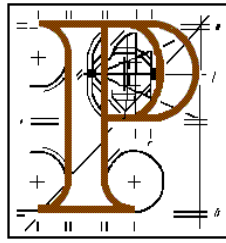


An Bord Pleanála



Inspector's Report

Development: Quarry at Agall and Glaskill, Screggan,
Tullamore, County Offaly.

Planning Authority: Offaly County Council

Applicant: Condron Concrete Limited

Application Type: Application for Substitute Consent

Date of Site Inspection: 29th July, 2015

Inspector: Kevin Moore

1.0 INTRODUCTION

- 1.1 This application is for substitute consent for a quarry at Agall and Glaskill, Screggan, Tullamore, Co. Offaly.
- 1.2 A notice was issued under the provisions of Section 261A, following a review by An Bord Pleanála, on 22nd August, 2014 instructing the owner/operator of the quarry to apply for substitute consent (SC) for the works undertaken on the site and that the application for substitute consent be accompanied by a remedial Environmental Impact Statement (EIS). An application for substitute consent accompanied with the above documents was lodged by the applicant with An Bord Pleanála on the 1st April, 2015 following the granting by the Board of two extensions of the period for the making of the application. Details on wastewater disposal were submitted on 5th May, 2015, following a request from the Board.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The substitute consent site area consists of two quarries in separate ownership at present but without distinctive demarcation separating them. The existing sand and gravel quarries are located in the townlands of Agall and Glaskill, Screggan approximately 3km north-west of the village of Mucklagh, 6km west of Tullamore, and just under 3km south-east of the village of Rahan in County Offaly.
- 2.2 The identified site area of the larger quarry covers an area of approximately 25.15 hectares, approximately 10 hectares on its eastern side of which are under restoration. The operations on site include extraction, screening, and batching. The rEIS states that approximately 50 rigid body truck loads (26 tonnes capacity) of sand is removed off site per week. The smaller quarry incorporates an area of approximately 3.15

hectares and abuts the north-western section of the other quarry. The overall site boundaries comprise mature hedgerows and berms.

- 2.3 There is a storage building and yard near the northern end of the site. There is no welfare or other facilities on site. Fuel is stored in a tank raised above a concrete bund.
- 2.4 The lands are bounded to the south by woodland, to the east and west by agricultural lands, and to the north by a minor local road. Development in the wider environs comprises farmlands, farm complexes, one-off housing and other quarry operations. A groundwater source, forming part of the Rahan public water supply source, is located in a field immediately to the north-west of the overall site.
- 2.5 The working hours at the quarry are 08.00 to 17.00 Monday to Friday.
- 2.6 Restoration of 9.58 hectares and reseedling of the land for agricultural use was stated to be undertaken in 2013. Removed topsoil stockpiled on the site is intended to be used for continued site restoration.
- 2.7 The quarry was not in use on the day of inspection. However, the current working area of the quarry appears to be at its south-western end.

3.0 PLANNING HISTORY

3.1 UD/07/011

A Warning Letter was issued to Condrón Concrete in November 2007 in relation to unauthorised use of lands for quarrying works. A response was received in December 2007 claiming exemption from prosecution.

- 3.2 **An Bord Pleanála Ref. QV19.QV0187 (P.A. Ref. EUQY028)** – A review of the decision by Offaly County Council under the section 261A process was sought by the applicant. The Board decided to confirm the

determinations under section 261A(2)(a)(i) and section 261A(3)(a) and to set aside the determination under section 261A(5)(a), culminating in the application for substitute consent now before the Board.

4.0 APPLICANT'S REMEDIAL ENVIRONMENTAL IMPACT STATEMENT (rEIS)

The substitute consent application considered the lands associated with the quarry previously registered as QY028 by Offaly County Council (25.15 ha.) only and did not include the land area associated with the quarry previously registered as QY031A (3.15 ha.). The findings of the rEIS include the following:

4.1 Site Operations

In the past, two trucks were in operation with loads per day generally in the order of 12. When demand was increasing, a third truck was used, increasing the number of loads to a maximum of 17 loads per day. This gave rise to a weekly extraction rate of between 1,300 and 1,950 tonnes. The annual extraction rate was thus generally of the order of between 65,000 and 135,000 tonnes per annum. Extraction rates for the period 1986 to mid-2014 are provided in Table 2.1.2.2 of the rEIS.

The extraction and processing provided materials for the concrete manufacturing works in Tullamore.

There was an average extracted depth of 7m over the existing working areas.

4.2 Human Beings

4.2.1 The town of Tullamore is not within the visual envelope of the quarry and the presence of the quarry will not deter visitors or detract from their visit to this general area. The quarry is not within a high amenity area, and there are no amenity attractions of significance in the area. The net impact on agriculture in the area is not significant. There is one full-time and one part-time employee working at the pit and up to three truck drivers, depending on demand. The quarry helps to maintain employment in a rural area where employment opportunities are limited. The routing of trucks from the quarry to Condrón Concrete manufacturing facility at Arden, Tullamore alleviates any potential for increased traffic flows through built-up and populated areas of Tullamore to limit potential human impacts. There are 31 dwellings within 500m of the site boundary.

4.3 Archaeology

4.3.1 Field walking did not uncover any new archaeological features. There are no archaeological monuments within the study area.

4.4 Noise & Vibration

4.4.1 Vibrations are not considered to have been an issue as no blasting has ever occurred at the site.

4.4.2 The previous quarry operations incorporated several features that provided natural mitigation against potential noise nuisance.

4.5 Climate & Air

4.5.1 The rEIS notes that no previous historic monitoring for dust was carried out at the pit. Considerations were given over to current air quality. High dust deposition values at the northern boundary were acknowledged.

4.6 Soils & Geology

4.6.1 The soils at and in the vicinity of the quarry are described. Silts and fine sands have been used in the reinstatement process and topsoils are stored on site as a capping layer. Some of these soils have been used to reinstate completed areas on the eastern side of the site. There has been a practice of stockpiling topsoil in embankments.

4.6.2 The resulting impact on the soils is considered to be of a medium term nature as they will be reused or integrated as a fundamental part of site rehabilitation.

4.6.3 There has been a permanent, adverse impact by the excavation and removal of glacial deposits by past activities.

4.6.4 There are no designated sites with respect to geological features in the vicinity of the site.

4.6.5 There is no excavation or removal of bedrock material.

4.6.6 Rehabilitation measures using subsoils and soils and associated mitigation for the quarry site are provided.

4.7 Hydrology and Hydrogeology

4.7.1 Rainfall freely infiltrates the ground surface at the site. There are no surface water features at the site. The topography declines from south to

north. Springs rise to the north of the site which combine to form small streams that flow into the Clodiagh River to the north. One of the springs is used as a public water supply. The source protection area for this spring includes some of the site area. Historical practice at the site involved stripping the uppermost layer of coarse sands and gravels. The rate of extraction is considered to be very low. Below this layer are fine sands that are left undisturbed.

- 4.7.2 Groundwater in overburden was found to be perched, implying water cannot freely penetrate the lower silty sands and boulder clay. It is presumed that this provides a protective cover to groundwater in the bedrock aquifer. The groundwater stored in the sands and gravels and bedrock was very clean, reflecting the lack of potential contaminants in the source protection area and the buffering effect of the material above bedrock. Hydrochemistry suggests spring water is mostly sourced from the bedrock aquifer.
- 4.7.3 Rehabilitation is ongoing and there will be no lowering of the pit floor below current levels. Rehabilitated areas will remain fallow to ensure no loss of quality in groundwater feeding the stream.
- 4.7.4 There is no mains water supply on the site. An on-site well has not been used since it was installed 10 years ago. It may be used for dust suppression on the internal entrance roadway during summer months. Rainwater harvested from the roofs of two storage sheds is used for toilet flushing and hand washing. A toilet facility was installed in 2010 and wastewater passes to a septic tank and percolates to ground. There is a 9m buffer provided against the bedrock aquifer and water feeding Agall Spring. The on-site fuel tank is banded to 400% of its capacity.
- 4.7.5 The rEIS notes that there no washing of materials takes place on the site, no private wells are down-gradient of the site, and there are no surface water bodies on the site.

4.8 Landscape and Visual Impact

4.8.1 There is no view of the site as a whole due to the mature hedgerow along the site boundary and low elevation of the quarry floor below the site boundary. Residences to the east and north have a view of the site entrance and soil storage mound near the entrance. Residents to the west do not have a view of the site. Road users have a view only of the site entrance. The landscape of the area is classified as low sensitivity and it is not within any protected views. Mitigation measures in the form of retention and maintenance of hedgerows have reduced the visual impact. The quarry has had minimal visual impact due in large part to the active quarry being at lower elevations to the surrounding land, topography and the screening provided by surrounding mature hedgerows.

4.8.2 For the length of time the quarry has been in existence the level of change with regard to visual impact has been very slight as a result of the mature hedgerows, topography and vegetation in the area.

4.8.3 Offaly County Development Plan 2009-2015 was the main planning document consulted in regard to landscape and visual references. The landscape of the area possesses a low sensitivity rating and a low value rating.

4.8.4 Continued rehabilitation of the site to agricultural land will continue to reduce the impact of the quarrying on the landscape significantly.

4.9 Flora & Fauna

4.9.1 A rare plant species, Red Hemp Nettle, included in the Flora Protection Order, is present in an exposed sand and gravel habitat in one area of the quarry, with the population estimated at a couple of hundred plants. A

second rare plant species, Blue Fleabane, was recorded during the site survey in habitat classified as spoil and bare ground and is prolific in several areas of the site. These populations of plant species are evaluated as being of county importance for biodiversity.

- 4.9.2 The site does not provide suitable habitat for resting or breeding sites for mammal species as it is predominantly composed of disturbed ground and there is more suitable habitat and foraging grounds on the adjacent lands. No reptiles or amphibians were noted on site.
- 4.9.3 A Sand Martin colony is present on the site and a pair of Kestrels was observed on site also. They are both Amber listed birds of conservation concern. The interest of the site is viewed as being of high local value.
- 4.9.4 Past quarry activities may have resulted in a significant negative impact at the local scale from habitat loss of semi-natural grassland. A conservative estimate of the likely habitats present on the site before the land was quarried is a combination of calcareous grassland and dry meadow, some areas of which may have been improved. It is likely that at least some of the grassland was of Annex I quality. The best available information suggests that it is likely that the quarry operation in the past has led to a significant negative impact at the local scale due to the loss of semi-natural grassland habitats.
- 4.9.5 Depending on the nature of the site before quarrying commenced, the quarry has had a neutral to significant positive impact at the county scale on rare flora. In the absence of disturbance, Red Hemp Nettle and Blue Fleabane are susceptible to being outcompeted by taller-growing, more competitive plants.
- 4.9.6 Past disturbance impacts to flora and fauna would have been confined to the local scale.

- 4.9.7 The separation distance between the quarry and sensitive habitats would have placed these habitats well outside the zone of influence from dust deposition.
- 4.9.8 Mitigation measures are proposed to address possible impacts on the significant flora and fauna, notably the restoration plan, protection of Red Hemp Nettle, maintaining sufficient habitat for Blue Fleabane to persist, natural regeneration of calcareous grassland species, and protection of nest sites of Sand Martins.
- 4.9.9 Regarding, Natura 2000 sites, Offaly County Council carried out screening for Appropriate Assessment and determined that there is no risk of significant impacts on the conservation objectives of any Natura 2000 site.

4.10 Roads & Traffic

- 4.10.1 Daily traffic volumes associated with the quarry are currently low to moderate, and have been consistently as such in the past, in the context of volumes using the local road network. The estimated number of truck loads removed off-site per day since 1986 averaged 5 in number. Daily volumes of loads leaving are directly linked with demands for product from the Condron concrete manufacturing facility. The potential for impacts as a result of traffic movements are considered negligible.
- 4.10.2 During the operation of the site there has been a steady volume of trucks entering and leaving the pit. There have been no issues arising from the volume of trucks from either the local authority or neighbours and no issues with traffic accidents.

4.11 Material Assets

4.11.1 It was determined that there were some small impacts to road surfaces due to truck movements from the development site. No adverse impacts on geological heritage were identified.

4.12 Interaction of the Foregoing

4.12.1 The potential impacts are the stripping of topsoil, removal of subsoils and the effects generated as a result of that process. The effects need to be considered in terms of impacts on human beings, on cultural heritage and natural heritage. Table 14.1.1 of the rEIS identifies the likely interaction between transmitters and receptors.

5.0 SUBMISSION FROM PLANNING AUTHORITY

5.1 It was noted that planning permission for gravel extraction was never obtained on the lands. It was acknowledged that the quarry incorporates two separate applications registered under section 261 and that in the past they were operating as a single entity.

5.2 It was noted that there was an unauthorised development file associated with the lands (Ref. UD/07/011).

5.3 Relevant provisions of the Offaly County Development Plan as they relate to sand and gravel extraction and water and soils were referenced.

5.4 It was noted that the site is within an aquifer protection zone and that 9.58 hectares of the quarry had undergone restoration.

5.5. With regard to whether or not substitute consent should be granted, it is submitted that the rEIS appears to address the key points in relation to

environmental impacts, the quarry is deemed acceptable at this location, and the site is well screened.

- 5.6 In relation to conditions that should be attached, reference is made to the application of a development contribution, a timeframe for restoration works, and a bond to ensure reinstatement. Further to this, a report attached from the Council's Environment and Water Services Section comprises recommended conditions relating to foul water, ground and surface water, noise and dust, and waste.

6.0 SUBMISSIONS FROM PRESCRIBED BODIES

6.1 National Roads Authority

The NRA stated it had no specific comments to make in relation to the proposed development.

6.2 Health Service Executive

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

- It was noted that no previous historic monitoring of dust was carried out and that no complaints have been received by the HSE or the Council in relation to the quarry.
- Consideration should be given to dampening of stockpiles. If the yield from the on-site well is insufficient, alternative water supply must be provided to ensure adequate suppression of dust.
- The proposal to provide a minimum unsaturated layer of 5m maintained across the site to mitigate risk to groundwater should be included as a condition.
- No complaints regarding noise have been received to date.

- There are two separate toilets on site and clarification is needed on details of percolation areas.
- All refueling must take place on hard standing areas.
- Adequate provisions must be made for drinking water on site.

6.3 **Geological Survey of Ireland**

The GSI stated that it had no comment to make in relation to the rEIS.

6.4 **Irish Water**

The information submitted does not provide detailed assessment of each of the risks that could arise as a result of the development, nor any mitigation measures. Sufficient information has not been provided in relation to percolation areas, bunding, petrol interceptors, or the potential impact of these. Irish Water is of the opinion that the development is contrary to its commitment to minimise catchment risk.

7.0 **PLANNING POLICY CONTEXT**

7.1 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.

7.2 Sections 2.8.6, 2.9 and 8.13 of the current Offaly County Development Plan 2014-2020 contain information and relevant considerations in respect of the extractive industry. A copy of the relevant sections of the Plan is attached to this report.

8.0 ASSESSMENT

8.1 The Board is not in a position to undertake Environmental Impact Assessment in relation to the application now before it. A number of observations are required to be made in support of this conclusion as follows:

- The applicant has openly admitted that there was no access to the quarry QY031A, which is 3.15 hectares of the overall quarry site required by the Board to be addressed in the rEIS. Thus, the applicant's rEIS failed to investigate, survey and assess over 11% of the site area of the quarry operations required to be assessed by the Board in its deliberations under Ref. QV19.QV0187. I must impress upon the Board the necessity for a complete understanding of the past operations for this part of the overall development as this part of the quarry lies on the opposite side of the minor local road from the spring source forming part of the Rahan public water supply, a significant public supply for this part of County Offaly, and also because of the significance of rare flora and birds of conservation concern prevalent in the adjoining quarry area and which would be likely prevalent in this part of the overall quarry also.
- Furthermore, the applicant's primary focus throughout the rEIS submitted with this application for substitute consent was on current operations, dependent upon recent baseline studies. This implies very major deficiencies which do not allow the Board to assess previous activities which are the subject of this application.

This application is incomplete, inadequate, and most seriously deficient to allow EIA to be undertaken.

8.2 Further to the above, I provide the following considerations in relation to the submitted rEIS referring to the 25.15 hectares section of the overall site only:

8.2.1 Human Beings

The submitted remedial Environmental Impact Assessment under this section had no focus on impacts from previous activities the subject of this application now before the Board.

8.2.2 Cultural Heritage

The applicant's assessment is stated to include a description of the existing environment from a cultural heritage perspective and describes the known archaeological and architectural monuments in its environs. It does not describe the potential effects of previous extraction on archaeology or cultural heritage.

8.2.3 Noise & Vibration

The rEIS states that the purpose of the baseline noise study is to establish and assess the existing levels of noise arising from the existing site operations. This is not relevant to past operations the subject of this application. No consideration is given over to past operations the subject of this application in the submitted rEIS.

8.2.4 Climate & Air

The rEIS notes that no previous historic monitoring for dust was carried out at the pit. The considerations in the rEIS under this section sought to establish current air quality in the vicinity of the site and did not address past activities the subject of this application.

8.2.5 Soils & Geology

I note that there are no designated sites of geological interest in the vicinity of the site. I further note that excavation of bedrock material has not occurred. Any likely impact on geology has not resulted in any significant adverse environmental impact on soils.

I acknowledge the extraction of sand and gravel has constituted a permanent adverse impact on the subsoils at this location. Adverse impacts have not spread beyond the application land area. I do not consider the impacts on soil within this relatively confined site area have resulted in significant environmental impact on soils within the context of the site's wider environment. I further acknowledge the mitigation measures and the rehabilitation proposals in the restoration of the quarry to address potential impacts into the future.

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 soils and geology based upon the above findings.

8.2.6 Hydrology and Hydrogeology

The potential significant impact from the quarrying activities relates to effects on water quality to the Agall Spring. This spring lies 200 metres north-west of the quarry referenced by Offaly County Council as QY031A, i.e. that part of the site not part of the applicant's submitted rEIS. From Figure 8.1 of the EIS it can be seen that all of the quarry not examined in this rEIS falls within the Inner Source Protection Zone of the Agall Spring. The rEIS states that 8.8 ha. of the site is within the Inner Protection Zone and 15.4 ha. is within the Outer Protection Zone (15.4 ha.). As a significant water source, it is used to augment the Rahan Water Scheme. Agall Stream is located in the Allenwood Formation. The GSI acknowledge that although the limestone bedrock is considered to be the primary source of

water for the Agall Spring, the sands and gravels south of the spring, including those underlying the site, may be contributing significantly to its outflow and yield. The gravel aquifer in the area has been assigned as having a groundwater vulnerability classification of “High”. At Agall Spring, where the water table intersects the surface, vulnerability is extreme. The site shares High and Moderate groundwater vulnerability. The rEIS states that the high quality of water reported by Offaly County Council confirms that the groundwater source area supplying Agall Spring is well protected.

It is acknowledged that excavation across the site has not intercepted the water table. A minimum 3m depth of unsaturated overburden is purported to have been maintained throughout the lifetime of the site.

The surface water quality Q-ratings are stated in the rEIS to show that the stretch of Clodiagh River as it passes the vicinity of the site to the north has broadly maintained Good quality since monitoring commenced by EPA.

I acknowledge that no washing of materials takes place on the site, that there are no known private wells down-gradient of the site, and that there are no surface water bodies on the site. It is accepted that no surface waters leave the site and there is no known pathway for suspended solids to leave the site.

Overall, I am unaware that there have been any significant environmental impacts on the water environment arising from the quarry at this location as a result of the previous quarrying activities the subject of this application. However, I must again stress that the clear lack of consideration of the closest part of the quarry, representing 3.15 ha., leaves the Board in a position where one cannot be in any way assured of adequately undertaking EIA. Providing an understanding of previous and continuous protection of this water source, lying so close to this quarry,

cannot be avoided and is a necessity in the consideration of significant environmental impacts.

8.2.7 Landscape & Visual Impact

I note that the landscape in which the quarry is located is classified as Low Sensitivity in the current Offaly County Development Plan 2009-2015 and that it does not fall within any protected scenic views. I further note the lack of views into the site due to screening provided. Views into the site are primarily limited to the approach from the north-east towards the site along the minor local road. I accept that there is no notable impact from operations due to the active quarry being at lower elevations to the surrounding land, the natural topography and the screening provided by surrounding mature hedgerows.

I consider that it is reasonable to conclude that the previous activities the subject of this application were not likely to have resulted in significant adverse landscape and visual impacts.

8.2.8 Flora & Fauna

I note that Offaly County Council carried out screening for appropriate assessment and determined there is no risk of significant impacts on the conservation objectives of the nearest Natura 2000 sites. I concur with this position. I acknowledge that there is a lack of ecological connectivity between the quarry and designated conservation sites (SACs, NHAs, etc.) in the wider area and concur with the position that previous quarry development the subject of this application did not likely adversely affect the conservation objectives or the integrity of these conservation sites.

I note that rare and protected species have been recorded on that part of the quarry site which was considered in the rEIS. The rare plant species, Red Hemp Nettle, included in the Flora Protection Order, is present in an exposed sand and gravel habitat in one area of the quarry, with the

population estimated at a couple of hundred plants. A second rare plant species, Blue Fleabane, was recorded during the applicant's site survey in habitat classified as spoil and bare ground. It is stated to be prolific in several areas of the site. A Sand Martin colony is also present on the site and a pair of Kestrels has also been observed. These are amber-listed birds of conservation concern.

Over and above the existing flora and fauna of noted importance, the applicant has submitted that past quarrying activities may have resulted in a significant negative impact due to the loss of semi-natural grassland, with the likelihood being that some of the grassland was of Annex I habitat.

Having regard to these observations, it is submitted that the nature of the activities is likely to have facilitated the occupancy of the site by the Sand Martin colony. The existence of the pair of Kestrels would suggest that the nature and extent of activities has not impacted upon the utilisation of this area by these birds. The protection of Sand Martin nest sites proposed is a reasonable mitigation measure. With regard to the endangered Red Hemp Nettle and Blue Fleabane, there would be a necessity to ensure the protection of these rare plant species. I would have some concern that the nature of the ongoing quarrying activities would pose significant threats by way of loss and disturbance. The careful management of any rehabilitation of these lands will be pivotal as the susceptibility to encroachment by other prevalent plant species (and invariably loss of the protected species) must be acknowledged. Clearly the previous loss of Annex I habitat by quarrying the subject of this application would be considered a significant adverse impact, albeit that the rEIS is somewhat inconclusive on the timing and extent of such loss. The lack of comprehensive information on this loss of habitat highlights the serious deficiency in information in this application to allow the Board to make a reasonable decision on likely

significant environmental impacts by development the subject of this application.

Overall, there must be serious concerns about potential previous activities about which the Board has no knowledge, as well as a concern about an adequate management response to protecting rare plant species on the site. There is a notable probability that past quarrying at this location has had a significant adverse impact on flora and fauna. Finally, I note the failure to consider Quarry QY31A. This is a most serious shortfall in the necessary investigation, surveying and assessment of impacts arising from this quarry as evidently the likelihood of protected flora and birds of conservation concern on this unexamined part of the site arises and must be subject of necessary examination before the Board could reasonably seek to undertake EIA and before any adequate necessary management plan and mitigation could be devised and put into effect.

8.2.9 Roads & Traffic

I acknowledge the historic low levels of traffic generated by the quarry. I am satisfied to conclude that the low levels of truck movements generated by the quarry were unlikely to have resulted in any significant impact on the carrying capacity of the road network used by the quarry operator. Such low levels of activity were unlikely to have significantly affected established road users or very substantially impacted on the structural condition of the relevant road network other than at the entrance to the site itself. I further note that there have been no issues arising from the volume of trucks from either the local authority or neighbours and no issues with traffic accidents. I, therefore, consider that it is reasonable to conclude that the previous activities the subject of this application were not likely to have resulted in significant adverse traffic impacts.

8.2.10 Material Assets

It is apparent that the previous activities did not have a significant physical impact on the road network in the vicinity. I acknowledge that the part of the overall quarry development the subject of the rEIS has had no known adverse impacts on water supplies in the area but again refer the Board to the shortfalls referred to in the hydrology and hydrogeology section above. It is also accepted that the previous activities did not have significant impacts on geological heritage. It may be concluded that, based upon information provided with the application, the development the subject of this application appears not to have had any known significant impacts on material assets.

8.2.11 Interaction of the Foregoing

On the basis of a serious deficiency of information available to the Board to undertake a meaningful Environmental Impact Assessment, due to the incomplete nature of the application by the elimination of a significant land area from the applicant's considerations and due to seriously deficient details provided on a wide range of environmental factors as they relate to past activities the subject of this application, one cannot in any reasonable manner seek to consider the interaction of the environmental factors referenced above.

8.2.12 Cumulative Impacts

There has not been any adequate consideration of cumulative impacts with other developments in the area in the application received by the Board.

9.0 RECOMMENDATION

It is my conclusion that the Board is left in a most unsatisfactory position as a result of the deficient application made. Firstly, the application failed to address a very substantial part of the land area required to be assessed, and it must be acknowledged a part of the overall quarry lands in a particularly sensitive area relating to groundwater, as well as potentially being of significant value in terms of flora and fauna. Secondly, the application failed to focus on essential environmental matters relating to past activities which it is required to do. Thirdly, where consideration of past activities on a limited number of environmental factors has been provided, information is extremely scant and is limited in value when seeking to undertake Environmental Impact Assessment. It is, therefore, my submission that the Board is left in no other position other than to refuse this application. It is evident that seeking further information in this instance would be futile.

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

Reasons and Considerations

The remedial Environmental Impact Statement accompanying the application, which was lodged with An Bord Pleanála on 1st April, 2015, does not comply with the requirements of article 94 and Schedule 6 of the Planning and Development Regulations, 2001, as amended, due to:

- (a) The failure to consider, investigate, survey and assess the land area associated with the quarry previously registered as QY031A by Offaly County Council, contrary to the requirements of the decision by the Board under An Bord Pleanála Ref. QV19.QV0187 that culminated in the current application, and having regard to the proximity of these quarry lands to the Agall Spring, a source of public water supply, and the potential sensitivity of this part of the quarry with regard to the presence of protected flora and birds of conservation concern;

- (b) The consequent deficiencies arising therefrom to adequately describe the proposed overall development relating to the application for substitute consent and the existing environment prior to the quarry extraction the subject of the application;
- (c) The inadequacy of data required to identify and assess the main effects which the proposed development would likely have had on the environment, either directly or indirectly, in terms of their character, magnitude, duration and consequences;
- (d) The lack of details of material significance and substance in regard to considerations on the overall development relating to the application with regard to impacts on human beings, cultural heritage, air, flora, fauna, interaction of environmental factors and cumulative impacts, with particular regard to:

(i) Humans

The lack of information on impacts arising for residential amenity, population, settlement patterns and economic activity, land use, local and community amenities, health and safety, and with regard to the lack of any factual data and any analysis of impact of past activities the subject of this application;

(ii) Cultural Heritage

The lack of any information relevant to the subject application;

(iii) Air

The lack of information specifically relevant to the matter required to be assessed in relation to noise and dust, with particular regard to lack of any baseline information relating to historic activity and the provision of inadequate and unrepresentative survey and monitoring information;

(iv) Flora & Fauna

The lack of baseline information and failure to provide any meaningful understanding of the loss of habitats and species arising from the development the subject of the application and the accepted likely significant impacts on an Annex I habitat, together with the potential significant adverse impacts arising for the rare plant species Red Hemp Nettle and Blue Fleabane;

(v) Inter-relationship between these factors

Arising from the above, a complete deficiency of relevant historical information, surveys and sampling to allow any understanding of the inter-relationships between environmental factors; and

(vi) Cumulative Impacts

The lack of consideration of the cumulative impacts arising from the development together with other developments and land uses in the area.

The Board is, therefore, precluded from considering a grant of substitute consent in this case.

Kevin Moore

Senior Planning Inspector

July, 2015.