An Bord Pleanála

Inspector's Report

Development:	Limestone extraction, processing and ancillary development at Newtown, Duleek, County Meath.
Planning Authority:	Meath County Council
Applicant:	Irish Asphalt Ltd.
Application Type:	Application for Substitute Consent
Date of Site Inspection:	30 July, 2014
Inspector:	**Kevin Moore**

1.0 INTRODUCTION

1.1 This application is for substitute consent for a quarry at Newtown, Duleek, County Meath.

1.2 A notice was issued under the provisions of Section 261A, following a review by An Bord Pleanála, on 28th July, 2013 instructing the owner/operator of the quarry 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). An application for substitute consent accompanied with the above documents was lodged by the applicant with An Bord Pleanála on the 13th March 2014 following the granting by the Board of an extension of the period for the making of the application.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The existing limestone quarry is located approximately 2 km north of the village of Duleek in County Meath. It is separated from the village by the disused Navan-Drogheda railway line and by Duleek Commons, a wetland area that is a proposed Natural Heritage Area (pNHA). The quarry is accessed from a local road (L1601) linking Duleek with Donore village and lies on its west side. It has approximately 280 metres of frontage onto the road.

2.2 The applicant's landownership extends to 77.4 hectares in this area. According to the submitted Environmental Impact Statement (EIS) the current extraction area of the quarry measures 15.5 hectares. It is also stated that the rate of extraction from 1990 to 2000 was approximately 500,000 tonnes per annum, up to a maximum of approximately 600,000 tonnes per annum from 2000 to 2007, dropping to zero in 2010. Extraction has been undertaken over two benches that are 20-25m deep. Limestone

has been extracted using conventional blasting techniques and processed using mobile crushing and screening plant. The quarry floor is divided into the ‘old quarry’ at the north-eastern part of the site (32mAOD at its lowest level) and the current extraction area south west from this (24mAOD at its lowest level). Ground levels immediately beyond the extraction area range from c.60mAOD on the northern boundary to c.40mAOD in the south. The quarry floor levels have been worked below the water table.

2.3 Up to 2007 two sludge lagoons were located in the centre and south of the site, dealing with sludge from mobile washing plant. New washing plant was then installed and water is recycled or topped up from a supply well near the entrance. Water from the old quarry is pumped to adjacent lagoons on the south-eastern site boundary to keep the quarry floor dry. Discharge from the lagoons is licensed but no discharge has been recorded. It is stated in the rEIS that it is assumed that pumped water infiltrates to ground. Water is also pumped from the recent extraction area to the lagoons on the southern boundary.

2.4 There is a concrete batching plant and wash plant located on the floor of the old quarry. This is operated by a third party, Keegan Quarries Ltd. Structures on the site include an office, wheelwash, weighbridge, septic tank and toilets, car parking, hardstanding areas, and a fuel tank. These are located north of the main haul route and west of the main entrance. Service infrastructure at the site includes a subsurface Bord Gáis pipeline and 110kV and 40kV transmission lines.

2.5 The quarry is bounded by agricultural land uses. Suburban housing estate development has extended northwards out of Duleek as far as the disused railway line to the south of the quarry. There is some one-off housing on the east side of the local road opposite the quarry. A farmhouse immediately to the north of the quarry is in the applicant’s ownership. ‘Taafe’s Pond’, a low-lying depression on the northern boundary of the site, is a seasonally flooded pond that historically has been used as a

fishing amenity. Quarries in the vicinity include Irish Cement Platin some 2.5km to the north east and Stoneyford Quarry approximately 1km to the south west.

2.6 At present quarry activity at the site has ceased. There is some evidence of natural regeneration taking place. The ponds and lagoons are subject to revegetation.

3.0 PLANNING HISTORY

3.1 An Bord Pleanála Ref. PL 17.108993 (P.A. Ref. 97/1869)

Permission was granted by the Board in 1999 for retention of intensification of use and extension of existing quarry on a site area of 9.4 hectares for extraction, crushing and screening of limestone, ancillary working including wheelwash, bunded fuel store, weighbridge, office, wastewater treatment system, and hardstanding areas, closure of existing entrance and opening of new entrance, and land reinstatement on completion of use. An Environmental Impact Statement was submitted with this application.

3.2 An Bord Pleanála Ref. PL 17.125751 (P.A. Ref. 00/4233)

Permission was granted by the Board in 2002 for the extension of limestone extraction over an area of 10.3 hectares and associated development works on an overall site area of 41.9 hectares. Condition no. 2 prohibited Phase 2 of the proposed development due to the absence of comprehensive details on the ground water regime and limited excavation of Phase 1 such that it would not take place below a level of 35mAOD. An Environmental Impact Statement was submitted with this application.

3.3 **P.A. Ref. 01/4203**

Permission was granted to Keegan Quarries by Meath County Council in 2002 for a concrete batching plant and ancillary site development works.

3.4 **An Bord Pleanála Ref. PL 17.221216 (P.A. Ref. SA/60235)**

Permission was refused by the Board in 2007 for the extension of limestone extraction and retention of limestone extraction and other works. The proposed development provided for the lateral extension of limestone extraction over an area of 8.3 hectares, the deepening of the existing extraction area from 35 metres AOD to 5 metres AOD, an extension to an existing settlement lagoon (0.25 hectares) and a new groundwater settlement lagoon (0.25 hectares) to the south west of the site. It also included the retention of 7.1 hectares of other works including; a) an extraction area of 2.7 hectares, b) a stripped area of 2.0 hectares, existing bund of 1.01 hectares, silt pond of 0.64 hectares, and lagoons of 0.74 hectares. It further included the restoration of lands upon completion of extraction and all associated site development works on an overall site area of 30.43 hectares. An Environmental Impact Statement was submitted with the application. The development was refused because the Board was not satisfied that sufficient information in relation to key impacts, including the cumulative impacts arising from the presence of other quarries, the effects on surface water, groundwater and ecology had been provided and that the proposed development would not result in significant and adverse effects on Duleek Commons.

3.5 **P.A. Ref. QY/26** – The quarry was registered in accordance with the requirements of section 261 and was subject to 21 conditions. Reference is made to limestone excavated from a c.10.3ha extraction area at a rate of c.500,000 tonnes per annum. Condition no.2 placed a 12 year time restriction on quarry operations and required no quarrying taking place

outside the blue line as identified on the site plan submitted to the planning authority on the 22/04/2005.

3.6 **An Bord Pleanála Ref. QV17.QV0029 (P.A. Ref. QY26)** – A review of the decision by Meath County Council under the section 261A process was sought by the applicant. The Board decided to confirm the determinations under section 261A(2)(a)(i) and section 261A(3)(a), culminating in the application for substitute consent now before the Board.

Note: The substitute consent application boundary includes the areas previously permitted under Appeal Refs. PL 17.108993 and PL 17.125751.

4.0 APPLICANT'S REMEDIAL ENVIRONMENTAL IMPACT STATEMENT (rEIS)

4.1 The application's substitute consent area does <u>not</u> equate with the area the subject of determination by the Board under Ref. QV17.QV0029. The area in this application relates to the whole extraction and processing area. Thus, the rEIS considered the existing quarry in its entirety. This issue will be considered further in my assessment.

The findings of the rEIS include the following:

4.2 <u>Human Beings</u>

4.2.1 The rEIS notes that Duleek village is some 2km to the south of the quarry and that the rail line forms a strong physical development boundary to the settlement. It is also noted that residential properties in the vicinity of the quarry are scattered and front onto Station Road.

4.2.2 This section of the rEIS focused on the demography of the area and the socio-economic and health and safety impacts of the development. The findings included:

- The development had a limited, positive economic impact by way of employment of between 5 and 15 jobs.
- The increase in supply of construction products may have had minor positive impacts on cost competition for such products.
- Potential health and safety impacts were addressed through site security, noise control, and control of air pollutants.

4.2.3 It was concluded the operation of the development had not any significant adverse impact on human beings when account was taken of the mitigation and avoidance measures put in place and the implementation of the site specific Environmental Management Plan. Monitoring and remedial measures were considered to be not required.

4.3 Air Quality and Climatic Factors

4.3.1 With regard to the existing environment, the rEIS notes that there is a record of dust deposition monitoring at the site since 2004. It is stated that monitoring illustrates compliance with the relevant section 261 registration condition for dust deposition. Quarterly results between 2007 and 2013 are scheduled. It is submitted that the existing ambient air quality and the air quality in the past in the vicinity of the site is generally good and meets the requirements of all relevant legislation.

4.3.2 The main potential impacts on air quality associated with the quarry were identified as emissions of particulate dust and combustion gases. Blasting occurred typically up to once or twice per month during the busiest periods and excavated material was process using mobile plant. Mobile crushing plant was located on the quarry floor close to the active quarry face. Potential air impacts arose from fugitive particulate matter emissions.

Vehicle movements contributed to emissions of gaseous pollutants and some dust emissions.

4.3.3 It is submitted that the nearest sensitive receptors to the site are all more than 100m from the nearest point of the quarry site boundary and significantly further removed from the dust generating activities. It was estimated that the size of particle generated by the operations would not have sufficient travel distance capability to negatively impact on the nearest sensitive receptors. Furthermore, environmental management practices minimised dust emissions. It was also noted that the main processing and material transfer operations occurred below the existing ground level and the quarry face provided screening, while screening banks and stand-off distances between the quarry and residences further assisted in minimising nuisance from dust emissions. Reference is made also to water sprays being used on stockpiles and haul road and to the use of a wheelwash. The results of the dust deposition monitoring are acknowledged. The low volume of traffic relative to the total volume of traffic in the area was determined to have resulted in vehicle emissions having no impact on the receiving environment and the requirement for trucks to be covered was noted.

4.3.4 It was estimated that there were no adverse impacts on climate. No further mitigation measures were seen to be required.

4.4 <u>Soil & Geology</u>

4.4.1 The rEIS notes that the site is predominantly surrounded by deep well-draining mineral soils and that the subsoils comprise glacial tills. With regard to bedrock geology, the quarry is located mainly with the Clonlusk Formation, with the southern extension crossing into the Platin Formation. It is also noted that the quarry face exposures indicate occasional karstic features, the most common features being minor solution weathering and karst conduits not being common. They are noted to be now inactive.

Karstification is seen to be most intense in the upper levels of the bedrock, typically the first 10m below rockhead level. It is noted that the nearest County Geological Site is 'Duleek Quarry', located c. 600m to the south-west, important as a quarry to observe Lower Carboniferous limestone.

4.4.2 In terms of direct impacts, it is acknowledged that quarrying has resulted in stripping of the soil/subsoil cover and removal of bedrock. It is noted that the soils and subsoils will be used in the restoration of the quarry. Their importance is considered 'low', with no geological heritage value and limited economic value for agriculture. The impact of their extraction is rated as 'imperceptible'. The removal of bedrock is seen to be permanent, negative and irreversible. The importance of the extracted rock is considered 'low' due to no geological heritage value and the impact is considered 'small adverse'. It is noted also that the increase in the extraction area and increased quantities of soils/subsoils stored in berms has slightly increased the vulnerability of these areas to erosion, with the potential for slightly increased runoff during wet weather and dust emissions during dry weather. It was stated that there are no reports of soil or groundwater contamination as a result of accidental spillages.

4.4.3 In terms of indirect impacts, it is submitted that there was no indirect impact on the geological environment outside the extraction area and that soils, subsoils and bedrock on adjoining lands have not been impacted.

4.4.4 It is stated that no remedial measures are required and no residual impacts are expected.

4.5 <u>Water: Hydrogeology & Hydrology</u>

4.5.1 An overview of the water management on site was provided. It was noted the quarry has been worked below the water table and it is submitted that there are only minor groundwater inflows to the quarry void. It is stated that rainwater runoff and shallow drainage within the upper weather zone of bedrock is the most significant source of water within the site.

Referencing licensing of discharge from on-site lagoons, it was submitted that no discharge has been recorded. Two licenses apply to the site, namely MCC Discharge Licence No. 01/4 relating to discharge from the eastern lagoons and MCC Discharge Licence No. 03/6 relating to the southern lagoons. Pumped water is assumed to infiltrate to ground. When in operation it is noted that water is required during dry periods for dust suppression and it is stated that a sprinkler system is installed along the main haul route fed from a supply well and a mobile bowser is used as required elsewhere. No storage of fuels or chemicals is said to have taken place within the extraction area. A septic tank serves on-site toilets.

4.5.2 In relation to existing hydrology, 'Taafe's Pond', a naturally low-lying depression on the northern boundary of the site that is prone to flooding, is noted. Reference is made to historic maps showing the pond draining to a swallow hole, with no other natural outlet. It is noted the quarry is located in the Nanny Lower river water body (RWB), which is a section of the River Nanny catchment, and whose overall status, based on biological quality, is 'Poor', with the river deemed to be at risk of failing to achieve the objectives of the Water Framework Directive due to diffuse and point sources of pollution. An extended timescale now applies to restore this river to 'Good' status by 2027. The Drumman River to the south of the quarry is located within the Duleek RWB, a sub-catchment of the River Nanny catchment, and was deemed to be of 'Poor' status also. An extended timescale now applies also to restore this river to 'Good' status by 2027. The existence of a water reservoir on Redmountain operated by Drogheda Borough Council is also acknowledged.

4.5.3 In relation to hydrogeology, reference is made to the limestone formations in which the quarry is located and the bedrock aquifer type (regionally important aquifer – karstified, dominated by diffuse fracture flow). It is noted the quarry is within the Bettystown groundwater body (GWB) which has been assessed by the EPA as having an overall 'Poor' status due to

nutrient loadings to rivers. The quantitative status of the GWB is 'Good' as it is not at risk of over-abstraction. A programme of measures is in place to restore the status to 'Good' by an extended deadline of 2027. The natural groundwater vulnerability beneath the site is classified as being extreme with rock at or near the surface. Vulnerability of groundwater decreases as it flows southwards under low permeability deposits. The average potential recharge around the site is deemed to be low. Groundwater flow direction is south-south easterly across the site and is expected to be shallow. Groundwater levels are monitored in 18 wells across the site since 2008 and this shows groundwater levels vary between 6-10m between summer and winter. Background groundwater quality is consistent with the agricultural land use up-gradient of the quarry and the extreme vulnerability of groundwater to pollution. It is noted that there are two dewatering points within the quarry, one within the old quarry area and one in the more recent extraction area. Until March 2013 a third pump was installed in the main extraction area which pumped to the southern lagoons. Groundwater was also abstracted on demand from a supply well near the site's entrance. There are no known private wells in the vicinity of the quarry. It is stated that there are no discharges to groundwater within the substitute consent application area and that there are/were three discharges within the site from the eastern lagoons, the southern lagoons and the waste water treatment system.

4.5.4 With reference to impacts, it was submitted:

- There is no significant increase in the volume of water abstracted from the substitute consent application area and discharged to the southern lagoons.

- There has been no impact on surface water courses or surface water quality as there has been no discharges from the site since 2004. Prior to 2004 there was only an occasional discharge under licence from the eastern lagoons. Thus, there has been no impact

on the River Nanny. There has been no impact on the River Boyne as there is no hydraulic connection.

- As there are no local private wells there has been no impact on such supplies.

- In terms of groundwater quality, there is no evidence of groundwater pollution down-gradient and this is supported by the results from the monitoring wells. The significance of impact is determined to be 'imperceptible'.

- There is no evidence Taafe's Pond has been impacted by quarrying in the substitute consent area. The pond still floods to the same extent as before the quarry was developed but drains faster and is seen flowing through the northern quarry wall along fractures. It is noted that activities within the substitute consent area (blasting and dewatering) are likely to have impacted the drainage outlet from the pond. The rEIS submits that the pond, as a local amenity for fishing, is of 'low' importance. It is not viewed as being of ecological importance. The magnitude of impact on the pond water levels is estimated to be 'large adverse'.

- It is submitted that there is no evidence that quarrying within the substitute consent area has impacted on the hydrology of Duleek Commons (pNHA), the northern margin of which is c. 500m to the south.

- Since the removal of the third pump in 2013 water levels in the quarry void were allowed to rise. This does not impact on activities in other areas of the quarry which lie at a higher elevation.

- A comparison of groundwater levels between times of pumping and non-pumping does not show a significant change in groundwater

levels, suggesting that most of the water pumped from the quarry is surface water.

- Observations on pumping rates suggest that the rate of water abstraction from the quarry decreases significantly following rainfall events, suggesting rainfall runoff is the largest component of the water abstracted and constituting qualitative evidence that limestone permeability is low.

- The hydrology of Duleek Commons is not linked to groundwater. Any drawdown on the water table caused by pumping at the quarry would not impact on the hydrology of Duleek Commons. Past activities at the quarry are, therefore, not expected to have impacted on the hydrology of Duleek Commons.

- There is no evidence that groundwater abstraction impacted on the water balance of the Bettystown GWB.

4.5.5 The rEIS identifies the existing mitigation measures in place. In terms of remedial measures, it is proposed to carry out remedial measures to restore Taffe's Pond as a surface water feature for use as a local amenity. It is proposed to infill the outlet to the quarry from the pond during a period of dry weather and the measure is intended to be monitored for two years. No residual impacts are expected following the remedial measures.

4.6 Noise & Vibration

4.6.1 In relation to the existing noise environment, it is noted that noise monitoring is carried out around the quarry's perimeter and at nearby noise sensitive receptors at 6 monitoring locations to comply with the requirements of condition 7 of planning permission under Ref. PL 17.125751. The rEIS also notes that there is an extensive record of noise emission monitoring data available with records illustrating compliance at the site from 2005. Table 8.1 provides daytime noise monitoring results

between 2010 and 2013. Table 8.2 provides nighttime noise monitoring results between 2008 and 2009. It is submitted that the monitoring results show that the most significant contributor to noise levels in the vicinity of the site is passing traffic.

4.6.2 It is noted that there is an ongoing blast monitoring programme in place and blasts are monitored to ensure compliance with conditions attached with the quarry registration and PL 17.125751. The most recent blast data monitoring results are presented in Table 8. These relate primarily to 2008 and were taken almost exclusively at the one location. These show that the peak particle velocity limit of 10 mm/sec was not exceeded on any occasion at the sensitive receptor locations and that air overpressure results were within the prescribed limit of 125 dB(Lin).

4.6.3 With regards to assessment of impact, it is submitted that quarry walls were used to minimise noise and vibration emissions, as well as size and location of screening banks along with a minimum stand-off distance of more than 100m to nearest local residents. It is noted that the property to the north of the quarry is in the applicant's ownership. Six noise sensitive receptors are identified. Predicted noise levels from the operational quarry likely to be experienced at each as a result of quarrying were calculated. These predicted levels were each within the daytime limit value of 55dB(A) for continuous operation for all locations. It is submitted that this was a worst case scenario and that the noise levels would be much lower since the activity was not always taking place at the closest distance of approach to residences and all items of plant would not always be operating simultaneously. It is concluded that the noise levels experienced at the nearest sensitive receptors as a result of the quarry operations would have been and can continue to be well within recognised permissible levels.

4.6.4 On traffic noise, it is noted the Traffic Impact Assessment (TIA) estimated a maximum of 172 HGV movements per day at the site during more

concentrated periods of traffic generation. A predicted maximum noise level of 40dB(A) on the haul roads was estimated and it was considered this did not have any adverse impact on the noise climate in the area.

4.6.5 The combined noise impact was assessed. In using the baseline monitoring used from Table 8.1, it is acknowledged that there was no activity occurring at the quarry at the time of the survey. It was noted that the maximum predicted combined noise levels at the closest residences to the site were within the permitted L_{Aeq} 55dB(A) limit value for three of the six monitoring locations. The three over the limit are houses along the local road adjacent to the site. It was submitted that in each of these cases the baseline result was over the 55dB(A) limit and the elevated noise levels are as a result of passing traffic. It was submitted that there is an increase of 1dB(A) at two of the sensitive receptors that would not be observable by the human ear and that the noise contributions from the quarry were calculated using a worst case scenario which has not occurred in practice. It was concluded that the quarry operation did not and is not having an adverse impact on the noise climate at the nearest noise sensitive receptors.

4.6.6 On vibration impacts, it is stated that the monitoring data available for blasts carried out at the site show that there is no difficulty in meeting prescribed limits in relation to vibration and air overpressure limits at sensitive receptors in the vicinity. Mitigation measures employed with blasting are identified. It is concluded that potential impact of blasting was effectively managed and controlled and no nuisance was experienced.

4.6.7 It is noted that there are no noise or vibration emissions associated with the site in its current status. It is submitted that existing mitigation will ensure there are no adverse noise or vibration impacts experienced at the nearest noise sensitive receptors when the quarry is fully active. It is concluded that, due to site specific procedures and mitigation measures,

there has been no adverse impact on the receiving environment with respect to noise and vibration.

4.7 Flora & Fauna

4.7.1 The rEIS notes the Board has determined that a remedial Natura Impact Statement (rNIS) is not required in relation to the proposal and thus significant effects on European sites in the area arising from the quarry development are not likely to have occurred or are occurring. Two proposed Natural Heritage Areas (pNHAs), Duleek Commons (200m to the south of the site) and Thomastown Bog (3km south west of the site) are noted, as is 'Taafe's Pond' bounding the site to the north-west. The effects of the quarry on the latter are noted. The rEIS refers to it as an area of local biodiversity value for its wetland area. Reference was also made to the site pre-quarry works and the likely land use and habitats in place. Present day habitats were identified and a species list for each habitat was provided. It was stated that there are no habitats on the site that are of more than low value to biodiversity. It is acknowledged that land clearance removed any semi-natural habitats that would have been present.

4.7.2 With regard to impact, it is noted that cessation of quarrying has allowed a sand martin colony to establish on one of the sand heaps and barn swallows to nest in a building on the site. Habitat disturbance from the quarrying activities are noted, while reference is made to water management, noise, air emissions and lighting and the likely limited impacts arising. The impact to Duleek Commons pNHA was not considered significant, with fine sediment on the site being removed in the settlement ponds. The impact on Taafe's Pond is considered negligible as it is not a pond in the ecological sense and is not considered a feature of more than local value to biodiversity. Loss of habitat was seen to be compensated somewhat through the process of succession that is taking place on marginal areas such as berms and its ecological value is

considered to grow as vegetation develops. As no significant water courses are adjacent to the quarry pollution of surface waters during the construction phase is considered unlikely to have occurred. It is noted that there are no pathways for effects to occur to the River Boyne and River Blackwater SAC/SPA and the Thomastown Bog pNHA. The primary impact identified is the loss of hedgerow within the site. No significant impacts were identified.

4.7.3 With regard to mitigation, it is submitted that the loss of hedgerow has been compensated by the creation of 25 ha of semi-natural habitat. Ten bat boxes are proposed to be erected and the blocking of a sink hole in one of the lagoons to stem the flow of water from Taafe's Pond is also proposed. No residual impacts to flora and fauna are considered to have arisen. A regular monitoring regime of water levels is proposed also because of the proximity to Duleek Commons pNHA. This is to be accompanied by vegetation/ecological assessments of the site to allow for better management of the pNHA.

4.8 Landscape & Visual

4.8.1 The rEIS had regard to a previous Landscape and Visual Impact Assessment undertaken in 1996 (ABP Ref. PL.221216) and this was seen to provide a useful baseline to evolving conditions at the site. It was noted that the site does not fall within any major landscape designation, although it was noted that it is c.450m from the northern boundary of the Brú na Bóinne buffer, 3.8km from Newgrange and 3.4km from Dowth.

4.8.2 It is acknowledged that it is impossible to precisely describe and assess pre-development conditions or pre-development receptors at the quarry site and, therefore, difficult to exactly determine the subsequent impacts in landscape and visual terms. It is submitted that to consider impact from February 1990 to date the nature of the historical assessment requires a hypothetical approach to the methodology. Considerations are offered on

the site pre-1964. It is submitted that prior to extractive operations the site was predominantly low intensity agricultural use and appearance. The impact to extraction was viewed as 'Substantial'. The landscape capacity to absorb small-scale low intensity mineral extraction over 50 years ago was regarded as being relatively 'High'. It is acknowledged that the rate and scale of extraction would have been variable over time. It is submitted that the magnitude of change would have been less than the significant localised changes occurring within the site.

4.8.3 To consider impact from February 1990 onwards regard was had to aerial photography since 1995. It was considered that by 1990 the quarry was likely at its most visually disruptive with many boundaries open and overburden unplanted. Also, by 1990 it was acknowledged that the number of residential properties would have increased along with road users and, combined with exposed boundaries and expanding workings, would have resulted in 'Major / moderate' impact on much of the surroundings, particularly to the east and south.

4.8.4 The visual envelope of the site was determined to be limited due to a combination of manmade and natural topography. Views and prospects identified in the Meath County Development Plan are considered, one view of which (View No. 66) is in the direction of the site.

4.8.5 With regard to residual landscape impacts, reference is made to the profound changes by mineral extraction and their irreversibility but also to the requirement to consider post-cessation of operations, including rehabilitation. It is noted that there are no approved restoration proposals adopted for the site and that there is a significant landholding with opportunities to reinstate the quarry floors and to create a landform in keeping with the character of the area. It is acknowledged that without a fully considered restoration scheme permanent negative landscape impacts would remain. It is further submitted that without active restoration landscape impacts have remained relatively undiminished at the site since

the early 1990s. It is considered, however, that visual impacts have reduced somewhat due to earthworks and maturing natural regeneration. The magnitude of change since 1990 is considered 'Moderate'.

4.8.6 With regard to visual impacts, visibility from specific viewpoints is illustrated. It is submitted that, in general terms, the site's location within an undulating landscape combined with agricultural hedgerow results in a relatively compact visual impact, with relatively few publicly accessible locations from which the site can be fully experienced. It is considered possible through intervention to mitigate the extent of visual impact through a combination of site clearance, stockpile and overburden profiling, seeding and tree planting. It is recommended that a full restoration strategy be designed and programmed. The visual sensitivity of the site is considered 'Medium' and the magnitude of change is considered 'Moderate'.

4.9 Traffic & Transport

4.9.1 The rEIS identifies the haul route for extracted material. It follows a route to avoid Duleek and Donore villages by routing via the Platin Road, on to the R152 at Platin Cross and then northwards to the M1 Junction 8. Existing road conditions are also examined, including access into and out of the quarry. Existing road traffic flows are examined. It was found that the traffic flows on the R152 had reduced by almost 20% from previous surveys.

4.9.2 A review of the annual extraction rates for the site between 2007 and 2010 are given. It is noted that there was no extraction between 2010 and 2013. The highest volume of extraction (from 2008 at 595,590 tpa) was taken to provide the worst case in terms of operational traffic for the rEIS. It was noted that there would have been 5-8 operatives on the site. It was estimated that over a 5.5 day week there would have been 86 truck movements per day over a 10 hour working day (8.6 trucks leaving and

8.6 trucks arriving per hour), equating to 1 truck entering and 1 truck exiting the quarry every 7 minutes.

4.9.3 Noting again that traffic flows observed in 2013 on the nearby R152 were approximately 20% lower than the flows in previous surveys, the 2013 AADT figures were lifted by 20% to provide a worst case of background flows during a peak output year of 2008. It was submitted that the percentage impact of the peak output in 2008 would not be significant in the context of the total two-way traffic flows on the R152 at the Platin Crossroads. It was further submitted that queuing issues were not observed at this junction during the AM peak period in previous years. In terms of impact on Station Road to the north of the quarry access, it was noted that, while the impact is significant in terms of percentage increase in daily traffic, this was in the context of a low base level on a road that is adequate to accommodate two-way traffic flows and thus no capacity issues would have occurred.

4.9.4 In terms of mitigation for past impacts from the quarry, it was submitted that there are minor repairs that could be undertaken to repair rutting at joints in the road pavement on Station Road and in front of the stopline at Platin Crossroads, while worn road markings could be refreshed at the Donore, Mullaghmore and Platin junctions.

4.10 Waste Management

4.10.1 Reference is made to the quarry's Environmental Management Plan and it is stated that waste has been managed at the site according to best practice and management guidelines. Main practices are scheduled. Remedial measures proposed include erection of signage at the entrance to deter fly-tipping and removal of a small quantity of waste in the quarry. It was estimated that there was no adverse impact on the receiving environment with respect to waste generated by the quarry operation.

4.11 Archaeology & Cultural Heritage

4.11.1 The rEIS notes that there are no recorded archaeological sites on or immediately adjacent to the quarry site. It is further noted that the quarry is c. 3km south east of Newgrange passage tomb and the boundary of the World Heritage Site Buffer Area is located immediately north of the quarry. No previously unrecorded cultural heritage features were recorded and no features of archaeological potential were identified from examination of aerial photographs. No protected structures are located within or adjacent to the site and there are no sites of architectural heritage within or adjacent to the site. Reference was made to previous archaeological investigations at the site when no archaeological features or finds were revealed. No remedial works are considered to be required in relation to cultural heritage.

4.12 Interactions

4.12.1 The rEIS states that the assessments undertaken have established that the quarry operation has not had any significant adverse effects on the environment. It is noted that all of the effects of a development on the environment impinge on human beings. The main potential interactions of human beings with noise, traffic and transportation, with air, with traffic and transportation, with landscape and visual impacts, with surface, soils and hydrogeology, and with flora and fauna were addressed. It was concluded that the quarry activity from 1990 onwards did not result in any synergistic or cumulative adverse impacts on the environment that would be considered more than minor.

5.0 SUBMISSION FROM PLANNING AUTHORITY

5.1 Reference is made to the site context, planning and enforcement history, the section 261A process, and to the provisions of the current Meath County Development Plan. The submission also includes the following:

5.2 Matters Arising

The planning authority considers the substitute consent application area of 57.5 hectares is well in excess of what it considers to be the substitute consent area, i.e. the works undertaken post 1 February 1990. It recommends conditions relating to the relevant site area in any grant of permission.

5.3 Effects on the Environment

Human Beings

A direct impact on human beings would be low-scale employment which would be positive in terms of job creation. Humans would be indirectly impacted by traffic, visual impact, noise and dust pollution and these are adequately dealt with in the rEIS.

Air Quality

The overall impacts on air quality were acceptable having regard to mitigation measures in place. It is considered the proposal would not have significant implications for climate.

Soils and Geology

It is considered that the development has not had implications for geological aspects and soils of adjoining lands. It is noted that the original soils and subsoils have been used for berms to the west of the quarry for restoration later.

Water

It is noted that discharge from the two settlement lagoons is licensed and that there are adequate retention times to treat the flow rates. It is further

stated that the groundwater body has been assessed as not being at risk of over-abstraction by the EPA.

Noise & Vibration

It is stated that the planning authority has no information that would suggest any difficulties with noise or vibration on site.

Flora & Fauna

It is noted, on the basis of the assessment undertaken, that no direct or indirect impacts arise for any site designated for conservation purposes with mitigation measures in place. It is stated that there is no information that would indicate negative effects on the environment in relation to flora and fauna.

Landscape & Visual Impact

The landscape character area is acknowledged and it is noted that protected views are not impacted by the works undertaken.

Traffic

It is submitted that the planning authority has no information to suggest that traffic volumes were excessive.

Waste Management

It is acknowledged that the site has operated under an Environmental Management Plan and that minimal amounts of waste have been generated.

Archaeology & Cultural Heritage

It is stated that there are no direct or indirect impacts on any known items of heritage value.

In conclusion, it is stated that the planning authority is satisfied that the data contained in the rEIS is correct and that it has no information to

suggest that quarrying adversely impacted on the environment. Reference is again made to the inaccurate site area relating to the substitute consent application. It is stated that the granting of substitute consent should relate only to works already undertaken and not to future extraction over the full holding.

5.4 Development Contributions

It is submitted that, given development contributions were not applicable prior to the adoption of the 2010 Development Contribution Scheme, that the quarry has not been in operation for some time, and that there is no possibility of establishing the extent of works undertaken post 2010, it is not considered appropriate to seek any development contributions.

5.5 Opinion as to whether Substitute Consent should be granted

It is concluded that the quarry has not given rise to significant adverse effects on the environment and that ongoing impacts are limited in type and significance and can be remediated as outlined in the rEIS. The planning authority recommends that the application should be granted subject to an attached recommended schedule of conditions. The scope of the Substitute Consent land area is again reinforced.

6.0 APPLICANT'S RESPONSE TO PLANNING AUTHORITY'S SUBMISSION

6.1 The applicant's response to the planning authority's submission may be synopsised as follows:

6.2 Application Boundary

There is no basis for the planning authority to be concerned that the application is attempting to establish a consent for future extraction. The extent of the red line boundary for the application is appropriate having

regard to the works undertaken post 1 February 1990 and the definition of a quarry in the Planning and Development Act.

6.3 rEIS and Recommendation

The Council's submission on these is welcomed.

6.4 Proposed Conditions

Condition 1(b), referring to future excavation, is unnecessary.

Condition 2, referring to a landscaping scheme, is requested to be amended to include a provision that in default of agreement with the Council the matter can be referred to the Board.

Condition 3, referring to a restoration scheme, is requested to be amended to include that the restoration scheme can be agreed on foot of any future planning permission granted for extraction and that it be amended to provide that in default of agreement with the Council the matter can be referred to the Board.

7.0 SUBMISSIONS FROM PRESCRIBED BODIES

7.1 An Taisce

The submission focused on legal issues relating to the outcome of European Court Judgement Case 215-06 and the matter of the lodgement of a remedial Environmental Impact Statement. No reference was made to the application or the submitted remedial Natura Impact Statement. It was submitted that the lodgement of a remedial EIA with the Board does not in any way establish the legal basis of the quarry to which it relates.

7.2 **ESB**

It is noted that a number of power lines and polesets of various voltages traverse the site and it is submitted that it is essential that access to these polesets are maintained at all times. It is submitted that, prior to any remedial works, future quarrying or any construction works, the ESB must be notified to agree safe work practices and to ensure security of the power lines.

7.3 **Health Service Executive**

The HSE made a submission in relation to water/hydrology/hydrogeology, air quality, and noise and vibration relative to the submitted rEIS. The submission may be synopsised as follows:

- On matters relating to surface water, the impact on Taafe's Pond is of no public health significance. With regard to groundwater, reference is made to the findings contained in the rEIS.
- On air quality, dust deposition monitoring previously undertaken is acknowledged. Reference is made to three exceedances relating to drilling and the short-term local impact and that other than these measured dust levels were well below specified limits. On combustion gases it was noted that ambient air quality has been and is generally good and meets all legislative requirements.
- On noise and vibration, reference was made to the findings of the rEIS.

8.0 PLANNING POLICY CONTEXT

8.1 I refer the Board to Section 177 (k) of the Planning and Development Act 2000-2010 as amended. Subsection 2 sets out the matters to be considered when making a decision in relation to an application for

substitute consent, inclusive of the provisions of the development plan for the area.

8.2 Section 10.2 of the current Meath County Development Plan 2013-2019 contains information and relevant considerations in respect of the extractive industry. Other sections of the Plan considered relevant include matters pertaining to the extractive industry and building materials under the Plan's Development Management Guidelines & Standards. A copy of the relevant sections of the Plan is attached to this report.

9.0 ASSESSMENT

9.1 Extent of Substitute Consent Area

9.1.1 It is essential to firstly identify the development that is the relevant development placed before the Board for consideration. The substitute consent process in this instance is intended to relate to development that has previously taken place for which EIA was required and did not occur. It is directly focused on the quarrying activity that was of a category of development to which the EIA Directive applies and of a scale that merited EIA. There is no dispute that the scale of previous extraction after 1990 and the coming into effect of the EIA Directive was such that EIA was required for these quarrying activities. I note that the Board, in the overall assessment of the quarry under the review process under section 261A, sought to identify where it was considered the quarry extraction occurred that should have been subject to EIA. It would appear that a quarry extraction area south of the 7.6ha extraction area permitted under Appeal Ref. PL 17.125751 was the area considered the area relevant to the substitute consent process.

9.1.2 I note that the area the subject of the application now before the Board comprises an area that incorporates the entire quarry operation at this

site. Section 3.2.2 of the submitted rEIS states: "*Given the nature of the development, the complexity of defining those elements subject to substitute consent particularly by reason of the depth of extraction, and the need to address the cumulative impact of development at the site, the rEIS describes and assesses the overall development and impacts of works at the site over the relevant period 1990 to 2013, including extraction and works on those areas previously permitted.*"

9.1.3 It is evident from the applicant's submission that it is seeking a 'clean sheet' by way of making an application for substitute consent for the entire quarry and its operations. The applicant is seeking to regulate the vast extent of unauthorised quarry extraction and processes that have taken place on this site over the years. The substitute consent process is clearly not intended to be used in this way. The process can only relate to the area relevant to past activities for which EIA was required and did not take place. It, therefore, does not apply to other extraction areas within the site and does not apply to all unauthorised structures and plant on this site. The unauthorised structures and plant are not categories of development to which the EIA Directive directly applies. The process to retain these unauthorised structures/plant is through retention planning applications. Similarly, ongoing, and extensions to, quarry extraction can only be subject to future planning applications under Part III of the Planning and Development Act.

9.1.4 Based upon the applicant's approach to preparing an EIS for the whole quarry operation, it is unreasonable to assume that an adequate and comprehensive EIA can be undertaken for the particular section of the quarry extraction area so determined to be relevant to the substitute consent process.

10.0 RECOMMENDATION

It is recommended that the applicant be written to in accordance with section 132 of the Act as follows:

The Board is of the view that the scope of the application for substitute consent submitted on 13th March, 2014 is beyond that prescribed under section 261(A) of the Planning and Development Act 2000 (as amended) by reference to the extent of the area the subject of the Board's previous determination under section 261(A)(2)(a). Therein, it was so determined that the quarry extraction area to the south of the 7.6ha extraction area permitted under Appeal Ref. PL 17.125751 constituted the area relevant to the substitute consent process. A drawing of the land area determined to be the relevant land area applicable to the substitute consent application, is attached for reference.

You are requested to submit revised documentation within six months of the date of this notice, including a revised remedial Environmental Impact Statement, which is targeted to the area to which the section 261A determination relates. Other activities and extraction areas within the confines of the overall quarry operation may be considered in the context of cumulative impact and specific drawings and particulars relating to the relevant substitute consent land area are requested to be submitted, including cross sections.

You are to note that the Board, in accordance with section 133 of the Planning and Development Act may at any time after the expiration of the period specified in this notice, having considered any submissions, observations or document, particulars or other information submitted by the person on whom the notice is served, without further notice to that person determine or dismiss the application.

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Kevin Moore

Senior Planning Inspector

July, 2016.