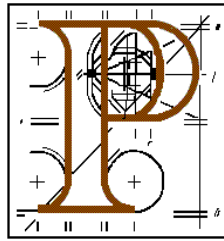


An Bord Pleanála



Inspector's Report

Development: Quarry at Hilltown Little and Bellewstown,
County Meath.

Planning Authority: Meath County Council

Applicant: Kilsaran Concrete

Application Type: Application for Substitute Consent

Date of Site Inspection: 4th November, 2014

Inspector: Kevin Moore

1.0 INTRODUCTION

- 1.1 This application is for substitute consent for a quarry at Hilltown Little and Bellewstown, County Meath.
- 1.2 A notice was issued under the provisions of Section 261A, following a review by An Bord Pleanála, on 10th October 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 (rEIS) and a remedial Natura Impact Statement (rNIS). An application for substitute consent accompanied with the above documents was lodged by the applicant with An Bord Pleanála on the 3rd June 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 Bellewstown Quarry is located in the townlands of Bellewstown and Hilltown Little, 1.5km west of Bellewstown Cross and 8 km south of Drogheda. The current extent of the quarry extraction area is stated in the rEIS to be 8.1ha. The substitute consent application area is 23.5 ha, while the overall land holding of Kilsaran Concrete at this location is 86.5ha.
- 2.2 The site comprises an established quarry (not operational at time of inspection), where rock is extracted using explosives to blast exposed rock faces. The excavation comprises two benches, the lowest is stated to be generally at 116m AOD and the second higher bench is at an elevation of c. 128m AOD. A sump, located at the lowest part of the lowest bench, collects surface and groundwater, which is then periodically pumped to a constructed discharge water treatment facility located at the southern boundary of the property. The field to the south acts as a buffer between

the active quarry and neighbouring residences. Within the quarry void blasted rock has been processed using mobile crushing and screening plant to produce various aggregate grades for sale to the construction industry. The rEIS states that there was an estimated total extraction between 1990 and 2013 of 5.4 million tonnes.

- 2.4 Ancillary to extraction and processing, the quarry also has two workshops where plant maintenance is undertaken, office facilities, a weighbridge and bunded fuel storage tanks. There is a former canteen and associated small WC that are no longer in use. An existing septic tank is deemed by the applicant to be obsolete, is proposed to be decommissioned and to be replaced by a proprietary waste water treatment facility (subject to planning approval).
- 2.5 There are no rivers, streams or lakes within the boundary of the site. All surface water within the site is captured at the quarry sump. Water is pumped intermittently from the sump (manually controlled) through a discharge water treatment facility to a specific discharge point. The discharged water flows via a culvert under the public road into a land drain, which in turn flows into Lunderstown Stream, which in turn flows into the Nanny River. The rEIS states that the characteristics of the bedrock ensures that dewatering does not entail excessive discharges of water and the lateral extend of any impact on the watertable has not been significant. A groundwater monitoring programme has been in place at the quarry since early 2008.
- 2.6 The quarry void is screened along its perimeter by landscaped screening mounds. The site boundaries adjacent to the local road network have chainlink fences. The quarry entrance is accessed by a double gate with palisade fencing. The quarry has access to Junctions 7 and 8 of the M1 motorway some 3km to the north-east via a narrow local road network.

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

3.0 PLANNING HISTORY

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

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

3.3 A number of local residents issued High Court proceedings (2008 No. 21 MCA) seeking an order to close the quarry. A final Order was made by the High Court on 15th May 2009. The continuation of quarrying activity was permitted under this Order. The planning status of the quarry, premised on the commencement of development before 1st October 1964, was addressed and regulated by Order of the High Court. The Order specifically limited the operating hours, connected haulage trips and other matters connected with that quarrying activity. Quarrying was also limited to Folio 19959F.

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

- 3.4 An Enforcement Notice was issued by Meath County Council to Kilsaran on 6th December 2007 requiring that vehicle movements be limited to that cited on 261 quarry registration, equating to a total of 81 loads a day.
- 3.5 On 6th March 2008, the planning authority served a second enforcement notice requesting cessation of all activity at the quarry. The validity of the said notice was questioned by way of judicial review proceedings in the High Court (2008 No. 291 JR). This challenge has not been opposed by the planning authority. No defence has ever been lodged.
- 3.6 In January, 2009, a planning application was made (P.A. Ref. SA9000494) to extract rock in an area of 13.1 hectares to a maximum depth of 80m above Ordnance Datum, and to process (including crushing and screening) the excavated material. The development was proposed to take place in an overall site of 23.5 hectares. The application was withdrawn in March 2009, on advice from the planning authority that it believed itself prevented, by a circular issued by the Department of the Environment, Heritage & Local Government (PD 3/08), from considering these kinds of applications on foot of ECJ Case 215/06.
- 3.7 Under Appeal Ref. PL 17.236763, permission was granted by the Board in November 2010 for a discharge water treatment facility to treat discharge waters from the quarry, subject to 7 conditions (P.A. Ref. SA901256).
- 3.8 Subsequent to receiving the planning approval for the discharge water treatment facility Meath County Council granted a licence to discharge effluent arising from the quarry to surface waters (Reg. Ref. No. 10/02).

4.0 APPLICANT'S REMEDIAL ENVIRONMENTAL IMPACT STATEMENT (rEIS)

The findings of the rEIS include the following:

4.1 Human Beings

4.1.1 Acknowledging the range of impacts on human beings in terms of water, air quality, noise and vibration, landscape and visual impact, material assets, and transport and traffic that are addressed in separate sections of the rEIS, the range of likely significant impacts considered in this section of the rEIS relate to population, settlement patterns, land use, amenity and tourism, and social infrastructure.

4.1.2 It is submitted that the rural context in which the quarry is now set is much the same over the subject period 1990 to the present day. To this end the rEIS submits that aerial photographs would indicate relatively little new residential development in very close proximity to the site.

There is a likelihood that the continued use of the quarry since 1990 would have had an indirect but positive impact on population through increased employment within the county. Continued extraction at the quarry would secure employment for 7 people directly and a further 17 associated with the haulage operation.

The predominant land uses in the area in the vicinity of the quarry for the period the subject of the application were farming and residential. The proposed landscape remediation would offer a range of amenities and facilities that could extend further existing land uses, including education (geological research) and potentially tourism.

It has been determined that the quarry would not have had any effect on the tourism potential of the area. It is considered there was a neutral impact on amenity. Remedial measures will further improve the landscape and visual condition of the site.

There would have been no direct impact on social infrastructure since 1990.

Health and safety provisions are addressed and measures are identified to maintain the health and safety record on the site.

No residual impacts are identified and no remedial measures are stated to be required.

4.2 Flora & Fauna

An inventory of the flora and fauna of the site was prepared. No rare or other species of particular scientific interest were found. A total of 90 plant species, 33 vertebrate animal species and 7 butterflies were recorded within the quarry and adjoining farm land. Most of the plants, vertebrates and butterflies are common throughout Ireland. Past, current and future impact of the development on the flora and fauna of the surrounding area is considered to be insignificant.

The nearest statutory designated site is the River Nanny SPA. Its nearest point to the quarry is 7.5km to the north-east. Treated water from the on-site treatment facility located in the south-east corner of the quarry discharged to a drainage ditch which flows into a small tributary (Lunderstown Stream) which eventually empties into the River Nanny.

Reclamation proposals for the site are provided for in Section 5.6 of the rEIS. The creation of new habitats is seen to ensure a more interesting and diverse flora and fauna being established.

It was concluded that no significant residual ecological impacts have occurred since 1990 as a result of the quarrying activities. The established remedial measures were seen to ensure there would be no significant adverse effects on flora and fauna.

4.3 Soils & Geology

The rEIS submission on soils and geology was based on a geological assessment carried out for an EIS that accompanied a planning application for a quarry extension that was lodged and then withdrawn in 2008.

Outside the boundary of the site, the direct impact on the geological environment was assessed as being low to negligible in terms of geological impacts. The quarry was also seen not to have had any indirect impacts.

It is proposed to leave most of the geological sequences exposed to allow maximum understanding of the area's geological heritage.

No remedial measures are stated to be required.

4.4 Water

Surface Water

There are no natural surface water drainage features within the site boundary and all surface water runoff drains towards the sump area. Rainfall landing within the site is therefore generally lost to evaporation, recharged to the underlying water table or during very wet periods collects on the quarry floor and is pumped from the site via the quarry sump to the settlement pond and reed bed for licensed discharge to the Lunderstown Stream via a drainage ditch.

Groundwater

The rEIS findings include:

- The Geological Survey of Ireland (GSI) has classified the Ordovician volcanic in this area as Poor Bedrock Aquifers - PI (Bedrock which is generally unproductive except for local zones).

- The groundwater catchment to the quarry void is kept localised to the near vicinity of the quarry site.
- The Groundwater Body (GWB) in which the quarry site is located is the Duleek GWB and it is assigned a “Good Status” with an overall risk result of 2a (Not At risk of not achieving Good Status). The overall quantitative and chemical status is Good.
- There are no public groundwater supplies within 7km of the quarry site.
- Private wells are the main source of water in the Bellewstown area. The available groundwater elevation data for the area suggests that the wells in the vicinity are not located within the groundwater catchment to the quarry and therefore cannot be impacted by the quarry in terms of water levels or groundwater quality.

Section 7.4.1 identifies the impacts of the development on water and identifies the mitigation measures to be put in place to remediate them. These primarily include good on-site management practices. It is concluded that no significant effects on the surface water or groundwater environment as a result of the development were identified by the remedial Environmental Impact Assessment. However, as a precautionary measure it is proposed that the on-site septic tank will be decommissioned. Also, monitoring of quarry discharge (volumes & quality), on-site groundwater levels and off-site groundwater levels are proposed to continue.

4.5 Air Quality

The dust monitoring results for the site show that operations have been compliant with Emission Limits Values recommended by the EPA, DoEHLG and the ICF. The mitigation measures adopted with site operations ensured that there was no significant effect on local residences or on local amenities from the extraction and processing at this site. No

significant effects on the air quality aspect of the environment were identified and it was concluded that no remedial measures are required in relation to air quality.

4.6 Noise & Vibration

Monitoring of noise levels since 2006 showed the quarry has operated within required thresholds set by the High Court. Vibrograph monitoring results to-date have demonstrated that, since regular monitoring commenced, the quarry has operated within the thresholds set by the High Court. Section 9.3 of the rEIS sets out mitigation measures for noise and vibration. These constitute best practice measures. No remedial measures are required with respect to noise or vibration as the past blasting and noise generating activities have been and gone.

4.7 Climate

Bellewstown quarry has had no significant impact on climate or from the climate. No mitigation measures are required and no remedial measures are required.

4.8 Landscape & Visual

The impact assessment of the quarry development between 1990 and 2013 found the following:

Landscape

There have been direct, profound and permanent impacts on the landform, land use and land cover (vegetation) of the site. These changes can for the most part not be remedied. However the changes are not out of character in the wider landscape in which quarrying is an established, characteristic land use and quarrying-generated features are not

uncommon. Therefore the impact on landscape character is not of high significance, and can be considered neutral.

Visual Amenity

A range of remedial measures (including the construction of tall earth mounds inside all boundaries, and some planting) were implemented in the period of development. These have effectively screened the excavation and all quarrying operations (except arrival and departure of vehicles at the site entrance area) from view from the surrounding area. However the mounds themselves are visible and in some cases prominent in views. Most of the mounds are not covered by woody vegetation and are angular in form; they appear somewhat engineered and unnatural in the landscape. Where the mounds are visible, they detract from the visual amenity experienced by receptors, including nearby residents and visitors to the area (e.g. to Bellewstown race course).

A range of landscape remediation measures are identified – to be implemented in two phases, starting within a year of receipt of substitute consent. The first phase remediation measures can be implemented in tandem with the continued quarrying operations in Folio 19959F, as allowed by the settlement terms of High Court Case 2008/21 MCA. The second phase of measures is designed for implementation following closure of the quarry. Should planning permission ever be granted for further operations or expansion then these measures could be adapted for incorporation into the new development.

4.9 Material Assets

This section of the rEIS considered archaeology, architectural heritage and architecture. It is concluded that there are no direct or indirect impacts

on any known items of cultural heritage, archaeology or buildings of heritage interest in the substitute consent application area or the vicinity.

4.10 Transport & Traffic

This chapter of the rEIS is referenced to a traffic and transport assessment carried out for the Bellewstown Quarry in 2008. It describes the receiving roads environment and reports upon past and present traffic conditions arising at the site and on the receiving road network. The quantum of traffic generated by the quarry was reviewed together with historic traffic data. Estimates were provided regarding likely past traffic arising and variations at the site. As part of the previous study, a road geometry assessment and condition survey was carried out. The assessments provided in this section focus on those local routes leading to the regional and national road network which are known to have been most heavily trafficked by quarry vehicles.

It is acknowledged that distributions may reasonably have fluctuated and modulated over the 23 year period 1990-2013. The distribution recorded in the 2008 turning count surveys were presented as providing a reasonable frame of reference for typical traffic distribution to the receiving local road network.

The receiving road network was concluded to have sufficient capacity to accommodate the traffic arising from the Bellewstown Quarry. Traffic arising from Bellewstown Quarry was not found to have a significant impact upon the capacity of the receiving road network.

4.11 Interaction of the Foregoing

This section of the rEIS provides a schedule identifying the interactions of the range of factors addressed above, with a particular focus on interactions with human beings.

5.0 APPLICANT'S REMEDIAL NATURA IMPACT STATEMENT (rNIS)

- 5.1 The screening assessment undertaken for the quarry, leading to the submission of the rNIS, concluded that there was potential for likely significant effects on the River Nanny Estuary and Shore SPA, arising from in-combination effects with four other quarries in the area, due to the linkage via the stream that has received discharges from the quarry. It is noted that the SPA was classified in January 2008 and that it is all activities after this date that are required to have had regard to likely significant effects on the SPA and would have required an appropriate assessment.
- 5.2 The rNIS notes that the potential significant impacts that could occur relate to changes in key indicators of conservation value due to possible deterioration in water quality. It was considered, however, taking into consideration the location of the SPA (c. 19.5km downstream) in relation to the site together with sufficient dilution rates and drainage capacity, the risk of significant adverse impacts is deemed low. Reference is made to the mitigation measures that have applied on the site to address potential accidental spillages. The report states that analysis of water samples at the point of discharge indicates that the water accumulating at the quarry sump is not impacting on the physico-chemical quality of receiving watercourses. It was further considered that, due to the nature, quantity and treatment of the waters being discharged there would be no significant effect on receiving water bodies in the surroundings. Mitigation measures applying are set out in Section 6 of the rNIS. It is submitted that, with the incorporation of these measures, the operating quarry will not contribute to in-combination impacts of significance on the interests of the SPA. It is acknowledged that the nearest consented quarry is some 4.8km north-west of the quarry and it too is upstream of the SPA.

- 5.3 The rNIS submits that by incorporating the range of mitigation measures identified in the report (inclusive of the water treatment facility), which are stated to be proven to be effective at improving the quality of discharge waters, the potential risk of significant adverse impacts to the SPA is eliminated. Furthermore, it is submitted that continuous monitoring of the quality of surface water discharge will ensure any possible problems will be identified immediately and action taken. It is concluded that, provided the mitigation measures are adhered to, the quarrying activities will not adversely affect the integrity and conservation status of the SPA.

6.0 SUBMISSION FROM PLANNING AUTHORITY

6.1 The Extent of the Substitute Consent Application Area

The planning authority notes the submitted area for substitute consent comprises an area of 23.5 hectares. It is noted the actual extraction area is c. 8.1 hectares. The submitted area is considered well in excess of what the substitute consent area should be. Conditions relating to the site area are recommended in the event of any grant of permission.

6.2 Effects on the Environment

Human Beings

A direct positive impact would be low-scale employment.

Flora & Fauna

The applicant's inventory on flora and fauna was noted. It was acknowledged that a Natura Impact Statement was submitted.

Soil & Geology

It was considered the development did not have implications for geological aspects and soil of adjoining lands. Aquifer classification was acknowledged.

Water

It is acknowledged that the volume of groundwater entering the quarry void is minimal and the pumping regime on the site primarily removes surface water from rainfall. It is also noted that the groundwater catchment is localised to the quarry itself. On the applicant's findings on impacts on wells, the planning authority submits it has no information to the contrary. Monitoring of water quality is further noted and compliance with standards set by the discharge licence is referenced. No significant impacts on the River Nanny catchment are expected. Alluding to the settlement and treatment system on site, it is submitted that, as the reed bed grows and matures, nutrient removal is expected to increase.

Air Quality

The overall impacts on air quality were regarded as acceptable having regard to mitigation proposed.

Noise & Vibration

The planning authority has no information to hand that would suggest any difficulties with noise or vibration on the site.

Climate

It is submitted that the development will have no significant effect on the climate or micro-climate and that climatic factors will not give rise to any adverse effect on the development.

Landscape & Visual

The findings and proposals set out under this section in the rEIS are synthesised.

Cultural Heritage

The lack of direct and indirect impacts on cultural heritage was acknowledged.

Transport & Traffic

The planning authority acknowledged the main findings of this section of the rEIS.

In conclusion on the rEIS, the planning authority submitted that it was satisfied that the data contained therein was correct. It stated that it had no information to suggest that quarrying adversely impacted on the environment.

6.3 Effects on European Sites

The planning authority submitted that, taking into account all matters discussed and provided that the mitigation measures are adhered to, it is concluded that quarrying activities within the site will not adversely affect the integrity and conservation status of the River Nanny Estuary and Shore SPA.

6.4 Development Contributions

Development contributions were not applicable prior to the adoption of the 2010 Development Contribution Scheme. Given the planning authority is satisfied that the quarry has not been operational for some time and that there is no possibility of establishing the extent of works undertaken post 2010, it is not appropriate to seek any development contributions.

6.5 Recommendation

It is concluded that the quarry has not given rise to significant effects on the environment. A grant of permission is recommended. It is reiterated that the area the subject of the application is in excess of the area for which consent should be sought.

It is recommended that four conditions be attached to the consent permission. These relate to the grant of permission being restricted to the relevant works, the submission of a landscaping scheme, the submission of a restoration scheme, and the provision of a security to secure reinstatement.

7.0 APPLICANT'S RESPONSE TO PLANNING AUTHORITY'S SUBMISSION

7.1 The applicant's response to the planning authority's submission may be summarised as follows:

- * In reference to the issue of the area the substitute consent should apply to, there is no direct evidence of the extent of the quarry on 1st February 1990 and thus any line on a map would be at best a guess.
- * It is reiterated that the High Court has established where and to what intensity quarrying can continue, irrespective of substitute consent or the requirement for any further planning permission.
- * Any reference to restoration schemes has to acknowledge that there is an established right of continued works at the quarry.

8.0 SUBMISSIONS FROM PRESCRIBED BODIES

8.1 National Roads Authority

The NRA submitted that it had no specific comment to make in relation to the development relating to the safe and efficient operation of the national road network.

8.2 Geological Survey of Ireland

The GSI submitted a schedule and associated map which alluded to the quarry being recommended for Geological NHA. It stated that it had no additional comment to make.

8.3 Health Service Executive

The HSE made a submission in relation to water, air quality and noise and vibration. The submission may be summarised as follows:

- The hours of operation specified by the High Court Order should be included as part of the conditions.
- Clarification is required in relation to sediment produced from the settlement of surface water and whether sediment is to be stored or removed from the site. Any historical disposal of such sediment which might have occurred should be outlined in detail, including its environmental impact.
- It is recommended that a new proprietary waste water treatment plant be installed to comply with EPA guidance. Regular water quality monitoring of all wells should be included in the groundwater monitoring programme and should include microbiological and chemical analysis.
- It is recommended that a wheel wash be provided to control dust off site by vehicles leaving the site.

- Noise and vibration monitoring should be carried out at representative times.
- There should be a documented system providing for the notification of blasting events to householders.

Concluding recommendations included the agreement with the Council of a Decommissioning Environment Management Plan to include site security and ultimate disposal methods of plant and solid and semi-solid waste from the settlement pond.

8.4 Department of Arts, Heritage and the Gaeltacht

It was recommended that a condition (as set out in the submission) pertaining to archaeological monitoring be included with any grant of planning permission that may issue.

9.0 SUBMISSIONS FROM THIRD PARTIES

- 9.1 Submissions from Desmond Woods, Sharron Mallon Hanratty, Loretto Ludlow, Canice Leonard, Niall Mallon, Kevin Greene, Michael Reilly, Martin Molloy, Helen Molloy, David Newton, and Bernadette Mc Guinness refer to pollutants, traffic and damage that arose from the quarry operation previously, to the adverse effects on the locality and to the unacceptability of the quarry recommencing in the future.
- 9.2 The submissions from John A. Woods and Patricia Woods refer to a range of deficiencies that relate to the EIS.

10.0 APPLICANT'S RESPONSE TO SUBMISSIONS

10.1 Response to the Health Service Executive

The response may be summarised as follows:

- It is noted that the HSE received no complaints in relation to the operation.
- Since the date of the Court Order the quarry operated in accordance with the specified hours of operation.
- On surface water, the accumulation of suspended solids in the settlement pond is not significant. Washing of aggregates has not taken place so there has been no need to remove large quantities of silt and clay. No sediment has yet been cleaned from the pond because there has been no significant build up to date. Any silt and clay removed during cleaning can be used as a soil making material or used in landscaping or reclamation.
- It is noted in the digital copy of the rEIS Appendix 8.1 on dust monitoring results was missing. A PDF copy of the chapter is attached. None of the recorded dust monitoring results exceed the accepted emission limit value.

10.2 Response to Desmond Woods, John A. Woods and Patricia Woods

The response may be summarised as follows:

- The accounts given on asbestos are exaggerated. Small fragments of cemented asbestos roof sheeting were found in builder's rubble used in the western screening mound. Supervised remediation works were carried out and were completed by the end of February 2008.

- Naturally occurring arsenic is found in volcanic rocks such as those present in the Bellewstown area. There is no link between arsenic and asbestos. All asbestos discovered at the quarry was cement bound. Such material is widely used in drinking water distribution pipes in Ireland without any appreciable health effects.
- The building referred to in submissions was an existing refurbished building. A cess pit was installed for a period but has been decommissioned. There were no leaks from it.
- Public notice was given in accordance with planning requirements.
- An open and accurate account of traffic volumes generated was given in the rEIS.

11.0 PLANNING POLICY CONTEXT

- 11.1 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.
- 11.2 The provisions of the current Meath County Development Plan 2013-1019 apply in this instance. Sections 10.12 and 11.14 of the Plan contain information and relevant considerations in respect of the extractive industry. Further to this it is noted that the quarry is listed as one of 28 County Geological Sites (Section 9.7.7 and Appendix 13) and that it lies within the Bellewstown Hills Landscape Character Area (Section 9.8.4). A copy of the relevant sections of the Plan is attached to this report.

12.0 ASSESSMENT

12.1 Introduction

Under the provisions of Section 177K(2) of the Planning and Development Act 2000 as amended, it is stated that where an application is made to the Board for substitute consent in accordance with the relevant provisions of the Act, and any regulations made thereunder, the Board when making a decision in relation to the application should consider the proper planning and sustainable development of the area and have regard to matters that include the following:

- The provisions of the development plan or any local area plan for the area;
- The provisions of any special amenity area order relating to the area (The Board will note that there is no special amenity area order relating to the site in question);
- The remedial Environmental Impact Statement, or remedial Natura impact statement, or both of those statements, as the case may be, submitted with the application;
- The significant effects on the environment, or on a European site, which have occurred, are occurring, or could reasonably be expected to occur because the development concerned was carried out;
- The report and the opinion of the planning authority under Section 177(I);
- Any submissions or observations made in accordance with regulations made under section 177N;
- Conditions that may be imposed in relation to the grant of permission under Section 34(4); and
- The matters referred to it in Section 143 of the Act.

Having regard to the above, I consider that the following issues are particularly relevant and pertinent to the determination of the application for substitute consent:

- Development Plan Policy,
- Environmental impacts with particular emphasis on water, air quality, noise, archaeology and traffic,
- Impact on the River Nanny Estuary and Shore SPA, and
- Issues raised by the planning authority, prescribed bodies and third parties.

12.2 Development Plan Policy

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

12.2.2 I acknowledge the provisions and objectives of the current Plan as they relate to the extractive industry. The goal is to facilitate adequate supplies of aggregate resources to meet the future growth needs of the county while addressing key environmental, traffic and social impacts, and details of rehabilitation. The policies set out in the Plan reflect this goal. I acknowledge the historical nature of the development the subject of this application and the applicability of the Plan provisions to future development.

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

12.3 Environmental Impacts

12.3.1 Introduction

In terms of assessing the impacts the quarry development the subject of this application has had in times past, there is a most unsatisfactory requirement to engage in supposition, albeit one may be reliant to some degree on informed likely estimation of effects. I must acknowledge the limitations of this retrospective examination of effects when clearly so much is unknown about what has occurred in terms of environmental impact and where often so little has been recorded. Furthermore, in this instance, there appears to have been environmental effects of a substantial nature through the mid-2000s, details of which are not adequately recorded on this file other than to record that the impacts were evidently of an extent that it culminated in High Court proceedings that ultimately led to a significant curtailment of operations in terms of land area and output arising from the Court Order. It also led to two occasions in which the planning authority initiated separate enforcement action. The attempt now to consider the environmental impacts that have previously occurred, based upon very limited knowledge, is at best a recognition of a process that is somewhat hamstrung and at worst is an exercise in futility, seeking to address effects on the local community that should have been contained by way of planning control before they ever came to light.

Acknowledging the evident significant deficiencies with this process, my attempt at offering considerations is as follows:

12.3.2 Human Beings

The range of likely significant impacts considered in this section of the rEIS focused on population, settlement patterns, land use, amenity and

tourism, and social infrastructure. It was submitted that the rural context has not altered greatly over the period since 1990. I concur that aerial photography would appear to verify such a conclusion in terms of development other than quarrying. I note, however, that two houses have recently been constructed on land to the south of the quarry and immediately east of the quarry's settlement pond. The quarry itself, in relative terms, clearly expanded significantly over this period and thus, at the local level, the land use change culminated in notable impacts for the wider community. Other than maintaining and increasing employment generated by the expansion of activities on the site, the impacts could not be construed as positive for the local community. It evidently had a negative impact on the amenity of the area for notable periods during the 2000s and would not have contributed to any tourism value that one could attribute to the area. The development has had no known impact on the social infrastructure of the area.

The rEIS states that no residual impacts are identified and no remedial measures are required. What the quarrying activity the subject of this application would appear to have left is a legacy of detrimental impact on the local community, arising from the extent of correspondence from those residing in the area to the planning authorities. The relevant quarrying activity unquestionably has had notable adverse impact for the local community and should not go unrecorded. The High Court Order emanating from local challenge to the quarry operations would appear to support such a conclusion. The main question is whether it caused significant adverse impact to the extent that the substitute consent application should be refused. This can only be addressed in considering the other environmental effects that impact on humans and will be addressed in the following sections of this assessment.

12.3.3 *Flora & Fauna*

I first note that a rNIS has been prepared as part of the substitute consent application submitted to the Board. I will address this after considering the issues raised in the rEIS.

I note from the rEIS that no rare or other species of particular scientific interest were found and that most of the plants, vertebrates and butterflies are common throughout Ireland. Past impact of the development on the flora and fauna of the surrounding area was considered to be insignificant.

I acknowledge the reclamation proposals for the site set out in Section 5.6 of the rEIS. It is intended to create a range of new habitats. This should evidently diversify flora and fauna on this site and improve conditions as operations progress towards cessation.

Having regard to what is known of the flora and fauna on and within the environs of this site, it would appear reasonable to conclude that no significant residual ecological impacts have occurred since 1990 as a result of the quarrying activities.

12.3.4 *Soils & Geology*

I acknowledge the removal of soils and the extraction of rock constituted a permanent adverse impact on the land at this location. Adverse impacts appear not to have spread beyond the application land area. I do not consider the impacts on soil within the confined quarried area have resulted in significant environmental impact on soils within the context of the site's wider environment.

I note the designation of the site as a County Geological Site, the restoration proposals and the proposal to acquire educational value from

the exposure that has resulted from quarrying at this site. These measures do not and will not result in significant environmental impact.

12.3.5 *Water*

Surface Water

The rEIS states that the quarry's location on a topographic high point means the eastern section of the site is mapped as being located in the regional Delvin Coastal catchment while the western portion is mapped as being in the River Nanny catchment. It is stated that there is no surface water runoff from the site draining into the Delvin Coastal catchment apart from a small section at the site entrance. The River Nanny flows to the west and north of the site. The Lunderstown Stream, which is a tributary of the River Nanny, flows to the south of the site prior to merging with the River Nanny approximately 3.4km to the southwest of the site. The discharge from the quarry is to the Lunderstown Stream via a drainage ditch which runs in a southerly direction to the south of the site.

I note that there are no natural surface water drainage features within the site and all surface water runoff drains towards the sump area. Water collected on the quarry floor is pumped from the site via the quarry sump to the settlement pond and reed bed for licensed discharge to the Lunderstown Stream via a drainage ditch.

Groundwater

The Geological Survey of Ireland (GSI) has classified the aquifer at this location as a Poor Bedrock Aquifer - PI (Bedrock which is generally unproductive except for local zones). The majority of groundwater flow is reported to take place through the upper 3m of the bedrock in a broken

and weathered rock zone and major groundwater flows are not expected to be encountered below 10m of the ground surface. Within the majority of the quarry footprint the upper 10m of original rock head have been excavated away as result of the quarry development. Thus, the upper weathered layer where the majority of groundwater flow is noted to occur no longer exists. The bedrock now exposed on the vertical existing quarry walls is generally unweathered. The rEIS states that no groundwater inflows were noted from the quarry walls within the extraction footprint with the exception of some very insignificant minor seepages. It is submitted that groundwater inflows to the quarry void as a result of regional groundwater flow is not occurring in significant volumes. It is further submitted that the groundwater catchment to the quarry void is kept localised to the near vicinity of the quarry site. It is stated that the majority of pumping being undertaken is to remove surface water.

I note from the rEIS that the Groundwater Body (GWB) in which the quarry site is located is the Duleek GWB and it is assigned a “Good Status” with an overall risk result of 2a (Not At risk of not achieving Good Status). The overall quantitative and chemical status is also stated to be Good.

In terms of water supply, it is acknowledged that there are no public groundwater supplies within 7km of the quarry site. Private wells are, therefore, the main source of water supply in the vicinity of the quarry. The rEIS notes that the groundwater level contour and catchment map (Figure 7.7) indicates that the houses to the south of the quarry site are outside of the groundwater catchment to the quarry. It indicates that a groundwater catchment divide separates the quarry and these wells to the south of the site, in particular the wells to the southwest of quarry. This also means that groundwater flow from below the quarry development will not flow towards these wells and therefore there is a very low groundwater contamination risk to these wells from the quarry in the unlikely event of a

past significant spillage or leakage. The wells to the southeast of the quarry development are noted to be significantly closer to the extraction footprint than the wells to the southwest. The rEIS further notes that available groundwater elevation data for this area also suggests that these wells are not located within the groundwater catchment to the quarry and therefore cannot be impacted by the quarry in terms of water levels or groundwater quality.

Section 7.4.1 of the rEIS identifies the impacts of the development on water and identifies the mitigation measures to be put in place to remediate them. These primarily include good on-site management practices. It was concluded that no significant effects on the surface water or groundwater environment as a result of the development were identified. As a precautionary measure it is proposed that the on-site septic tank will be decommissioned. Also, monitoring of quarry discharge, on-site groundwater levels and off-site groundwater levels are proposed to continue.

Overall, it is noted that all waters collected on the quarry floor are pumped from the site via the quarry sump to the settlement pond and reed bed for licensed discharge to the Lunderstown Stream via a drainage ditch. The licensing of discharge ultimately controls and monitors the volume and quality of output from the quarry operations. Prior to this licensing, I can find no specific evidence to suggest that the previous quarrying activity the subject of the substitute consent resulted in any specific incident that culminated in significant environmental impact. Neither the planning authority nor HSE alluded to any particular incidents. I acknowledge the limited seepage of groundwater to the quarry floor. Furthermore, I note that the limited groundwater input has not resulted in any notable drawdown effect on local private wells. A notable area of concern for residents of this area relates to their water quality. However, I am in no

position to determine that the effects of quarrying had any known impact on private water supplies in this area.

In conclusion, I make the observation that it can be concluded that there is no evidence on file to confirm that the previous quarrying activities the subject of this application caused significant environmental impact on water quality in this area.

12.3.6 *Air Quality*

I note that the rEIS submits that the mitigation measures employed at the quarry ensured that there was no significant effect on the local residences or on local amenities from the extraction and processing at this site. It is further submitted that the dust monitoring results for the site show that the operations have been compliant with Emission Limits Values recommended by the EPA and DoEHLG.

I note third party submissions and photographs as part of submissions contained in the files associated with this quarry showing effects of dust from the quarry at times relevant to the application for substitute consent. I also note the High Court Order relating to this quarry which culminated in limitations placed on this quarry's operations. These two observations would tend to indicate that there have been problems with air quality from this quarry's operations at different times during the period of relevance to this substitute consent application.

When weighing up the above considerations I must, however, acknowledge that fugitive dust levels have been monitored by Kilsaran since mid-August 2006, that these show compliance with standards and that they include measurement at a time of intense activity and when quarrying was also occurring on lands to the north-east of this site. While

accepting that there were likely periods of adverse environmental impacts on air quality arising from the quarrying operations and its associated transportation of materials from the site, I am in no position to reasonably conclude one way or the other that the extent of such adverse impacts was 'significant' such that the application should be refused.

Based on the dust emission monitoring results and the mitigation measures employed on the site (inclusive of earth mounding and tree planting), one could conclude that it is unlikely that 'significant' environmental impact on air quality resulted from past activities the subject of this application. However, there is information from third parties on file which could infer the opposite conclusion.

This conclusion evidently shows deficiencies arising from this form of assessment of activities that have long since occurred.

12.3.7 Noise & Vibration

I note the assessment reported in the rEIS. I also acknowledge the serious issues that apparently arose for the local community in the recent past arising from an intense period of quarrying activity on this site in the mid-2000s and the consequent High Court Order leading to a very significant curtailment of activity at this quarry. The rEIS submits that monitoring of noise levels since 2006 showed the quarry has operated within required thresholds set by the High Court. This would suggest that noise resulting from quarrying during the likely most intense period of activity since 1990 would have fallen within acceptable limits. Furthermore, the rEIS reports that vibrograph monitoring results to-date have demonstrated that, since regular monitoring commenced, the quarry has operated within the thresholds set by the High Court. I acknowledge these monitoring results. However, I am again in no position to have any understanding of what the

actual impact for those residing in the locality experienced at different periods of intense activity and whether the monitoring results presented could be regarded as wholly representative. However, it is clear that the impact from this quarry's operations was so significant that legal action was taken and that the legal remedy was an agreed position to substantially curtail operations. From the relatively limited details available on the file it is apparent that the adverse impacts that were experienced would have included noise and vibration impacts as these were subject to the conditions set out in the High Court Order that sought to address adverse noise and vibration. In addition to this, I note the reports of the planning authority in relation to enforcement action applying to this quarry, resulting on the issuing of an Enforcement Notice on 6th March 2008. For example, in a report dated 28th February 2008, an officer of the Council's Planning Enforcement Section reported that blasting at the quarry had increased by approximately 190% from the level cited in 2004 demonstrating a major increase in production, while in reference to increased traffic movements it was submitted that this would be expected to result in a corresponding increase in noise (as well as dust) associated with continuous traffic and quarry processing plant.

With due regard to this observation, it is not possible to make a conclusion that the development at some period since 1990 did or did not have 'significant' environmental impact by way of noise and vibration.

12.3.8 *Climate*

I consider the scale and range of the previous activities the subject of this application were not likely to have resulted in significant adverse environmental impacts on climate. I concur with the position that no remedial measures are required.

12.3.9 *Landscape & Visual*

In terms of landscape, the rEIS acknowledges that there have been direct, profound and permanent impacts on the landform, land use and land cover of the site and that the changes cannot be remedied. However, one must accept the context within which the quarry site is located, the extent of quarrying in the wider area, its contribution to rural-based activities and the long-established nature of the activity at this location. To this end, while there has been notable landscape change at a local level such change is not untypical of the wider area. Thus, it is my submission that the impact on landscape could not reasonably be seen to be 'significant'.

With reference to the visual impact of the quarry, I must first acknowledge the screening provisions that have been employed for this site to the extent that the banks and vegetation now effectively screen views into the quarry from the public realm. The banks themselves are obviously visible. However, the nature of these, the associated planting, the distance from sensitive receptors and the proposed remediation measures suggest their visual impact was and is likely to be reduced. I note the rEIS provides specific phased approaches to improving the visual amenity at this location. It is my conclusion that it would be unreasonable to conclude that adverse visible impact has resulted from quarry operations at this site that could be construed as being 'significant'.

12.3.10 *Material Assets*

Firstly, I note that there are now no known structures or features that remain on the site which are of historical or cultural value. I further note that the submitted rEIS concluded that there are no direct or indirect impacts on any known items of cultural heritage, archaeology or buildings of heritage interest in the substitute consent application area or the vicinity. However, it is very clear that during a most intense period of

quarrying activity, which is the subject of this application, an archaeological site was removed. The barrow (Recorded Monument ME027-035) was preserved by record in 2007. The expansion of the quarry resulted in its removal. The rEIS states that the work was carried out with the agreement of the National Monuments Section of the Department of the Environment, Heritage and Local Government and was licensed by that Department. The barrow was dated to the prehistoric period. This quarry activity to expand the operation and the removal of the recorded monument were not subject to any planning permission.

There can be no doubt but that the expansion of the quarry without planning permission had a profound effect on the archaeology of this area by the removal of a recorded monument. If an application came before the Board for the expansion of the quarry (i.e. before it happened) and included the removal of the recorded monument, it is my submission that the archaeological impact would have been considered significant. I cannot now conclude otherwise. The choices of addressing the proposed expansion based upon alternative options, inclusive of a primary option of avoidance of the monument, have been eliminated. It is very clear that the only reasonable conclusion to make is that that the archaeological impact has been profound. This arises from the removal of an archaeological monument for which there is now no options for mitigation. A refusal of permission for the reason of adverse archaeological impact is appropriate in this instance.

12.3.11 *Transport & Traffic*

Consideration of the environmental impact arising from traffic associated with past activities the subject of this application brings with it similar difficulties of assessment that have arisen for air quality and noise. On the one hand there are the rEIS findings and conclusions, which I note are based upon an assessment undertaken in 2008. The receiving road network was concluded to have sufficient capacity to accommodate the

traffic arising from the Bellewstown Quarry. Traffic arising from the quarry was not found to have a significant impact upon the capacity of the receiving road network. On the other hand I note the ongoing concerns of residents of this area which culminated in the High Court Order restricting activities on this site.

From the rEIS it is seen that the base traffic flows in 2008 showed that a total of 299 vehicles were recorded on the Hilltown Little Road during the survey, of which 223 were HGVs. I note that it is submitted that this comprised mainly a cumulative figure from the quarry the subject of this application and the nearby Keegan quarry. Unquestionably, such HGV volumes have notable impact on residents in this area by way of structural defects of the road, congestion, noise, dust, reduction on carrying capacity, etc. and consequently potentially on road safety. I must impress upon the Board the seriously narrow local road network onto which all traffic movements occur from this quarry. It cannot accommodate two-way vehicular traffic. Furthermore, it is extremely poor in both vertical and horizontal alignment, particularly to the north of the quarry. Undoubtedly before the survey period used for the purposes of the rEIS there were even more intense periods of vehicular movements on the local road network at different times in the mid-2000s. For example, it is noted from the rEIS that in 2007 Kilsaran Concrete won a large contract to supply stone to Dublin Airport and this effectively doubled the annual rate of stone extraction from an average of about 400,000 tonnes to 750,000 tonnes. The traffic generated resulted in enforcement action being taken by the planning authority, on foot of numerous complaints from local residents. I draw the attention of the Board to the reports of the planning authority on this matter prior to the issuing of its Enforcement Notice on 6th December 2007. I note for example that the record of ticketed vehicular movements to and from the quarry for the dates 1st April 2007 to 7th November 2007 showed daily average truck/tractor movements of 254

over a 6 month period from April 2007 to October 2007, amounting to 1527 movements per week. This was seen by the planning authority to represent a 315% increase for movements detailed in the quarry registration application. It is, therefore, evident that the traffic resulting from quarrying activities relating to the period associated with this substitute consent application had such a significant impact that legal action had to be taken to mitigate that impact. The traffic associated with the quarrying activity the subject of this application clearly played a significant part in creating adverse environmental impacts on the local community.

12.3.12 *Interaction of the Foregoing*

I acknowledge the impacts resulting from the inter-relationship between the above considered factors. The range of inter-relationships has been considered on relevant factors such as humans and noise, air, landscape, etc. within the various relevant sections above. On the basis of the finding that there were significant environmental impacts arising for archaeology and that there were most likely adverse environmental impacts arising for the local population by way of effects on air quality, noise and traffic, it is considered reasonable in this instance to conclude that there are significant concerns arising from the inter-relationship between humans and the referenced factors.

12.3.13 *Cumulative Impacts*

It is evident that the block-making taking place on this site while in previous ownership and the quarrying activities immediately to the north-east of the subject quarry created cumulative impacts that intensified the likely significant environmental effects arising from the quarry itself.

12.4 **Appropriate Assessment**

I note the following:

- * The screening report undertaken on behalf of the planning authority screened all European Sites out of AA except the River Nanny Estuary and Shore SPA.
- * The quarry is hydrologically linked to the River Nanny Estuary and Shore SPA, located approximately 19.5km downstream.
- * Surface water and groundwater collected on site is pumped to an on-site treatment system before discharging to a drainage ditch which proceeds for a distance of 1.5km. The stream then flows into the Lunderstown Stream, a tributary of the River Nanny. The stream proceeds west for 4.7km where it merges with the River Nanny. The River Nanny flows north and then turns east for 13.7km where it discharges into the River Nanny Estuary and Shore SPA approximately 19.5km downstream from the quarry.
- * There are no streams or watercourses within the catchment of the quarry sump. There is no washing of aggregates on site or manufacture of concrete products. The discharge comprises surface water runoff and a small element of groundwater seepage. The system is designed to operate effectively following prolonged periods of heavy rainfall. The rate of discharge fluctuates in tandem with the volumes present in the receiving Lunderstown Stream. The rate of discharge is controlled by the quarry operator.
- * There are no major geological faults in the area or karst features within 1km of the site.
- * Groundwater monitoring is undertaken on a quarterly basis.

- * The nearest consented quarry to the quarry with which in-combination effects could be considered lies some 4.8km to the north-west.
- * The River Nanny has a Q rating ranging from 3-4, i.e. 'slightly polluted'.
- * The quarry is 7km south of the River Boyne and River Blackwater cSAC. No part of the quarry lies within the catchment of this cSAC.

I, thus, acknowledge the relevant European Site for consideration is the River Nanny Estuary and Shore SPA (Site Code: 004158). The site is a Special Protection Area of special conservation interest for the following species - Oystercatcher, Ringed Plover, Golden Plover, Knot, Sanderling, Black-headed Gull and Herring Gull. It is therefore an important site for wintering waders, i.e. Golden Plover, Oystercatcher, Ringed Plover, Knot and Sanderling. The main threat to the wintering birds referred to in the Site Synopsis for this SPA is increased levels of disturbance by beach users. The Site was advertised 30th January 2008. Thus the impacts on the SPA from the quarry activities need to be considered from after this date. I acknowledge that a trade effluent discharge licence was granted in June 2010. Given this requires controls over the volume and quality of discharge, I conclude that the likely period for consideration of impact for the SPA would focus most specifically on the period between January 2008 and the issuing of the licence.

When considering the potential for impact on this SPA, I first note that there are four other quarries within 5km of this quarry that could be anticipated to act in combination with it as they also potentially discharge surface water which may ultimately discharge to the SPA. I secondly note, however, that the rNIS refers to the location of the SPA as being c. 19.5km downstream of the subject quarry. I note that no known incident has arisen which has culminated in concern about discharge from this quarry from January 2008 and I again note the main threat to

the SPA. Given the distance between discharge point and the SPA, the dilution and drainage capacity to accept surface discharge, the slowing down of activity on this site after 2008, the cessation of the quarry operations at this location in recent times, and the control of discharge by licence from this quarry, I am of the view that it is reasonable to conclude that the risk of adverse impacts on the SPA could reasonably be deemed to be low. I do not consider such risk of impact could be deemed to be 'significant'. In addition, based upon the information that is available, it may only be concluded that there is no evidence to suggest that cumulative effects have occurred since January 2008.

Having regard to the above, it appears reasonable to conclude that the quarrying the subject of this substitute consent application was not likely to have had any significant impact on the River Nanny Estuary and Shore Special Protection Area. I, thus, conclude that it appears that the integrity of this Natura 2000 site has not been, and is not being, significantly adversely affected by the development the subject of this application.

12.5 The Planning Authority's Submission

Introduction

12.5.1 I first note that the planning authority is not opposed to the granting of the substitute consent application. Furthermore, its submission on this matter would suggest the acceptability of the quarry at this location.

12.5.2 I concur with the planning authority's observation that the applicant has clearly oversized the application area by outlining a land area of 23.5 hectares. The extraction area itself is accepted as being c. 8.1 hectares thus the substitute consent area could not be anywhere close to the area outlined as the substitute consent site in this application. The acceptance of this application, based upon such a land area, is premised upon evidently being able to ascertain the environmental impacts resulting from

quarrying since 1990 and not based upon impacts from a quarry of 23.5 hectares. Any permission that would emanate from a Board decision would have to condition such an understanding as to what quarry activities the development the subject of the application actually relates to.

Effects on the Environment

12.5.3 My considerations on the specific relevant issues raised are as follows:

- The first observation to make is that the planning authority's submission primarily drew from the text of the rEIS and many of the principal conclusions were seen to be acceptable.
- On the applicant's findings on impacts on wells, it is notable that the planning authority submits it has no information to the contrary. Significantly, no significant impacts on the River Nanny catchment are expected.
- I note that no reference is made to the extent of difficulties caused to the local community over the years. Furthermore, there appears to have been no particular historical concerns relating to adverse impacts on the local environment by way of impacts on air quality, noise, traffic, etc. despite the extent of enforcement that applied to this quarry during the relevant period of operation to this application. Rather it is particularly notable that the planning authority has submitted that it had no information to suggest that quarrying adversely impacted on the environment. The enforcement actions against this quarry and the High Court Order restricting activities would, however, suggest otherwise.

Impact on European Sites

12.5.4 The planning authority's conclusions that the quarrying activities within the site will not adversely affect the integrity and conservation status of the River Nanny Estuary and Shore SPA appear to be reasonable based upon

the appropriate assessment undertaken and the lack of any known impact resulting from this quarry on the European site.

General Conditions

12.5.5 I note the recommendation for the attachment of four conditions relating to the grant of permission being restricted to the relevant works, the submission of a landscaping scheme, the submission of a restoration scheme, and the provision of a security to secure reinstatement. In the event of any grant of permission, these would appear reasonable.

Development Contributions

12.5.6 I note the inapplicability of a development contribution as alluded to by the planning authority due to the recent nature of the planning authority's scheme and the quarry not being in operation for some time. However, I note also that it is common for the Board to request that a section 48 development contribution be paid where substitute consent has been permitted to date. A contribution would not appear appropriate in this instance.

12.6 The Prescribed Bodies Submissions

12.6.1 I note the HSE makes reference to the High Court Order applicable to this quarry. While the applicant submits that the HSE received no complaints in relation to the operation it is evident that local concerns have been suitably recorded in their submission. On the matter of sediment production and disposal, I note that this would not have been a significant issue pertaining to the previous activity the subject of this application. I further note that many of the HSE's requests would relate to future activity at this site.

12.6.2 I note the Department of Arts, Heritage and the Gaeltacht's submission. Significantly, it does not raise particular concern about the removal of a recorded monument during the period of relevance to the activity the

subject of this application. Furthermore, it proposed the attachment of a condition with any grant of permission which would apply to future development and not to development the subject of this application. The Department's submission would indicate some degree of confusion over what is required to be considered in a substitute consent application.

12.7 Submissions from Third Parties

12.7.1 The third party submissions raise local community concerns based upon their experience of quarrying activities during the period of operation the subject of this substitute consent application. They identify pollution incidents, traffic impacts and other damage that arose from the quarry operation previously. They allude to the adverse effects on the locality and to the unacceptability of the quarry recommencing in the future.

12.7.2 It is my submission that the enforcement experiences associated with this quarry, the outcome arising from the High Court proceedings against the quarry operator, and the consequential limitations placed on the quarry operations demonstrate that the development the subject of this application did indeed cause such significant environmental impacts as to lead to the necessity for very substantial changes to, and controls of, the quarry. To conclude, based upon the submitted rEIS, that significant environmental impact did not result would be mistaken in my opinion.

13.0 RECOMMENDATION

It is very clear that the quarrying activity the subject of this application had significant adverse environmental effect on the cultural heritage of this location by the removal of a recorded monument. It is apparent also that, notwithstanding the monitoring results submitted with the rEIS, that there were intense periods of activity at this site which required the planning

authority and local residents to pursue enforcement action against the quarry operator and to obtain legal remedy to resolve definite adverse environmental impacts. It is apparent that there were significant impacts arising from transportation and it is reasonable to infer that other adverse environmental impacts were resulting from the operations, inclusive of noise, blasting and dust. The necessity for taking such action and gaining legal remedy would suggest such impacts were of a substantial nature. I cannot be satisfied to recommend to the Board that the quarrying activity the subject of this application should be granted as it clearly had notable environmental effects. The degree to which many of the effects could be termed 'significant' cannot be determined in the course of this application due to the activities having occurred years past, notably in the mid-2000s, and the level of information now available. However, these effects, together with the significant adverse cultural heritage effects, must result in a conclusion that this substitute consent application be refused permission.

I recommend that substitute consent is refused for the following reasons and considerations:

Reasons and Considerations

1. The development which was undertaken at this site gave rise to a profound adverse impact on cultural heritage by reason of the injury and destruction of a recorded monument which is registered in the Register of Recorded Monuments for County Meath and which was protected under section 12 of the National Monuments (Amendment) Act, 1994. This impact is not capable of mitigation. In addition, the development undertaken resulted in adverse impacts on the local community arising from significant volumes of HGV movements, noise and dust culminating in legal actions by the planning authority and

members of the local community and consequential limitations placed on the quarrying activity. It is, thereby, considered that the development which has been undertaken is contrary to the proper planning and sustainable development of the area.

Kevin Moore

Senior Planning Inspector

November, 2014.