received by the Board on the 20<sup>th</sup> day of January 2016 includes a completed application form, copies of statutory notices, an EIS and associated drawings.
- 3.2. The site has an overall stated site area of 10.46 hectares. The proposal entails continuation of extraction by way of lateral extension of existing benches to form a single bench to the currently established depth of 79m AOD. The footprint of the extraction area is not being extended.
- 3.3. Ancillary development includes:
- New attenuation pond of 1400 sq.m
  - Upgrade of existing settlement pond with clay lining
  - Provision of hydrocarbon interceptor

- Re-profiling of screening bunds to the north and west of the extraction area
- Re-instatement of weighbridge
- Provision of wheelwash
- 37 sq.m. portacabin type site office and staff facilities. All staff welfare and toilet facilities will be managed in a sealed holding tank and emptied as required by a licensed contractor.
- Removal of derelict structures on site
- Relocation of site entrance approx. 64 metres north-westwards along L1603
- Restoration of lands on completion of extraction

3.4. The material quarried at the site is grey wacke to supplement high PSV reserves used for the applicant's operations in the north-east region. The nature of the reserve, which is typically used in road construction, results in the quarry being operated periodically. There has been no activity on site since early 2011.

3.5. The maximum annual rate of extraction will be in the order of 100,000 tonnes per annum (comparable to extraction during previous peak period). It is estimated that the volume of material contained within the identified extraction area is in the order of 330,000m<sup>3</sup> which equates to c.720,000 tonnes. Given the nature of the reserve and the periodic operation of the quarry it is anticipated that the resource will last 10 years. Thus a 10 year permission is being sought.

3.6. Typically, up to 2 no. blasts will be undertaken each year and the material processed by mobile plant brought to the site and removed as required. No permanent plant is being proposed as part of this application.

3.7. Blasted rock is dug by a crawler-mounted backhoe and loaded directly into a mobile primary crusher unit which is situated on the quarry floor. The crushed matter is then conveyed into a mobile secondary crusher and screening deck also located on the quarry floor. Processed material is removed to stockpiles or into trucks by a front-end loader.

- 3.8. There will be no fuel or lubricant storage required onsite due to the periodic nature of the operation. All HGV's will be fuelled off-site. Machinery will be refuelled as required by a local fuel supplier. All plant and vehicle maintenance will occur off-site.
- 3.9. Operating hours will be 06.30 hours to 19.00 hours Monday to Friday and 06.30 to 14.00 hours on Saturday.
- 3.10. The haul route utilised by HGV's will be restricted to the turning left out of, and right into the quarry site. Vehicles will travel along the Lobinstown – N51 Road to the junction with the N51 and vice versa.
- 3.11. The existing water management system on site is to be upgraded by directing all surface water and groundwater to a sump located in the quarry floor which will discharge to a lined attenuation pond and on into the settlement pond which is to be lined. Water will then overflow to an oil interceptor and discharge via an outfall pipe to the stream at the same location as the existing discharge point. A separate application for a new trade effluent discharge licence will be required for the site prior to it becoming operational again in the future.
- 3.12. There is an existing well adjacent to the existing entrance to the site which supplies the site with a required volume of c. 6m<sup>3</sup>/day when in operation. This will be used in the wheel wash system, dust suppression and welfare facilities. The water will be pumped and stored in an adequately sized holding tank located adjacent to the wheelwash area.
- 3.13. The proposed wheel wash system is a closed loop system so there is no water discharge from same. The wheel wash will be cleaned out on a regular basis by a licensed contractor to ensure that it works to maximum efficiency.

3.14. The application is accompanied by an EIS. It includes a non-technical summary and a main document. The main document is structured into sections describing the development and dealing with impacts arising under topic headings. The EIS concludes that subject to compliance with the mitigation measures in place and proposed, the continued operation of the development will not result in significant adverse environmental effects.

## 4.0 Planning and Regulatory History

### 4.1. Planning History

**PL17.204854 (SA20207)** – permission granted in 2004 for the construction of an asphalt plant and associated site works including wheelwash and weighbridge in addition to a puraflo, wastewater treatment system, oil interceptor and well for domestic water supply. This permission was not implemented.

**P77/1561** – planning permission granted for an entrance to the quarry.

**PL17/8/497** – the Board adjudicated on a reference application case related to this quarry in 1991 and decided that the use of the site as a quarry is development, which is not exempted development.

### 4.2. Other permits/licences:

Discharge License **3/99** granted for discharge of trade effluent from the site to Killary Waters.

### 4.3. Quarry registration under Section 261

**QY21:** An application for Registration of this quarry by the current owner/operator was granted by Meath County Council under Section 261 of the Planning and

Development Act, 2000. The registration related to a quarry with a total area of c.10.5ha. The Planning Authority issued a schedule of conditions normally associated with quarry development. Of note:

*Condition 2:* Permission to be for period of 12 years.

*Condition 3:* Within 6 months the owner/operator to agree exact area of the quarry within which future extraction is to be confined and the maximum depth of extraction.

*Condition 18:* Hydrological assessment to be undertaken to identify groundwater flow regime in area and the receiving waters.

#### **4.4. Section 261A Determination and Decision**

The Board on review confirmed Meath County Council's determination under subsection 2(a) and further confirmed the decision under sub-section 3(a). An application for substitute consent accompanied by a remedial EIS was therefore required.

#### **4.5. Application for Substitute Consent**

SU0066 – Application for substitute consent accompanied by a remedial EIS was lodged with the Board on 14/10/13.

### **5.0 Planning Policy Context**

#### **5.1. Meath County Development Plan 2013-2019**

Section 10.12 refers to the Extraction Industry. Policies include:

- Ensure that projects associated with the extractive industry carry out screening for AA in accordance with Article 6(3) of the EC Habitats Directive, where required.

- Facilitate the exploitation of the county's natural resources and to exercise control over the types of development taking place in areas containing proven or potential deposits, whilst also ensuring that such industries are carried out in a manner which would not unduly impinge on the visual amenity or environmental quality of the area.
- Protect the finite aggregate resource in such areas of known or potential aggregate sources. Only development compatible with mining or quarrying activities shall be permitted in areas being or likely to be used for these purposes.
- Ensure that the extractive industry minimises adverse impacts on the road network in the area and that the full cost of road improvements, including during operations and at a time of closure, which are necessary to facilitate extractive industries, are borne by the industry itself.
- Ensure that the extraction of minerals and aggregates minimise the detracting from the visual quality of the landscape and do not adversely affect the environment or adjoining existing land uses.
- Ensure that all existing workings shall be rehabilitated to suitable land uses and that all future extraction activities will allow for rehabilitation of pits and proper land use management.
- Ensure that development for aggregates/mineral extraction, processing and associated concrete production does not significantly impact on the following areas:
  - Existing and proposed SACs, SPAs and NHAs
  - Other areas of importance for the conservation of flora and fauna
  - Area of significant archaeological potential
  - In the vicinity of a recorded monument
  - Sensitive landscapes and
  - World Heritage Sites.

The site is located in an area identified as a landscape character area which has a rating of Very High Value with High Sensitivity.



## 5.2. National Guidelines

The Quarries and Ancillary Activities Guidelines for Planning Authorities (April, 2004) offers guidance to Planning Authorities on planning for the extractive industry through the development plan process and determining applications for planning permission for quarrying and ancillary activities. The following sections are relevant to the current appeal.

- Section 3.4 outlines the potential environmental effects caused by quarrying on water supplies and ground water.
- Section 4.7 sets out possible planning conditions.
- Section 4.9 advises on the life of planning permission.

## 6.0 Observations

### Prescribed Bodies

- 6.1. **Transport Infrastructure Ireland** in a report dated **16/03/16** states that due to the location of the quarry accessing the local road network prior to accessing the national road network and to the extent of the operation it has no specific comment to make in relation to the development in terms of impacts on the national road network in the area.
- 6.2. The **Geological Survey of Ireland** in a letter dated **07/04/16** has no comment to make in relation to the EIS.
- 6.3. The submission by **Inland Fisheries Ireland** dated **13/04/16** notes that the site is located in the Killary River catchment which is a sub-catchment of the River Dee. The Killary River has valuable fisheries habitat including salmonid spawning and juvenile fish habitat. It supports stocks of salmon, brown trout and lamprey among other species. Potential impact arises from silt laden water and fuels and oils. It has no objection to the application provided that:-

- The settlement ponds are upgraded as proposed
- A Local Government (Water Pollution) Act 1977 (as amended) Section 4 Discharge Licence is sought should discharge from the development exceed 5m<sup>3</sup> in any 24 period.
- All fuel tanks are adequately bunded and that the bunds are managed and maintained.
- Only clean, uncontaminated water shall be discharged to the nearby watercourse.

6.4. The submission by the **Health Service Executive** dated **07/04/16** can be summarised as follows:

- No exact details are provided on the proposed frequency of blasting to be carried out with future development.
- All mitigation measures for the control of dust on site as outlined in the EIS shall be complied with.
- There will be a significant impact on the hydrology of the area as a consequence of the proposed depth of the quarry. The private wells of residents in the vicinity were neither identified nor surveyed as part of the EIA to establish baseline water yields or quality. The potential impact of quarrying operations on these private wells was not assessed. A full assessment should be carried out.
- A programme of monitoring should be established at residences with private wells to assess if there is any deterioration in water quality or quantity as a result of quarrying operations.
- Should permission be granted clarification is required on whether the quarry is to continue to operate infrequently or if work shall be carried out on a continuous basis.
- Meaningful consultation should be had with the public and any concerns arising addressed.
- Should permission be granted a formal complaints procedure should be implemented to resolve any possible issues or community concerns in relation to traffic, dust, noise, water or nuisance complaints.

**Note:** A submission by Scoil Mhuire Heronstown National School was received after the prescribed period.

## 7.0 Planning Authority's Report

The submission details the site history and planning policy context and considers the current and anticipated significant effects on the environment in line with the chronology submitted in the EIS. Of note:

- The restoration plan is considered acceptable. It is recommended that a condition be attached in respect of security measures to be implemented upon restoration particularly in the context of the large lake that will be formed.
- The proposed relocation of the entrance complies with DMRB standards.
- The Planning Authority is satisfied that the data contained in the EIS is correct and that it has no information which would suggest that quarrying will adversely impact on the environment.
- Due to the quarry scale and distance upstream of the Dundalk Bay cSAC and SPA (41 km away) there is no potential for significant negative impacts on the qualifying interests. Therefore an NIS is not required.
- Due to the vertical rather than lateral extension of the quarry no financial contribution is applicable.

The Planning Authority recommends that the Section 37L application be granted.

## 8.0 Applicant's Response to Planning Authority's Submission

The submission by Declan Brassil & Company Ltd. on behalf of the applicant welcomes the Planning Authority's submission. In terms of security measures to be implemented on restoration it is proposed that site boundaries and fencing, together

with appropriate warning signage, will be included as part of any site restoration plan. The applicant is happy to comply with any condition in this regard.

## 9.0 Issues and Assessment

I consider the issues arising in respect of this application for substitute consent can be addressed under the following headings:

- Principle of Development
- Environmental Impact Assessment
- Appropriate Assessment
- Financial Contributions

**Note:** An appropriately worded public notice was erected at the site entrance on day of inspection.

### 9.1. Principle of Development

9.1.1. The material quarried on the site is a high Polished Stone Value (PSV) grey wacke. It is stated that PSV reserves are a scarce and strategic resource which are used in the production of wearing course asphalt materials.

9.1.2. The Department's Guidelines for Planning Authorities on Quarries and Ancillary Activities (DoEHLG, 2004) acknowledge that extractive industries make an important contribution to economic development in Ireland but that such operations can give rise to land use and environmental issues which require mitigation and control through the planning system. Concurrently policies of the Meath County Development Plan 2013 recognise that aggregates resources contribute significantly to the economic development of the county and facilitate its further development but that the exploitation of such resources is required to be carried out in a manner that does not adversely impact on the environment, existing infrastructure and the

amenity value of neighbouring lands. Within this current policy context, I consider that the principle of development is acceptable on the site, subject to a satisfactory assessment of environmental effects.

## 9.2. Environmental Impact Assessment

- 9.2.1. I submit that the EIS document which is prepared in the grouped format is generally consistent with the requirements of Article 94 of the Planning and Development Regulations, 2001-2013 (contents of an EIS). A non-technical summary is also included. Whilst a section of the EIS is titled Alternatives no real assessment of same has been undertaken. Having regard to the particular nature of the development, this is not a significant omission. In terms of alternative processes I acknowledge the established practices in place and, in principle, it is reasonable that the continued operation would seek to replicate same where it comprises efficient and effective exploitation of the natural resource.
- 9.2.2. I am satisfied that the EIS, taken in conjunction with the other details available, is adequate to enable the Board to carry out an environmental impact assessment and to make an adjudication on this application for approval.
- 9.2.3. As the competent authority for decision making, the Board is required to carry out an environmental impact assessment of the application for further quarry development ie. to identify, describe and assess the direct and indirect effects of a proposed development, in accordance with Articles 4 to 11 of the EIA Directive, on the following:
- Human beings, flora and fauna,
  - Soil, water, air, climate and the landscape,
  - Material assets and cultural heritage, and
  - The interaction of the foregoing.

## **Human Beings**

- 9.2.4. Matters pertaining to soil, water, air quality, noise, landscape and traffic that affect human beings are addressed later in this assessment.
- 9.2.5. Given the nature of the operations which will be carried out whereby extraction will occur periodically over short periods, the opportunities for employment creation or spin-offs to the local economy will be limited. It is anticipated that the proposed development will employ 4 staff members when the quarry is in operation. Additional employment would arise from hauliers transporting material from the site. Thus it is not unreasonable to submit that the application site would make a positive contribution to economic activity in the area.
- 9.2.6. Issues with site security in terms of easy access from the road and adjoining lands are pertinent. The access is to be relocated and can be appropriately designed so as to ensure against unapproved access. Access is currently possible across the adjoining agricultural lands which needs to be addressed although I note that wayleaves exist via the existing haul road to adjoining agricultural lands. Any measures to secure the site must have due regard to same. I consider that these matters can be addressed by way of condition. There are some structures on site such as storage sheds and bays which are in a state of disrepair. Their removal is proposed as part of this application.

## **Flora and Fauna**

- 9.2.7. The Board is advised that an AA-Screening report accompanies the application. The consent being sought is for the effective deepening of the quarry rather than its lateral expansion. As such the continuing quarry operations will not extend beyond the current site boundaries. The lands adjoining are in agricultural use divided into fields, separated by hedgerows.

- 9.2.8. The site is not within or adjacent to any European site or identified as being of specific ecological merit. The survey work of 2013 is supplemented by work undertaken in October 2015. Whilst October is a sub-optimal season for general habitat or botanical surveys and Autumn/Winter is not suitable for assessing breeding bird due regard is had to said previous survey work of 2013. The status of breeding Peregrine and tufa spring on this site are already confirmed. On that basis I would concur that further study is not required.
- 9.2.9. In general terms the surveys undertaken identified flora and fauna which would be found elsewhere in the vicinity of the site with no badger setts or any potential roosting sites for bats noted. The species observed on site would appear to have generally adapted to the level of disturbance arising from quarrying and there is no substantive reason as to why the said species will not continue to do so with the continuing activities. Therefore no significant adverse impact on these species are likely to arise.
- 9.2.10. Of particular note is that as a consequence of the deepening of the extraction area over time and the exposure of a natural spring running through the rock the formation of tufa spring on the eastern wall of the quarry has occurred. Tufa spring is a priority Annex 1 habitat. Peregrine Falcons are also present on the site. They were first detected in 2007 when the site would have been active and have been monitored by the NPWS since.
- 9.2.11. In proposing the continued operation of the quarry a set back distance of 15m from from the cliff face is proposed to protect the identified habitats. It is acknowledged that this figure is arbitrary but is considered sufficient to avoid negative impacts on the said flora and fauna. Taking into consideration (a) the vertical rather than horizontal extension of the quarry, (b) the cliff is not to be directly impacted upon, and (c) the fact that the peregrine falcons appeared to have first appeared on the site when the operations would have been ongoing, I accept the proposed mitigation measures to protect same. I note that the NPWS through the auspices of its parent Department did not make a submission on the application. Whilst the setback is to

marked on the ground to prevent the movement of equipment, machinery etc. close to these features, no details are given as to how this is to be realised. I submit that such detail could be sought by way of condition.

9.2.12. Noise from quarry operations may have an impact on the peregrine falcon although I note that the species was first noted on the site when quarrying operations were active and that the species is known to inhabit operative sites. Mitigation measures include the recommencement of works on the site outside the breeding season to allow an opportunity for the birds to become accustomed to the new levels of noise and activity. In addition a prohibition on blasting during the breeding season is recommended to minimise disturbance effects is proposed and is considered reasonable.

9.2.13. In conclusion given the existence of a quarry on the site the species recorded have learned to effectively co-exist with the quarry operation and it is reasonable to assume that this would continue.

## **Soil**

9.2.14. Extraction of greywacke by blasting and excavators is a permanent and irreversible impact. However, the quarry is a relatively small site and this permanent loss is unlikely to be significant in terms of the overall reserve.

9.2.15. Contamination of soils is possible as a consequence of accidental spills. In terms of storage no fuel or lubricants are to be retained on site with vehicle maintenance also to be off site. All fuelling activities on site are to be handled manually and therefore potential spill risk can be mitigated against immediately.

9.2.16. A detailed site landscaping and restoration plan accompanies the application. It is stated that there is adequate soil available on site for restoration and it is proposed to use the available onsite resources for appropriate restoration. I propose to address this matter in further detail below.



## Water

- 9.2.17. The existing quarry varies in ground elevation from 111mOD in the south to 83mOD in the north. The existing quarry floor is divided into two sections; one at floor level 89mOD and the other at floor level 79 mOD located to the north of the first section. The existing quarry extends 31 metres below the entrance ground level. To the north the land falls away towards the stream to a level of 81m OD. The average water table at the extraction area lies at approx. 84mOD. Dewatering has therefore been required to allow for quarrying operations and this is proposed to be continued. Possible impacts arising include changes to water table, alteration of groundwater flow paths, contamination of groundwater, alteration of flow volume within surface water body and pollution of surface water bodies.
- 9.2.18. It is stated that the contribution from groundwater inflow to the overall discharge from the site is small and it is estimated for the final quarry depth that a maximum groundwater inflow of 230m<sup>3</sup>/day (2.6L/s) would be contributed to the discharge to surface water. This is based on (a) evidence from the drilling of monitoring wells across the site has shown the bedrock to be of low permeability with clay lining fractures restricting groundwater flow, (b) very little weathering recorded both within boreholes and in quarried rock faces and (c) the fact that surface water ponds readily during storm events indicating a low infiltration rate. The GSI classifies the bedrock beneath the site as a Poor Aquifer with low yield test results recorded from the monitoring wells installed to the west and north of the site in 2008.
- 9.2.19. The HSE has concerns that the EIS does not address the issue of impact of dewatering on wells in the vicinity. As extrapolated from the details available from the Geological Survey of Ireland the nearest well to the subject site is that at Heronstown owned by Meath County Council. It did not express any concerns with respect to this provision in its submission on the application.
- 9.2.20. On the basis of the local hydrogeology and monitoring previously carried out, coupled with the absence of any stated concerns by both the planning authority and

landowners in the area as to the impact of the operation on wells I not consider further assessment is required. A condition requiring a programme of monitoring to assess if there is any deterioration in water quality or quantity as a result of continuing quarry operations could be considered by the Board should it be disposed to a favourable decision.

9.2.21. The drainage system previously operational on site comprising of periodic pumping to a settlement lagoon prior to discharge to the stream to the north under licence is to be upgraded. All surface water and groundwater is to be directed to a sump in the quarry floor which will discharge to a new lined attenuation pond and then on to the existing settlement pond which is to be upgraded with a suitable clay lining. Overflow from the pond is to be via an oil interceptor and will discharge via an outfall pipe to the stream at the same location as the previous discharge point. The requirement to install an attenuation pond into the system is based on estimations of likely storm water volumes and is to be sized to accommodate a volume of 2624m<sup>3</sup>.

9.2.22. Water quality was assessed following water sampling carried out in May 2009 with samples taken at the quarry sump, the settlement pond and the receiving water (Killary Water). The waste assimilative capacity and water quality of the stream as recorded was noted to be good with no third party or prescribed bodies raising concerns regarding impact of the quarry on surface water quality of the watercourses in the vicinity. This appears to demonstrate that the previous activities have not had any known significant adverse environmental impacts on water in this area. Therefore the introduction of a more sophisticated drainage management system should assist in the site's management and that the proposed continuation of quarrying activities subject to the introduction of the said measures would not give rise to concerns in this regard. A discharge licence will be required. I note that the recommendations as set out in Inland Fisheries Ireland submission would be relatively standard in terms of quarry development and can be addressed by way of condition.

9.2.23. A well was installed in 2009 and is used to supply the site with a required volume of c.6m<sup>3</sup>/day which will continue to be used in the wheel wash system and for dust suppression. The proposed wheel wash system is to be a closed loop system with waters recycled and reused with no discharge.

9.2.24. In conclusion I am of the opinion that sufficient detail has been provided to allow for a proper assessment and I submit that the continuation of the quarry activity would not have significant impacts on the hydrology of the area.

### **Air and Climate**

9.2.25. As stated previously the application site is situated in a lightly populated rural area. There are a number of dwellings in the vicinity predominately located along the county roads that serve the area. The nearest dwelling is c.20 metres to the south-west of the overall quarry site and c. 100 metres from the nearest quarry activity. There is a national school c.500 metres to the north.

9.2.26. The main emission to air arising from the quarry is dust. Dust monitoring has been carried out since 2002 at 3 points around the site which were augmented with a further 3 monitoring points from 2008 and all results as set out in Table 5.3 have been within the recommended limit value of 350mg/m<sup>2</sup>/day for dust deposition. The fact that the main processing and material transfer operations associated with the extraction activities occurred below the existing ground level would have contributed towards containing dust emissions within the site boundaries. As the proposed quarry activities are to remain below ground level this is anticipated to continue. Emissions will also be minimised by the continuing implementation of environmental management practices at the site including use of water sprays on materials stockpiles and haul roads during dry weather and installation of a wheel wash. Screening bunds around the site perimeter will also assist. Dust emissions from traffic is not anticipated to be a material concern due to the low volume of HGV movements anticipated.

- 9.2.27. Having regard to the scale of the development, the intermittent nature of the activity on the site, the dust monitoring results, the distance of the nearby residential properties from the site and intervening landscape features, I do not consider that the continuing quarrying activities will give rise to significant dust deposition.
- 9.2.28. In terms of noise the quarry operates in a rural area with quiet background noise levels mostly associated with traffic on the local road passing the site. From the quarry, noise emissions will arise from plant and equipment on site, blasting, processing and vehicles entering and leaving the site.
- 9.2.29. There are a number of screening banks along portions of the site boundaries which appear to offer some noise attenuation which is further assisted by the fact that the working quarry floor is materially below the surrounding ground levels
- 9.2.30. It would appear that no noise monitoring was undertaken in the past despite the fact that the quarry has been in operation for a significant period. As such the baseline noise monitoring undertaken in August 2013, the results of which are set out in Table 8.1 of the EIS, are largely reflective of the site's rural location when the quarry was not in operation with the biggest contributor being passing traffic on the surrounding network. Thus the EIS effectively sets out a study of the anticipated noise levels at the nearest noise sensitive locations arising from a reactivation of the quarry activities. The worst case scenario entails the assumption that all mobile machinery would be working at the quarry boundary point closest to the various noise sensitive receptors at the same time as all the stationary plant items operating in the centre of the quarry floor. In addition due consideration was also given to traffic noise impacts. Attenuation will be achieved by the existing quarry walls and the presence of the screening banks. As per Table 8.9 all the predicted noise levels were below the 55dB(A) standard save at location N2 (59dBA). This is attributed to the increased baseline result recorded arising from a mechanical digger operation in an adjacent field not associated with the quarry. The predicted 1dBA increase associated with the reactivation of site activities would not be observable. The worst case noise level predicted at N2 as a result of all quarry activities including internal

traffic is 52 dBA. I would accept the conclusions that the operation of the quarry would not have an adverse impact on the nearest noise sensitive receptors. Noise monitoring is to be carried out.

9.2.31. Blasting has occurred at the site at very low frequencies, typically at the rate of up to two blasts per annum. There was an ongoing monitoring programme in place at the site and all blasts were monitored. The standard parameters set out in condition 17 of the section 216 registration are referenced as being required to be met. I note that the results of the last blast at the quarry in February 2011 are given in Table 8.2 of the rEIS that accompanied the associated file SU0066. The results are materially below the peak velocity maximum of 12mm/second and the 125dB (Lin) air overpressure maximum value. It is proposed that all blasts be carried out in accordance with best practice with monitoring at selected residences to ensure compliance with prescribed limits with appropriate notification given prior to each event.

9.2.32. In view of the distance of the nearby residential properties from the site, the progressive working of the quarry away from the closest receptor and at a depth below the level of the surrounding lands, I do not consider that the development would give rise to noise levels or vibration impacts which would have a significant adverse impact on the environment. The continuation of standard mitigation measures already in place is proposed with monitoring to be ongoing. Conditions setting the relevant parameters not to be exceeded and best practice procedures are appropriate in this instance.

9.2.33. In terms of climate the quarry development has resulted in the emission of greenhouse gases to the atmosphere, primarily from the operation of plant and vehicles. However, these would not be significant locally.

## Landscape

9.2.34. The quarry lies within the '*North Navan Lowlands*' as identified in the current Meath County Development Plan with a landscape character which has a rating of very high value with high sensitivity. It is not affected by any view or prospect.

Topographically the area is an undulating river valley landscape with rising lands to the south and east which afford opportunities for open distant views. Whilst the site is accessed directly from Local Road L1603 the main works area is set back approx. 60 metres from the entrance and accessed via a relative long haul road.

9.2.35. The quarry void has substantially altered the landform of the local area. It cuts into the base of the rising topography resulting in higher faces on the south and east boundaries and has resulted in steep faces. However, views of the void and buildings on the site are limited as a consequence of topography, vegetation and embankments and are largely restricted to views from the north which, in themselves, are intermittent due to the topography. Some attempt has been made to place an earth berm along the northern site boundary but this has not been satisfactorily completed and has not been planted. Its potential effectiveness has therefore not been fully realised. The EIS also notes that there are a number of constructed berms at various points along the boundary, some of which would benefit from reshaping, topsoiling and planting. Inevitably the site will benefit from the demolition and removal off site of the large shed from the elevated position in the centre of the site and the improvement and augmentation of the said existing screening including earthberm profiling and tree planting.

9.2.36. Essentially the vertical extension of the quarry would not have a significant impact in visual terms over that existing and which would benefit from the proposed landscaping work.

9.2.37. A restoration plan accompanies the application and is mapped on Figure 10.11 of the EIS. In view of the protected bird species on the site it is expected that its future land use would be best suited to nature conservation and biodiversity function.

The works will entail the quarry floor to flood with no topsoil to be placed in areas likely to be submerged with planted berms around the boundaries to be retained in situ. Planting in other areas will include woodland restoration planting and species rich meadow grass restoration.

9.2.38. In conclusion I would consider that landscape impacts as a result of the proposed continuation of the quarry operation would be locally significant but that the visual impacts would not.

### **Material Assets**

9.2.39. Key local resources which are intrinsic to the application site include agricultural land on which quarrying has taken place, the stone resource which is being worked, and the road infrastructure in the vicinity of the site. Given the relatively small size of the application site and the vertical rather than lateral expansion of the works, direct impacts on agriculture and geology will not arise.

9.2.40. The site is situated to the south of Lobinstown Village with link access to the N2, N51 and N52 National Roads via the L1603 which runs adjacent to the quarry. The road in the vicinity of the site is relatively lightly trafficked with traffic counts undertaken reflecting same.

9.2.41. It is anticipated that an annual extraction rate of 100,000 tonnes equates to approx. 14 loads per day. To allow for possible variation in extraction a worst case scenario of 54 loads per day was adopted which equates to 378,000 tonnes per annum. A total of 126 trips per day is calculated (inclusive of trips generated by staff etc.). Taking into consideration guidance as set out in the NRA 'Design Manual for Roads and Bridges', the local road will operate within capacity with the traffic associated with the proposed development representing between 3% and 3.5% of the total traffic on the road during the assessment years 2016 to 2031.

9.2.42. Sightlines at the existing entrance are generally good to the south but somewhat curtailed to the north due to the bend in the road. As extrapolated from the rEIS accompanying the related file SU0066 the planning authority, during the assessment of the planning application for the asphalt plant on the site in 2004 under ref. SA20207 (PL17.204854), considered that the current access should be retained as it proved to be the most suitable access location. Notwithstanding it is now proposed to relocate the entrance north-westwards by 64 metres with 180 metre sight lines from a point 4 metres back from the edge of the carriageway attainable in accordance with DMRB TD 41-42 Section 7.7. I note that the applicant proposes to continue the imposition of a haul route restriction, namely HGV's will turn left out of and right into the quarry site with vehicles travelling along the L1603 south towards the N51 to access the wider public road network. I note that the planning authority in its submission to the Board is satisfied with the proposed arrangements.

9.2.43. It is my opinion that the traffic study represents a robust assessment of the likely significant traffic impacts that will arise from the continued operation of the quarry with an anticipated annual extraction of 100,000 tonnes. It is not anticipated that the small increase in traffic volumes on the local road and in the vicinity would give rise to material adverse impacts for the wider community or would adversely affect the carrying capacity of the local or national road network involved. The relocation of the site entrance will have a positive impact in terms of safety and vehicular movements. I recommend that the proposed relocation of the access should be required to be in place prior to the reactivation of operations on the site. This should be ensured by way of condition. In this context I also recommend that a condition stipulating a maximum annual extraction of 100,000 tonnes be attached in the interests of clarity.

### **Cultural Heritage**

9.2.44. No recorded monuments lie within the site or in close proximity to it. In addition there are no protected structures in the vicinity. As the continuation of the quarry entails vertical rather than lateral expansion the only additional ground works would be associated with the development of the new attenuation area. As there is the



potential for undocumented sub-surface archaeological features in the area appropriate monitoring is recommended.

9.2.45. I would therefore accept the view that the quarry operation will not have an impact on cultural heritage.

### **Inter-relationship between the Foregoing**

9.2.46. The main interactive impacts arising from the operation of the quarry are human beings, landscape, noise, dust, material assets and traffic related impacts, flora & fauna, soils & geology and water.

9.2.47. The EIS has shown that the impacts that will be generated by the application site (e.g. visual impacts, noise, dust and traffic), are within acceptable limits and are unlikely of themselves to cause significant environmental effects. Whilst I would agree with these conclusions, no doubt the presence of the quarry with its associated noise, dust and traffic effects in particular, will impact on the local area.

9.2.48. The inter-relationship between flora and fauna, soils and geology and water has been discussed above under 'Flora and Fauna' in which it is noted that the extraction has resulted in an environment that has allowed for the development of the tufa spring priority habitat, and has also provided an environment conducive for nesting peregrine falcons. Measures are to be put in place to ensure that these features are protected.

9.2.49. I know of no existing or proposed development in the vicinity with which cumulative impacts may or could result that may culminate in any significant environmental effects arising.

### 9.3. **Appropriate Assessment**

- 9.3.1. An AA- Screening report accompanies the application.
- 9.3.2. I proposed to follow the staged approach to screening for appropriate assessment as recommended in both EU Guidance and by the Department of Environment, Heritage and Local Government.

#### *Project Description and Site Characteristics*

- 9.3.3. The proposed development and site characteristics are as described in sections 1 and 2 above.

#### *Relevant Natura 2000 Sites, Qualifying Interests and Conservation Objectives*

- 9.3.4. The quarry is c. 9km to the north of the nearest point of the River Boyne and River Blackwater SAC (site code 002299). The qualifying interests are Alkaline fens, Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*, River Lamprey, Salmon and Otter. To date generic conservation objectives pertain to the site, the overall aim being to maintain or restore the favourable conservation status of the qualifying interests which will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.

#### *Assessment of Likely effects.*

- 9.3.5. The site is not within nor abuts a designated site thus there would be no direct impacts from the proposed development.
- 9.3.6. As the site is in a different catchment to the above designated site there is no hydrological link and, as a consequence, the activity has no potential to affect the site.

- 9.3.7. I note that the River Dee to the north of the site flows into Dundalk Bay SAC and SPA (site codes 0455 and 4026) which, measured as a straight line are c. 21 km to the east but are effectively over 40km downstream of the site. The relevant qualifying interests and conservation objectives are available on the NPWS website.
- 9.3.8. During construction and operation attenuation measures which would form the normal part of a quarry activity are to be in place to prevent silt and sediment entering the watercourse. The activity will require a discharge licence. I submit that in view of the separation distance, the size of the quarry and attenuation measures as detailed, which are common to quarry development, the proposed development does not have the potential to affect the sites.
- 9.3.9. There is no evidence to suggest that issues have arisen in terms of cumulative impacts with the historical operation of the adjoining quarry and other developments on the identified designated sites. I am not aware of any existing or permitted development and I therefore consider that the potential for in combination effects would not arise.

#### *Screening Statement and Conclusions*

- 9.3.10. In conclusion having regard to the foregoing, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on European Sites Nos.002299, 0455 and 4026 or any other European site, in view of the sites' Conservation Objectives and, a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

#### **9.4. Financial Contributions**

The Board is advised that as the quarry development entails vertical rather than lateral expansion the adopted Section 48 financial contribution scheme does not

apply (as per footnote 5 to Table 7 in the adopted scheme the levy relates to footprint of surface extraction area only).

## 10.0 Conclusions and Recommendation

In conclusion having regard to the documentation on file, the submissions received, a site inspection and the assessment above I recommend that permission for further quarry development be granted subject to conditions in accordance with the following **Draft Order**:

### REASONS AND CONSIDERATIONS

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

- (a) the provisions of the Planning and Development Act, 2000, as amended, and in particular Section 37L,
- (b) the 'Quarry and Ancillary Activities, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2004,
- (c) the provisions of the Meath County Development Plan, 2013-2019,
- (d) the Environmental Impact Statement submitted with the application for further development,
- (e) the report and the opinion of the planning authority under section 37L(12)(a),
- (f) the submissions made in accordance with regulations made under Article 270(1) of the Planning and Development (Amendment) (No. 2) Regulations 2015,

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

(h) the planning history of the site,

(i) the pattern of development in the area,

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

(k) Ref. SU17.SU0066 - application for substitute consent at the subject site.

#### *Appropriate Assessment*

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on European Site Nos. 002299, 0455 and 4026, or any other European site, in view of the sites' Conservation Objectives.

#### *Environmental Impact Assessment*

The Board considered that the Environmental Impact Statement submitted with the application, the report, assessment and conclusions of the Inspector with regard to this file and other submissions on file, was adequate in identifying and describing the

direct and indirect effects of the proposed development. The Board completed an environmental impact assessment, and agreed with the Inspector in her assessment of the likely significant effects of the proposed development, and generally agreed with her conclusions on the acceptability of the mitigation measures proposed and residual effects. The Board generally adopted the report of the Inspector. The Board concluded that, subject to the implementation of the mitigation measures proposed, the proposed development would not be likely to have significant effects on the environment.

### **CONDITIONS**

1. The development shall be carried out in accordance with the plans and particulars lodged with the application submitted to An Bord Pleanála on the 20<sup>th</sup> 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. The mitigation measures and commitments identified in the Environmental Impact Statement, and other plans and particulars submitted with the planning application received by An Bord Pleanála on the 20<sup>th</sup> day of January 2016, shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity and the protection of the environment during the construction and operational phases of the proposed development.

3. This grant of approval shall be for a period of 10 years from the date of this order.

**Reason:** To enable the effects of the development to be reassessed in the light of the operation of the permission and the circumstances then obtaining.

4. Extraction shall not exceed 100,000 tonnes per annum.

**Reason:** In the interests of clarity.

5. The depth of the excavation shall be no lower than 79 metres Ordnance Datum.

**Reason:** In the interests of clarity

6. The new site entrance as detailed on Drawing Nos. PL10 and PL11 received by An Bord Pleanála on the 20<sup>th</sup> day of January, 2016 shall be constructed and the existing site entrance shall be closed up and the roadside boundary planted within 6 months of the date of this order.

**Reason:** In the interest of traffic safety.

7. With three months of the date of this order details of the proposed physical barrier to be installed along the eastern boundary of the extraction area as delineated on drawing no. PL04A received by the planning authority on the 20<sup>th</sup> day of January, 2016 shall be submitted to the planning authority for written agreement.

**Reason:** In the interests of clarity.

8. (a) Five number groundwater monitoring wells shall be installed around the boundary of the site, at locations to be agreed in writing with the planning authority prior to commencement of development. Water levels in these wells shall be recorded every month. A log of these levels shall be submitted to the planning authority on a quarterly basis.

(b) An alternative water supply shall be made available by the developer, at his expense, immediately it becomes evident from the monitoring programme that the quality or quantity of water in the vicinity is being adversely affected.

Alternative water supplies may be secured by the deepening of private wells, drilling of new wells or other such alternatives as may be specified by the planning authority.

**Reason:** To protect and monitor groundwater in the vicinity of the site.

9. The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority within 3 months from the date of this order. This shall include the following:
- a. Proposals for the suppression of on-site noise.
  - b. Proposals for the on-going monitoring of sound emissions at dwellings in the vicinity.
  - c. Proposals for the suppression of dust on site
  - d. Details of safety measures for the land above the quarry, to include warning signs and stock proof fencing.
  - e. Management of all landscaping
  - f. Monitoring of ground and surface water quality, levels and discharges.
  - g. Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.



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

10. Within 3 months from the date of this order details of proposed boundary treatment, erection of security fencing and warning signage and, timescale for implementation shall be submitted to the planning authority for written agreement.

**Reason:** In the interest of public safety

11. All over ground tanks containing liquids (other than water) shall be contained in a waterproof bunded area, which shall be of sufficient volume to hold 110 per cent of the volume of the tanks within the bund. All water contaminated with hydrocarbons, including stormwater, shall be discharged via a grit trap and three-way oil interceptor with sump to a watercourse. The sump shall be provided with an inspection chamber and shall be installed and operated in accordance with the written requirements of the planning authority.

**Reason:** In order to protect groundwater

12. Scrap metal and other waste material shall be removed at least annually from the site in accordance with the written requirements of the planning authority. Such materials shall be deemed to include scrapped trucks, other scrapped vehicles, empty oil barrels, broken or otherwise unusable truck bodies, worn out conveyor belts/chains, worn out batteries, unusable tyres and worn out conveyor/roller shafts.

**Reason:** To protect the amenities of the area.

13. With three months of the date of this order details of the timescale for the implementation and completion of the advance landscaping works as set out in Section 10.2.3 of the Environmental Impact Statement shall be submitted to the planning authority for written agreement.

**Reason:** In the interest of visual amenity and to safeguard the amenities of property in the vicinity during the operating phase of the development.

14. 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.

15. 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 LArT value of 55 dB(A) during 0700 and 1800 hours. The T value shall be one hour

(b) an LAeqT value of 45 dB(A) at any other time. The T value shall be 5 minutes

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

16. (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

17.(a) 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).

(b) A monitoring programme, which shall include reviews to be undertaken at annual intervals, shall be developed to assess the impact of quarry blasts. Details of this programme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any quarrying works on the site. This programme shall be undertaken by a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority following this annual review.

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

18. (a) 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). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details to be submitted shall include monitoring locations, commencement date and the frequency of monitoring results, and details of all dust suppression measures.

(b) A monthly survey and monitoring programme of dust and particulate emissions shall be undertaken to provide for compliance with these limits. Details of this programme, including the location of dust monitoring stations, and details of dust suppression measures to be carried out within the entire quarry complex, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any quarrying works on the site. This programme shall include an annual review of all dust monitoring data, to be undertaken by a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority following this annual review.

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

19. The developer shall facilitate the archaeological monitoring of topsoil stripping within the area of the proposed attenuation pond. In this regard, the developer shall -

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

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

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

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

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

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

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

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**Pauline Fitzpatrick**  
**Inspectorate**

**October, 2016**