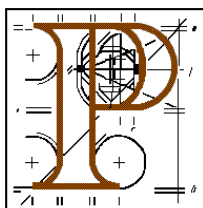

An Bord Pleanála



Inspector's Report

Development : Quarry, Slatequarries, Rathmore, Co. Kildare

Planning Authority : Kildare County Council

Applicant : Patrick & Thomas Cullen

Observer(s) : None

Application Type : Application for Substitute Consent

Date of Inspection : 31/10/14

Inspector : Pauline Fitzpatrick

1.0 INTRODUCTION

- 1.1 On 8th January 2014, the Board confirmed the planning authority's determination under section 261A(2)(a)(i) and the decision under Section 261A(3)(a) of the Planning and Development Acts 2000-2011 in respect of the quarry at Rathmore, Co. Kildare. The effect of the Board's order was to direct the owner to apply for substitute consent with the application to be accompanied by a remedial EIS.
- 1.2 Following a written request from the applicant, the Board decided to grant an extension for the period of time in which the application could be made, up to 2nd July (Board ref.09.SH.0206).
- 1.3 On the 26th June 2014, Patrick and Thomas Cullen lodged an application for substitute consent with a remedial EIS. This report provides an assessment of the application and sets out a recommendation for the Board in respect of the development.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The subject site is located in an upland area in the townland of Slatequarries, County Kildare, about 4km north of Blessington. The east/north-eastern boundary forms the border with County Wicklow. The site is accessed from local road L6030 which runs from Killeel to the N81. There are a number of dwellings located along the road with the nearest being c. 30 metres to the east.
- 2.2 The land rises steeply from the road north-eastwards to a ridge running in a northeast/southwest direction which continues northwards as Cupidstown Hill 380.39m (1248ft) and Saggart Hill 398m (1308ft), some distance away. The subject site extends to the ridge line and is elevated with views to the south and east over Blessington and the lakes. The site adjoins another large quarry (Stresslite - QV0130) to the south-east with Frank Murphy Block Manufacturing further south again. A closed quarry was also noted on the opposite side of the road. The quarry is associated with a narrow geological formation of slate and greywackes which runs northeast to southwest known as the Slate Quarries Formation.
- 2.3 The site is narrower at the frontage to the public road and widens behind residential properties which are along the road, to approx 240m. Its longer axis runs from the road in a south-west / north-east direction.

2.4 The site as delineated by the red line on the site location map accompanying the application can be divided into two distinct areas: an operational quarry and agricultural land. The quarry area occupies most of the site nearest the public road, with extraction progressing away from the road. Where the site extends behind residential properties, there is an area of grass, beyond which a high mound of quarry material is aligned roughly parallel to the public road. This feature screens the quarry excavations, but is itself visible in the landscape as a man-made feature. Along the north western side of the quarry, which follows and is close to the line of the site boundary, there is a high quarry face. The operational quarry extends north-eastwards from the road for a distance of approx. 450 metres. The rest of the site included within the red line on the maps accompanying the application is in agricultural use, as pasture. At a couple of locations, evidence of former excavation for sand, can be seen as small grassed over hollows.

2.5 On the date of inspection the quarry was operational.

3.0 APPLICATION FOR SUBSTITUTE CONSENT

3.1 The application for substitute consent received by the Board on the 26th June 2014 includes a completed application form, copies of statutory notices, a remedial EIS and associated drawings.

3.2 Whilst the plans and documents accompanying the application refer to a site area of 20.104 hectares this includes a significant proportion of, as yet, agricultural land. The current extent of the actual extraction area is stated as being 5.33 ha in various sections throughout the rEIS. The area of the quarry operation which would entail the extraction area and the areas ancillary to same including the site entrance, the office and staff facilities adjacent, and the area on which overburden has been placed is stated as being c. 6.37 ha.

3.3 The quarry produces crushed slate for use as hardcore fill on roads and general construction projects. Rock is extracted by blasting and excavation, transferred to mobile crushing units by excavator and further processed by mobile screening units which further grades the aggregates and which are subsequently loaded onto trucks for export off site. There is no washing of material on site.

3.4 The resource was worked in a number of phases with 2 benches of c. 10 metres height each, worked to an overall maximum height of 30 metres. Extraction has taken place within the quarry area to a final floor level of c.276mOD. The site is worked above the water table.

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- 3.5 The overlying soil and overburden removed by mechanical excavator was partly used on the site for landscaping purposes with the remainder retained for restoration purposes.
- 3.6 Surface water run-off generated flows down the site into the lowest point within the quarry floor and is directed into an attenuation pond. The water percolates into the ground.
- 3.7 Site facilities include an office, canteen and toilet facilities located in the southern section of the site. Drinking water is said to be supplied by a well on the site located by the site offices. Wastewater generated is treated by a small scale wastewater treatment plant. A wheelwash is also on site adjacent to the weighbridge. Water for the wheelwash is supplied from surface water on the site and is topped up using well water during dry periods. There is one tank for the storage of fuel. Dust control is by way of a sprinkler and water dowsing system.
- 3.8 It is stated that an Environmental Management System is in place.
- 3.9 By way of a section 132 notice the PA (Planning Authority) was requested to clarify the area that is subject of the 261A notice having regard to the planners report and the report of the Board inspector on the review file. No response was received.

4.0 PLANNING AND REGULATORY HISTORY

4.1 *Planning History*

I am not aware of any planning application being lodged on the site.

4.2 *Quarry registration under Section 261:*

QR16 – the quarry was registered in accordance with Section 261. The area to which the registration referred was stated to be 21.4 hectares. Conditions following an appeal were attached including:

Condition 9: submission of Environmental Management System Plan every 5 years.

Condition 11: annual environmental audit of site operations

Condition 12: ground water monitoring programme

Condition 13: extraction to be minimum 1 metre above water table

Conditions 14 & 15: noise parameters & monitoring

Conditions 16, 17 & 18: blasting parameters and monitoring

Conditions 19 & 20: dust emission parameters and monitoring
Condition 23: improvement of site entrance
Condition 24 & 25: record of vehicular movements and details of haul routes
Condition 34: surface water disposal and water supply arrangements
Condition 35: site restoration and landscaping requirements
Condition 36: site not to be used for the purposes of landfilling without prior grant of permission
Condition 37: restoration bond
Condition 38: 10 metre buffer to be maintained to hedgerows around perimeter

4.3 Section 261A Determination and Decision

The Board in its review confirmed the determination under Section 261(A)(2)(a)(i) and set aside the determination made under (2)(a)(ii). It confirmed the decision under subsection (4)(a). As such an application for substitute consent accompanied by a remedial Environmental Impact Statement is required.

5.0 PLANNING POLICY CONTEXT

5.1 Kildare County Development Plan 2011 – 2017

Section 10.7 refers to the extractive industry and sets out guidance. Applications will also be considered in the context of landscape quality, land uses, heritage and rehabilitation.

Section 10.8 sets out the policies and objectives for the extractive industry which effectively support the adequate supply of aggregate resources to ensure continued growth of the county and region subject to the impacts on the built and natural environment being minimised/mitigated.

The site is situated in the Eastern Uplands landscape character area identified on Map 14.1. It is detailed as having a 'high sensitivity' on Map 14.2. High sensitivity landscapes are detailed in Section 14.4.1 as being 'vulnerable landscapes with the ability to accommodate limited development pressure. In this rank of sensitivity, landscape quality is at a high level and landscape elements are highly sensitive to certain types of change.'

Hill top views and scenic routes in the vicinity of the site are delineated on map 14.3. Policies HV1 and SR1 relating to same seek their protection.

5.2 National Guidelines

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

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

6.0 OBSERVATIONS

None received

7.0 PRESCRIBED BODIES

The application for substitute consent was circulated by the Board to prescribed bodies. The responses received can be summarised as follows:

7.1 National Roads Authority

- Whilst the rEIS does not specifically outline the impact of traffic movements associated with the quarry on the junction of the N81/L-6030 it notes the estimated extraction output per year and the total traffic generated from the quarrying operations outlined in section 10. It has no specific objection in principle to the proposal.
- Where intensification of operations above the levels presented in the rEIS arise a Traffic and Transport Assessment is recommended to outline potential impacts on the N81 and the N81/L-6030 junction.
- Any recommendations contained in the rEIS should be included as conditions should permission be granted.
- A preferred route corridor for the N81 Tallaght to Hollywood Cross Road Improvement scheme has been identified.

7.2 Health Service Executive

- There is no public health objection.
- Clarification is required as to whether the site is served by mains water or by a well. If the latter the location of the well should be delineated.
- The wastewater treatment system to be located in accordance with current EPA guidance.
- Noise and dust would be issues arising should the operation on site be intensified.
- A wheel wash system should be adequate to prevent dust deposition off site. No such system was noted on site.

8.0 PLANNING AUTHORITY'S REPORT

The PA's report comprises of a covering letter and a Planner's report which, itself, is accompanied by reports from the Environment Section and Heritage Officer. The response can be summarised as follows:

- It is considered pertinent that the matter of remedial measures to safeguard residential amenity in the area should receive particular attention in the assessment of the application. In particular the matter of noise should be examined. Cumulative environmental impacts with other quarries in the area is also of relevance in this regard.
- The quarry does not have any impact on surface water and groundwater.
- The noise and dust emissions are within the limits of the quarry registration conditions.
- The detail submitted on the proposed remediation as sections become available is inadequate. Proposals should include details of the site's ecological importance, potential and any constraints, habitat mapping, objectives for the site restoration and detailed management actions.
- Transport and traffic issues that warrant further attention include sight visibility at and the suitability of the site entrance, condition of the road and the impact of HGV's on same, identification of current and future traffic volumes and access/haul routes to and from the quarry.
- Chapter 10 of the County Development Plan should be consulted in the formulation of any conditions.
- The Council requests the imposition of a condition requiring a financial contribution in accordance with the section 48 Contribution Scheme.

Note 1: The response recommends that the above details and clarification should be addressed prior to any grant of substitute consent. The conditions recommended by the Environment Section and Heritage Officer are noted.

Note 2: Reference is made in the planning history section of the Planner's report to file reference 07/184 (PL09.237695). This appears to refer to a different site at Kilglass, Carbury in County Kildare.

Note 3: Details are provided as to the costs incurred by the Council during the course of the consideration of the application.

9.0 APPLICANT'S RESPONSE TO PLANNING AUTHORITY SUBMISSION

The response can be summarised as follows:

- It is proposed to relocate the entrance to the quarry as shown on the documentation submitted with the substitute consent application. This will ensure adequate sight lines.
- An NIS is not required.
- The conditions of the Environment Section are acceptable.

10.0 ISSUES AND ASSESSMENT

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

- Procedural Issues
- Principle of Development
- Environmental Impact Assessment
- Financial Contributions and Costs
- Conditions

Procedural Issues

Extent of Area to which Application Refers

- 10.1 An application for substitute consent may only be brought forward under section 177E(2)(a) of the Planning and Development Act 2000 (as amended) pursuant to a notice under Section 261A of the Act (or other relevant sections of the Act) with regard to the development that has been undertaken on the site. The application is effectively seeking retrospective consent. Should consent be granted, it does not pertain to, nor confer, permission to carry out further extraction works on the site. The red line indicating the site boundary

on the plans accompanying the application delineates an area in excess of 20 ha, a significant proportion (to the north-east) of which has not yet been developed for quarrying purposes and is under grass. The boundary appears to correspond with the area registered under Section 261 in 2008. I note that this figure is referenced as being an authorised quarry at various points in the rEIS. This is incorrect. As per the decision in *Harrington v. An Bord Pleanála* (2010) IEHV 428 such Section 261 registration does not confer authorisation in that 'nothing in the legislation provides that such registration changes unauthorised into authorised'.

- 10.2 As can be extrapolated from the details in the rEIS and accompanying the application the actual current extraction area is in the region of 5.33 ha with the quarry operation stated to cover an area of c. 6.37 ha. This includes the site entrance and lands used for purposes ancillary to the extraction operation including site offices and storage area for overburden in the south-east. I submit that this area, inclusive, would be in accordance with the definition of a quarry as set out in Article 3 of the European Union (Environmental Impact Assessment and Habitats)(No.2) Regulations 2011 and includes the lands adjacent to the extraction area used for purposes ancillary to the getting of the mineral resource.
- 10.3 I note that the site area as given in the Senior Inspector's report on the Section 261A review (ref. 09.QV118) refers to 7.83 ha which is greater than the c.6.9ha given in the Kildare County Council's Planner's report and which is delineated on the map on page 7 of the planner's report. This delineated area corresponds with the eastern portion of the lands within the red boundary line on the site location map accompanying the current application on which markings associated with quarry works are delineated. Section 261A(14) of the Planning and Development Act 2000, as amended, states that where an application for substitute consent is required to be made under section 261A, *'it shall be made in relation to that development in respect of which the planning authority has made a determination under subsection (2)(a)'*. I would therefore submit that the appropriate area is that as delineated in the Planner's report.
- 10.4 The remaining 14ha included within the red boundary line on this substitute consent application is currently unimproved grassland used for grazing of livestock. As this application is for past works, only, the inclusion of the said 14 hectares in terms of potential future extraction is not appropriate and requires qualification. Thus the premise as set out in Section 1.2 of the rEIS and as indicated on the accompanying drawings that the application is for the continuation and extension of extraction to cover a site of c. 20 ha is not correct. Whilst the Board may wish to seek further information requiring the

submission of a revised site location map with the boundary modified thereon, I submit that this could be addressed by way of condition should the Board be disposed to a favourable decision.

Section 177J

- 10.5 It is open to the Board to consider issuance of a temporary cessation notice under section 177J. Having regard to the information presented in the application and the rEIS and to what was observed at the time of inspection of the site, it is my opinion that no aspect of the development is giving rise to a very significant current adverse effect on the environment. I do not, therefore, consider that a temporary cessation notice is warranted in this instance.

Site Notice

- 10.6 An appropriately worded public notice was noted at the site entrance on day of inspection.

Principle of Development

- 10.7 The quarry produces quarried slate for use in the construction industry. It is stated that the rock is considered to have the acceptable properties in terms of polished stone value (PSV) and aggregate impact value (AIV) for use as road surfacing materials and for the construction industry.
- 10.8 The Department's Guidelines for Planning Authorities on Quarries and Ancillary Activities (DoEHLG, 2004) acknowledge that extractive industries make an important contribution to economic development in Ireland but that such operations can give rise to land use and environmental issues which require mitigation and control through the planning system. Concurrently policies of the current Kildare County Development Plan recognise that aggregate resources contribute significantly to the economic development of the county and facilitate its further development but that the exploitation of such resources is required to be carried out in a manner that does not adversely impact on the environment, existing infrastructure and the amenity value of neighbouring lands. Within this current policy context, I consider that the principle of development is acceptable on the site, subject to a satisfactory assessment of environmental effects.

Environmental Impact Assessment

Adequacy of remedial Environmental Impact Statement

- 10.9 Retrospective assessment as is required in this instance has evident limitations. Deficiencies in information available for past operations results in a reliance on informed likely estimation of effects. In addition the language used throughout refers to the rEIS being for the continued development of the quarry on the basis of current operations to cover an area of c20 ha over a period of 20 years. This belies the purpose of the substitute consent process where the application is for the historical works on the site. It does not and should not be construed as consent for the continued operation of the quarry. This would require a separate application to the planning authority. Clarification by way of condition is appropriate at this juncture.
- 10.10 In the context of such shortcomings I submit that the Statement is consistent with the requirements of section 177F of the Planning and Development Act 2000 in that it contains a statement of the significant environmental effects on the environment which have occurred. I also submit that the document is generally consistent with the requirements of Article 94 of the Planning and Development Regulations, 2001-2013 (contents of an EIS). It does not provide information on the main alternatives studied, but having regard to the particular nature of the development, this is not a significant omission. It also includes a non-technical summary.
- 10.11 I would bring to the Board's attention that a material level of information pertaining to the activities at the site including monitoring results on noise, groundwater, dust etc were submitted in support of the Section 261 Registration application made to the PA under reference number QR16 which was subsequently appealed to the Board under reference number 09.QC2169. It is somewhat unfortunate that this information was not included in the rEIS to provide a more comprehensive assessment of the works carried out to date. I would submit that the 2005-2006 information would have corresponded with what was most likely the busiest period of activity associated with the prevailing economic conditions at the time.
- 10.12 Notwithstanding I am satisfied that the rEIS taken in conjunction with this said information and other details available are adequate to enable the Board to carry out an environmental impact assessment and to make an adjudication on the substitute consent application. I have attached the salient extracts from the Section 261 Registration file to this report for ease of reference by the Board.

Environmental Impact Assessment

10.13 As the competent authority for decision making, the Board is required to carry out an environmental impact assessment of the application for substitute consent ie. to identify, describe and assess the direct and indirect effects of a proposed development, in accordance with Articles 4 to 11 of the EIA Directive, on the following:

- Human beings, flora and fauna,
- Soil, water, air, climate and the landscape,
- Material assets and cultural heritage, and
- The interaction of the foregoing.

The following assessment of environmental effects has regard to the EIS submitted, the information on file and my inspection of the site.

Human Beings

10.14 Matters pertaining to soil, water, air quality, noise, landscape and traffic that affect human beings are addressed later in this assessment. As evident in the documentation that accompanies other files relevant to the site that complaints have been made in the past about traffic, noise, dust and dirt. However having regard to the matters discussed below and conditions recommended in this report, I am of the view that no significant environmental impacts have arisen as a consequence of the development to adversely impact on the well-being of people or populations in the vicinity of the site.

10.15 Whilst employment on site would have been small and in the region of 3 persons additional employment would have arisen from hauliers transporting material from the site. Thus it is not unreasonable to submit that the application site has made a positive contribution to economic activity in the area.

Flora and Fauna

10.16 As can be extrapolated from the aerial photographs for the area part of the quarry area was established by 1990 with subsequent works extending same to the south-east and north-east and the deepening of extraction. Whilst visual evidence is not available regarding the site prior to quarrying activity and there are no specific reports or ecological data from the site prior to, or since, the commencement of quarry operations on the site it is not unreasonable to assume from historical mapping that it was comparable to adjoining lands, essentially comprising agricultural pasture land divided into

fields, separated by hedgerows. The conclusion that the lands would have been of low biodiversity value is accepted. The site is not within or adjacent to any designated European Site or identified as being of specific ecological merit.

- 10.17 The survey of the existing site was undertaken in the month of May which is stated to lie within the optimal season for habitat survey. It is contended that it was possible to identify all habitats to Fossitt level 3 and assess the likely presence of rare or protected species. The survey indicates the disturbed ground and spoil heaps to be of moderate local biodiversity value as it can provide refuge for a range of species including invertebrates, amphibians and breeding birds, however it presents few resources for protected mammals principally due to the limited availability of semi-natural habitat. No dedicated bat survey was carried out for this assessment however it is stated that it is likely that the Common Pipistrelle is present in the locality and there is suitable foraging habitat along the hedgerows but that features on the site have low roosting potential. There was no evidence of Peregrine Falcon on the site with no known records of occurrence within a 10km radius of the site.
- 10.18 Whereas it is noted that the loss of hedgerows may have resulted in the loss of features of value to what are now protected species eg. badger setts or bat roosts, due to the lack of precise data the nature of the impact can only be speculated upon. I would submit that it would seem unlikely that the local population status of any individual or group of species that may have been present on the site and within the wider area would have been adversely affected by the development since 1990. The species observed on site would appear to have generally adapted to the level of disturbance arising from quarrying and no significant adverse impacts on these species were likely to arise.
- 10.19 It is stated that while not a like-for-like habitat the creation of a recolonizing bare ground habitat is considered to be of equivalent value to the existing hedgerows. The area of disturbed ground calculated to be c. 13,000m² is significantly greater than the 4000m² of hedgerows estimated to be lost. It is argued that the creation of this new habitat has adequately compensated for the loss of the hedgerows.
- 10.20 Whilst I would accept the premise that since it is not possible to determine whether protected species were lost as a result of this habitat loss any mitigation would be arbitrary. Notwithstanding the rEIS recommends that 5no. artificial bat roosts be erected on existing native trees to provide habitats for these mammals.

10.21 Thus I consider that it is reasonable to conclude that the general operation of the quarry was unlikely to have adversely impacted on habitats and species.

Soil

10.22 The bedrock geology is identified by the GSI as The Slate Quarries Formation and the overlying Glen Ding Formation. Top soil and sub-soils have been removed from the quarry area together with the slate deposits. Overburden has been retained in the south-eastern section of the site and used for landscaping purposes.

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

10.24 Contamination of soils was possible as a consequence of accidental spills. The rEIS appears to be largely silent on whether such situations arose and whether any measures were in place to prevent same prior to section 261 registration. Nonetheless, I observed no evidence of pollution of soil/bedrock on site with no detail on file to suggest that same was an issue. On the basis of the information available I consider that the operation is unlikely to have given rise to any significant direct or indirect impacts on soil or geology

Water

10.25 The site is located within the Tinode Catchment under the Water Framework Directive. Whilst the rEIS states that there are no surface water bodies located within the immediate vicinity of the quarry with the nearest being the Goldenhill Stream located west of the N11 in the townland of Hempstown c. 2km southeast of the site boundary, information provided during the assessment of the previous section 261 registration makes reference to two water bodies to the north-west and the pond on lands to the north which is used by cattle and sheep. Water quality was tested in each with the results forwarded to the PA. A copy of the said results is attached to this report for ease of reference by the Board. The results were within the parameters applicable at that time.

10.26 The quarry varies in ground elevation from 276m OD at the quarry floor to 322mOD along the quarry face to the north-west. The quarrying activities were carried out above the water table. I note in point 6 of the further information (FI) response to the Section 261 Registration application that five boreholes were sunk around the site and the results demonstrated that the

watertable was materially below the lowest elevation of the existing quarry floor. Therefore no groundwater pumping was required to be carried out on site as part of these activities. As noted in the FI response during the Section 261 Registration application there was no comprehensive drainage programme on site at that time (early 2006) and that water collecting on the quarry floor was pumped out of the quarry and discharged onto an adjacent field untreated. Thus it is reasonable to assume that the measures in place including wheel wash, settlement lagoon and bunded storage areas were installed consequent to the registration. Surface water run-off from the quarry floor is now directed to a settlement pond within the eastern section of the site which permits the collected surface water to percolate to ground. There is no discharge to surface water.

- 10.27 In terms of water supply a well immediately adjacent to the office portacabin was noted on day of inspection. The said borehole serves the requirements of the canteen and toilet facilities and top up for wheel wash when necessary. Whilst not detailed I would accept the assertion that the groundwater abstracted is minimal. A series of groundwater samples were collected in 2009 and 2011 from the borehole with the results set out in Table 9.4. The results are within the EC (Environmental Objectives) threshold values for groundwater.
- 10.28 It is noted that the discharge of materials such as fuels, lubricants and hydraulic fluids are sources of groundwater contamination should there have been inappropriate handling and storage. It is stated that best practices were initiated post Section 361 Registration to avoid such a scenario including storage of fuel in fully bunded areas. As noted previously, groundwater monitoring on site showed no levels of hydrocarbons in the groundwater which would suggest that the storage and usage of such material on the site have not had a significant impact on the underlying groundwater quality. It is noted that the groundwater well is located adjacent to the fuel storage area beside the office and canteen.
- 10.29 Effluent disposal from the toilet facilities are via an on-site wastewater treatment system which is to be upgraded as part of this substitute consent application. The system is to be constructed near the site entrance in accordance with EPA guidelines. A site suitability assessment accompanying the application demonstrates the area as being suitable for such a discharge. This is considered to be an appropriate remedial measure.
- 10.30 On the basis of the available information I submit that the groundwater would not appear to have been affected by the activity on site. No third party or

prescribed body has raised concerns regarding impact of the quarry on groundwater (volume or quality). This appears to demonstrate that the previous activities subject of this application have not had any known significant adverse environmental impacts on water in this area.

Air and Climate

- 10.31 As stated, the application site is situated in a relatively lightly populated rural area. There are a number of dwellings in the vicinity predominately located along the county road that serve the area. The nearest dwelling which is c.30 metres from the site entrance is in the ownership of one of the quarry owners. There are three other quarry sites in proximity to the subject site, namely Stresslite precast concrete manufacturing facility and quarry located to the southeast of the site and two closed sand and gravel pits (Murphy Sand & Gravel). All are located within 600 metres of the subject site.
- 10.32 The main emission to air arising from the quarry is dust. Dust monitoring has been carried out at four locations around the site since 2009 following Section 261 Registration on foot of conditions 19 and 20 attached to same. The results as given in Table 6.2 are within the recommended limit value of 350mg/m²/day for dust deposition. I would suggest, however, that these monitoring periods would not have corresponded with the periods of greatest activity that would have preceded 2009. This is confirmed via the information available on the Section 261A review file (ref. QV118) with reference made in the Senior Inspector's report to an almost 10 fold increase in the extraction area between 2000 and 2010. The provision of the details submitted in the dust survey carried out in the 2005 following a FI request on the section 261 registration would have been beneficial in filling the void. Again, at that time, the recommended limit value was not exceeded. The results of the said monitoring are attached to this report for ease of reference.
- 10.33 The main processing and material transfer operations associated with the extraction activities, save during periods of initial lateral expansion including stripping of top and subsoils and the construction of screening banks, would largely have occurred below the existing ground level which would have contributed towards containing dust emissions within the site boundaries. As noted from the FI response during the Section 261 registration application there were no dust mitigation measures originally in place but that such measures were subsequently incorporated into the environmental management practices at the site. These include use of water sprays on materials stockpiles and haul roads during dry weather and a wheel wash.

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- 10.34 Having regard to the scale of the development, the dust monitoring results, the distance of the nearby residential properties from the site, the progressive working of the quarry away from the closest receptor, their upwind location relative to the location of the quarry and intervening landscape features, I do not consider that the development has given rise to significant dust deposition. Remedial measures are not considered necessary.
- 10.35 In terms of noise the quarry operates in a rural area with quiet background noise levels. In the vicinity of the quarry noise arises from the local road passing the site and from the other extractive and related manufacturing industries in the vicinity. From the quarry, itself, noise emissions would have arisen from plant and equipment, blasting, processing and vehicles entering and leaving the site.
- 10.36 There are a number of screening banks along portions of the site boundaries which appear to offer some noise attenuation which is further assisted by the fact that the working quarry floor is materially below the surrounding ground levels.
- 10.37 As with dust, monitoring was undertaken as required by conditions 14 and 15 attached to the Section 261 Quarry Registration. Such monitoring largely post-dates what would have been the busiest time at the quarry which would have corresponded with the period of greatest economic expansion. Again it is unfortunate that the noise monitoring originally conducted during the Section 261 registration process dating back to 2005 was not included in the rEIS.
- 10.38 The results set out in Tables 7.1a and 7.1b of the rEIS pertain to the noise environment with the quarry in operation. The recorded noise levels were below the 55dB(A) standard applied for such type development as measured at the nearest sensitive locations. No detail has been provided of the noise environment without such operation but it is reasonable to conclude that it would be comparable to that of other rural locations with the biggest contributor being passing traffic on the surrounding network and the noise from the other operations in the vicinity. It is anticipated that the noise during initial construction involving removal of overburden and initial quarrying would have been of relatively short duration. In the main works would have been below the existing ground level thereby assisting in ameliorating noise levels.
- 10.39 On the basis of the information available I would accept the conclusions that the operation of the quarry did not have an adverse impact on the nearest

noise sensitive receptors. I note that details are given as to proposed noise monitoring for future activities which are not relevant to this substitute consent application.

10.40 Blasting has occurred at the site to facilitate the working of the rock with stated frequencies of between once every two months during peak production periods down to 1-2 per year. As per section 7.2.2 monitoring of these events for vibration at the nearest sensitive receptors was undertaken in accordance with condition 16 attached to the Section 261 registration but whilst it is stated that the results were all below the specified limits of 112mm/sec and 125dB(L)_{max peak} air overpressure, evidence of same has not been provided in the rEIS with no evidence of the monitoring results attached to any of the relevant attached files. It is stated that the monitoring records were maintained by the Quarry Manager and were available for display to local residents. No remedial measures are considered necessary.

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

Landscape

10.42 The site is within an area that forms part of the Eastern Uplands region as delineated in the current Kildare County Development Plan. The topography of the area is one of undulating hillside that rises gently from the plains of Kildare on one side and the Blessington lakes to the other. The quarry lies within an area considered to be sensitive due to its elevation and is designated as an Area of Special Amenity in the current Kildare County Development Plan 2011-2017. The L6030 from which the site is accessed is part of a designated scenic route providing views to the Blessington Lakes, the Wicklow Hills and the Plains of Kildare. Whilst the site is accessed directly from the local road the main works area is set back from the entrance.

10.43 The quarry void has substantially altered the landform of the local area. It cuts into the base of the rising topography resulting in higher faces on the north-western and north-eastern boundaries and has resulted in steep faces. However, views of the void and buildings on the site are limited as a consequence of topography, vegetation and embankments and are largely restricted to long distance views. The site is largely hidden from view along the road travelling in both directions and from the south-west due to the berm constructed along this boundary.

10.44 Mitigation is proposed to prevent an exposed view of the quarry face and is divided into three sections (see section 11.6 and drawing nos. 2/F/14 1-3). Whilst reference is made to such mitigation being extended to future quarrying works assessment at this juncture is with regard to past extraction works. The proposals are considered reasonable but in the interests of clarity and to ensure that there is no confusion as to the extent of the works to be mitigated I recommend that revised plans pertaining only to the past operation of the quarry be required by way of condition.

10.45 In conclusion I would consider that landscape impacts as a result of the past operation of the quarry are locally significant but the visual impacts are not. Without active restoration and intervention landscape impacts have remained relatively undiminished at the site. Although the impacts are not major it is considered that the resultant impacts could have been reduced had operational mitigation been included, namely advanced boundary earthworks and screen planting and progressive restoration of extracted areas and appropriate boundary easements and restorative profiling of quarry faces.

Material Assets

10.46 Key local resources which are intrinsic to the application site include agricultural land on which quarrying has taken place, the stone resource which has been worked, and the road infrastructure in the vicinity. Given the relatively small size of the application site direct impacts on agriculture and geology are considered to be minor.

10.47 There is no information on actual traffic flows that were historically generated by the quarry with the information given as to anticipated vehicular movements arising from a maximum annual output of 150,000 tonnes per year. I note that condition 24 attached to the Section 261 registration required the operator to keep a record of traffic movement in and out of the site but no evidence of compliance with this condition is available. I note however, that the anticipated maximum annual extraction rates as given in support of the Section 261 Registration was stated to be 500,000 tonnes. This would have averaged about 10,000 tonnes per week. This is materially greater than the figure given for future anticipated rates. On this basis I would submit that this section of the rEIS is somewhat deficient and does not present any assessment, albeit estimated, as to impact for the appropriate period. I would suggest that at worst the vehicular movements generated by the activity would have had an adverse impact on the condition of the local road with the potential for conflicting traffic movements. This would appear to

be corroborated by the submission made by residents in the area to the Board during the Section 261 Registration application.

10.48 The local road serving the site is of a reasonable scale and condition but it is not of sufficient width to facilitate unimpeded two way traffic where a HGV would be involved. As can be extrapolated from the details provided with the Section 261 Registration all vehicular movements were in a southerly direction towards the N81. I note that at that juncture the PA in the Section 261 Registration by way of condition 23 required details of the sight distances available at the existing entrance although it stopped short of requiring its relocation. The applicants now propose the relocation of the entrance to provide for better sightlines. The PA in its report considers that the suitability of the access requires further examination.

10.49 Whilst the volume of traffic generated by the quarry would, most likely, have been material during the periods of greatest activity and would have had an impact on the amenities of property in the vicinity there is nothing before the Board to confirm that the levels caused significant environmental impact for the wider community or to have adversely affected the carrying capacity of the local or national road network involved. There is no record of the overall development having resulted in any significant traffic hazard. On this basis the provision of the new access would be more appropriately the subject of any future application for continuation and expansion of the site.

Cultural Heritage

10.50 No recorded monuments lie within the site or in close proximity to it. In addition there are no protected structures in the vicinity. The rEIS addresses the potential for archaeological interest in the fields included in the site boundary but which are undeveloped for quarrying. As noted above as this application is retrospective in terms of the works covered, such assessment is not relevant to this application.

10.51 Although it was potentially possible for undocumented sub-surface archaeological features and material to have existed within the existing quarry area, there is no record of any archaeological finds and no known reason to consider why the development the subject of the substitute consent application would have had any significant archaeological impact. No residual impacts arise and no mitigation is required to be put in place. I would therefore accept the view that the quarry operation has not had an impact on cultural heritage.

Inter-relationship between the Foregoing

10.52 The main interactive impacts arising from the operation of the quarry are:

- Human beings, landscape, noise, dust, material assets and traffic related impacts.
- Flora & Fauna, Soils & geology and water

10.53 The rEIS has not explicitly dealt with the issue of cumulative impacts arising from the other extractive and manufacturing operations in the vicinity but it is reasonable to surmise that same has been implicitly considered with regard to the issues of noise and dust. These were noted to be within acceptable limits and are unlikely of themselves to have caused significant environmental effects. Whilst I would agree with these conclusions, no doubt the presence of the quarry, coupled with the adjoining land uses with their associated noise, dust and traffic effects in particular, would have impacted on the local area. I consider that this would have been a cumulative moderate local impact.

Financial Contributions & Costs

10.54 I note that the planning authority recommends the attachment of conditions relating to financial contributions. The application of the current development contribution scheme of 2011-2018 is cited. As can be extrapolated from the information available extractive development has been subject to the Section 48 Development Contribution Scheme for the County since at least 2008. As such the retrospective application of this requirement is considered appropriate.

10.55 I note that the Planning Authority has included a claim to recoup its costs for commenting on this application for substitute consent.

Conditions

10.56 In the course of the application the Health Service Executive and the Planning Authority recommended a number of conditions in respect of the application. The application for substitute consent refers to the past development of the quarry, only, and a number of these conditions would, therefore, not be relevant.

11.0 CONCLUSIONS AND RECOMMENDATION

Having regard to the nature and scale of quarrying which has taken place on the application site in the context of the information provided in the rEIS, and subject to the conditions set out below, I am satisfied that the development has not given rise to significant environmental effects and is otherwise in accordance with the proper planning and sustainable development of the area. Therefore I recommend that substitute consent is granted for the development for the following reasons and considerations subject to the conditions set out below.

REASONS AND CONSIDERATIONS

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

- the provisions of the Planning and Development Acts, 2000 to 2014, and in particular Part XA,
- the 'Quarry and Ancillary Activities, Guidelines for Planning Authorities', April 2004,
- the provisions of the current Kildare County Development Plan,
- the remedial Environmental Impact Statement submitted with the application for substitute consent,
- the report and the opinion of the planning authority under section 177I,
- the report of the Board's inspector, including in relation to potential significant effects on the environment,
- the submissions on file,
- the site's planning history,
- the pattern of development in the area, and
- the nature and scale of the development the subject of this application for substitute consent.

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

CONDITIONS

1. This grant of substitute consent relates only to the stated current quarry site area of 6.37 ha and to development undertaken as described in the application and remedial Environmental Impact Statement. It does

not authorise any future development on this site. A revised site location map with the boundary altered thereon corresponding with this stated area shall be submitted for the written agreement of the planning authority within one month of the date of this order.

Reason: In the interest of clarity.

2. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to An Bord Pleanála on the 25th day of Jun 2014 within three months from the date of this order and shall be in accordance with the requirements of the document “Wastewater Treatment Manual: Treatment Systems for Single Houses”, Environmental Protection Agency (current edition). Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Within three months of the installation, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

3. A revised plan for the restoration of the quarry as authorised by this order shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order. The plan shall include timelines and any proposals for phased Implementation, an aftercare programme for a period of not less than five years and security provisions within and bounding the quarry site.

Reason: In the interest of public amenity and public safety

4. Within one month of the date of this order, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory restoration of the site, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory restoration of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the

developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory restoration of the site.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid within six months from the date of this order or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to this grant of substitute consent.

Pauline Fitzpatrick
Inspectorate

November, 2014