



An
Bord
Pleanála

Inspector's Report 11.SU0137

Development	Quarry buildings, weighbridge and concrete batching plant.
Location	Knockahaw, Errill, Co. Laois
Planning Authority	Laois County Council
Applicant	Dowling Quarries
Type of Application	Section 177E Substitute Consent
Observers	None
Date of Site Inspection	01/09/16
Inspector	Pauline Fitzpatrick

1.0 Introduction

- 1.1. On 30th day of November, 2015, the Board granted Dowling Quarries leave to apply for substitute consent under section 177D (4) of the Planning and Development Act, 2000, as inserted by section 57 of the Planning and Development for quarry buildings, weighbridge and concrete batching plant on an existing quarry site at Knockahaw, Errill, Co. Laois.
- 1.2. An extension of the period for the making of the application for substitute consent was granted.
- 1.3. On the 18th day of May 2016, Dowling Quarries lodged an application for substitute consent with the Board accompanied by a remedial EIS and remedial NIS. This report provides an assessment of the application and sets out a recommendation in respect of the development.

2.0 Site Location and Description

- 2.1. The subject development is within an existing operational limestone quarry (known as Lisduff Quarry) at Knockahaw, Errill, Co Laois in a rural area approx. 2.5 km southwest of Errill village, approx. 8 km. west of Rathdowney and 6 km. north east of Templemore in close proximity to the county boundaries of Laois and Tipperary. The site has frontage onto the R433 Regional Road, which defines the site's northwestern boundary.
- 2.2. The quarry site has a stated area of c.17.66 hectares. The overall site boundary is marked by a treeline to the north and west and by a grove of trees to the south and south-west. Two quarries bound the site to the east and south-east.
- 2.3. Extraction is occurring in the eastern/south-eastern portion of the site with mobile plant and equipment to facilitate same. The buildings and plant to which the application refers are located in the western section of the site in proximity to the site entrance on a relatively level shelf of land.
- 2.4. To the west and north-west, the plant is obscured from view along the R433. The main quarry's haul road passes by the concrete batch plant in this direction. Beyond the haul road, the elevation falls towards the R433.

2.5. The lands on the opposite side of the road are associated with the rail line and used as a freight train loading site. Sporadic one off housing along the local roads in the vicinity is noted with the nearest being c.200 metres to the north.

3.0 Application for Substitute Consent

3.1. The application for substitute consent received by the Board on the 18th May, 2016 includes a completed application form, copies of statutory notices, a remedial EIS and associated drawings. The documentation also includes a copy of the NIS and Traffic Impact Assessment prepared for the batching plant dated August and November 2011 respectively.

3.2. The development to which the application refers are:

- Office buildings (3 no. prefab units, one which is on top of the other with access via stairs) including reception, scales room, accounts, and staff facilities with a floor area of c.50 sq.m. The office buildings are served by a septic tank and percolation area located to the south of the site.
- Weighbridge to east of office buildings
- Revised location of wheelwash to north of office buildings from that required by condition 13(A) attached to section 261 registration reference QY 05/06.
- Concrete batching plant with 3 no. storage hoppers, water storage tank, 2 no. cement silos, out-loading tower, covered conveyors and chutes, a compressor, batching cabin and tool shed.
- Office building ancillary to concrete batching plant (pre-fab unit c. 28 sq.m.in area)

3.3. The batching plant has been in operation since September 2009.

3.4. The batching plant is served by aggregates sourced within the quarry and sand sourced from local pits. Cement is sourced from Wexford. The aggregates and sand are loaded directly into the 3 storage hoppers and the cement is stored in 2 enclosed silos. Admixtures are stored in bunded tanks. Water is stored in a 10,000 litre tank located to the rear of the batching plant. The volume of concrete produced is dependent on demand. The plant produces an average of 45m³/day of concrete.

Operation of the batch plant gives rise to an average of 8 truck movements per day. This includes estimated imported materials.

- 3.5. It is indicated that there are no point dust emissions from the plant and there are measures in situ to control fugitive dust emissions. It is also stated that no waste is produced as water used in the process is recycled and used in dust suppression and all solid waste is recycled.
- 3.6. The operating hours are normally from 0700 to 2000 Monday to Friday and 0700 to 1600 Saturdays. The plant is not in continuous use.
- 3.7. Reference is also made to the proposal to construct a concrete truck washout bay served by a settlement tank for solids and water mix. Water would be used for dust suppression and solids would be transferred to a drying bay prior to re-use for bollard construction.

Note: The Board is advised that the drawings for the proposed truck washout are in digital format only.

4.0 **Planning and Regulatory History**

4.1. **Section 261 Quarry Registration**

Q5/06 – registration of the quarry in 2007 subject to conditions.

4.2. **Section 261A Determination and Decision**

No further action to be taken.

The PA are satisfied that:

- the quarry commenced operations before 1st October, 1964 and is of the opinion that the activity is consistent with bona fide pre 1964 land use rights and that no intensification or abandonment has taken place.
- Has the benefit of permission under ref. 104/81 granted prior to the EIA and Habitats Directives coming into force.

4.3. **Planning History**

11/501 – application for retention of existing batching plant and ancillary works accompanied by a NIS was deemed invalid.

14/403 - application for retention of existing batching plant and ancillary works accompanied by a NIS was withdrawn.

4.4. **Enforcement**

UD 08/43 – warning letter relating to 3 no. unauthorised structures, unauthorised batching plant, wheelwash and weighbridge.

4.5. **Section 5 Referral**

RL11.RL3403 – current referral with the Board. The question posed is whether quarrying use of lands commenced before 1st October 1964, whether there has been material intensification of the quarrying use of these lands since 1st October, 1964 and whether continued quarrying works and use of these lands is or is not exempted development.

4.6. **Application for Leave to Apply for Substitute Consent**

11.LS0018 – application for leave to apply for substitute consent was made to the Board for the quarry buildings, weighbridge and concrete batching plant on the existing quarry site.

The Board granted leave to apply for substitute consent and noted in its reasons and considerations that the legislation is unambiguous in its requirement that an EIA is required. It concluded that exceptional circumstances exist. As per the Board's Direction the Board completed an AA screening exercise and concluded that AA was, and is not required.

Note: The development subject of the above application was the subject of an earlier application for leave to apply for substitute consent under ref. 11.LS0002 on which the Board's decision was quashed by the Court and remitted back to the Board for a fresh determination.

4.7. **SI11. SI0024 - Pre-Application Consultation**

A pre-application consultation meeting was held on the 13/04/16, the minutes of which are attached to the file.

5.0 **Planning Policy Context**

5.1. **Laois County Development Plan 2011-2017**

Section 7.16 of the Plan deals with Mineral Aggregates

Policy EC7/53 – to support in principle the expansion of aggregates and concrete products industry which offers opportunity for employment and economic development generally and ensure that any plan or project associated with extractive industry which has the potential to significantly affect a Natura 2000 site is appropriately assessed in accordance with Article 6 of Habitats Directive in order to avoid adverse impacts on the integrity of the site.

Policy EC7/54 – to support in principle the processing of minerals to produce cement, bitumen or other products in the vicinity of the source of the aggregate, where the transport network is suitable to reduce trip generation.

In terms of landscape character the site is within an area classified as Rolling Hills.

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.

6.0 Observations

6.1. Prescribed Bodies

6.1.1. Commission for Railway Regulation

The applicant should ensure future works which may affect the safe operation of the railway are undertaken in consultation with Iarnrod Eireann. Iarnrod Eireann to be notified of the decision.

6.2. Transport Infrastructure Ireland

Having regard to the extent of the development accessing the regional road network prior to accessing the national road network, the Authority has no specific comment to make.

6.2.1. Health Service Executive

The submission can be summarised as follows:

- No noise or dust complaints have been received.
- The well should be tested annually for microbial contamination and at least once every three years for chemical contamination. Parameters tested should have regard to the EPA's publication on Groundwater Quality Monitoring.
- Consultation with neighbouring inhabitants would have provided information as to impacts, if any, the operation of the batching plant has had.

6.2.2. Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs

The report pertains to Nature Conservation and can be summarised as follows:

- There is a direct hydrological connection to the River Barrow and River Nore SAC via a tributary of the River Erkina contrary to the details provided in Table 1 of the AA Screening.
- As no construction management plan has been provided there is no evidence to support the claim that as all surface water is retained on site and used for dust suppression that there is no impact on the Erkina River or the conservation objectives of the SAC. It is unclear where the retained water eventually goes.

- The AA Screening does not seem to have considered any groundwater linkages to the SAC. Photos suggest that quarrying may take place below the water table.
- The well and septic tank could impact on groundwater.
- Any assessment must include complete and precise findings and conclusions capable of removing all scientific doubt as to the effect of the works proposed on the qualifying interests of the SAC in light of its conservation objectives.
- The AA Screening does not seem to have used the most recent conservation objectives for the SAC.

6.3. 3rd Parties

None

7.0 Planning Authority Report

The report details the planning, quarry registration and enforcement history on the site. In addition it states:

- Subject to the Board satisfying itself that the proposal can proceed without negatively impacting the environment or any European Site and the absence of any technical issues, the principle of the use in an established quarry is acceptable in principle.
- For a detailed and robust AA to be carried out the applicant should be requested to submit further information including examination of all sites within a 15km radius, confirmation of use of up to date surveys for the said sites, assessment of incombination effects with the existing quarry and other quarries in the area and also other projects and plans and detail the worst case scenario impacts if all the proposed mitigation measures fail.
- In terms of the EIS the following should be requested
 - Maps in the EIS should be revised to a scale of 1:500 with dwellings within 1km shown thereon.
 - Details of alternatives considered.

- Additional baseline survey of flora and fauna to include walkover of the site.
- Additional detail on surface water and groundwater including hydraulic characteristics and flow regime/direction.
- Details of the well including distance to batching plant and wash out area, whether wellhead is sealed, potential for surface water ingress and measures to protect the well from contamination.
- Details are required as to the volumes of water usage for all site activities.
- Clarify whether the well is the source of water for the canteen and testing and monitoring frequency.
- Details on the surface/storm water attenuation facilities on the site.
- Details on dust suppression and monitoring.
- Details on waste and wastewater management including details of current process for washing trucks and how water is disposed, where waste water is to be stored prior to dust suppression, confirmation of sufficient capacity to store waste water during adverse weather conditions and whether there is a waste facility permit/certificate associated with the site.

Until the above matters have been addressed the PA is not in a position to give an opinion whether or not substitute consent should be granted.

8.0 Issues and Assessment

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

- Principle of Development
- Environmental Impact Assessment
- Appropriate Assessment

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

8.1. Principle of Development

- 8.1.1. The development subject of this application comprises of the batching plant, office buildings, weighbridge and wheelwash, only, within an established limestone quarry. The said batching plant and ancillary facilities are stated to have been on the site since 2009. The plant avails of aggregate from the quarry in which it is located with sand sourced locally and cement from a plant in Wexford. It is stated that it is not in continuous use. Both the office facilities, weighbridge and wheelwash serve the larger quarry operation and not just the batching plant.
- 8.1.2. The Department's Guidelines for Planning Authorities on Quarries and Ancillary Activities (DoEHLG, 2004) acknowledges 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 Laois County Development Plan 2011 support, in principle, the processing of minerals to produce cement, bitumen and other products in the vicinity of the source of an aggregate where the transport network is suitable to reduce trip generation. Within the current policy context, I consider that the principle of development is acceptable on the site, subject to satisfactory assessment of environmental effects.

8.2. Environmental Impact Assessment

Adequacy of remedial Environmental Impact Statement

- 8.2.1. Retrospective assessment as is required in this instance has evident limitations. Whilst historical information is available in this case most of the details invariably refer to the overall quarry operation and not specifically to the application site. Therefore there is a certain reliance on informed likely estimation of effects arising from the application site only. 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 effects on the environment which have occurred or which are occurring or which can reasonably be expected to occur because the subject development was carried out. It also details remedial measures undertaken or proposed to be undertaken and the period of time within which such remedial measures are to be carried out

8.2.2. While there is no express requirement for such in the legislation the rEIS is also generally consistent with the requirements of Article 94 of the Planning and Development Regulations, 2001-2013 (contents of an EIS). Whilst a section titled alternatives is included it effectively reiterates the site characteristics and layout of plant and 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. I also note that there is reference to 'do nothing' and 'do something' scenarios under a number of the environmental topics. The GIS also includes a non-technical summary.

8.2.3. By reference to Section 172(1D) of the Act which places an obligation on the Board to consider the adequacy of an EIS, and which by inference includes an rEIS (noting the inclusion of references to substitute consent within Section 172), I am satisfied that the rEIS adequately identifies and describes the direct and indirect effects of the subject development on the environment. I am also satisfied that there is sufficient information before the Board, including that contained in the rEIS, the Planning Authority Report and the submissions received from Prescribed Bodies to enable the Board to carry out an EIA and make a decision on the application for substitute consent.

Environmental Impact Assessment

8.2.4. As the competent authority for decision making, the Board is required to carry out an environmental impact assessment of the application for substitute consent i.e. 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 rEIS submitted, the information on file and my inspection of the site. I note that by virtue of the nature of the development and its location within an larger quarry complex the issue

of cumulative impacts is, in effect, addressed under a number of the environmental topics.

Human Beings

8.2.5. Matters pertaining to soil ,water, air quality, noise, landscape and traffic that affect human beings are addressed later in this assessment.

8.2.6. Whilst employment from the development on site is small with two in the office and between 3-5 people associated with the batching plant which is not operated on a continuous basis, additional employment would arise from hauliers transporting material to and from the site. Thus it is not unreasonable to submit that the application site has had a positive contribution to economic activity in the area.

Flora and Fauna

8.2.7. The batching plant and associated buildings date from the late 2000's and materially postdate the commencement of quarrying on the site. As is evident from the aerial photographs dating back to 1995 the area of the plant and offices had been stripped of soil and subsoil and formed part of the overall quarry complex. The dominant habitat within the existing working quarry site and within the footprint of the batching plant is Active Quarries and Mines (ED4). The existing footprint is therefore a highly modified habitat. As such, there has been no loss of plant and animal species from the footprint. On this basis, therefore, I would not endorse the Planning Authority's recommendations in terms of additional baseline survey of flora and fauna.

8.2.8. I note that the site is not within or adjacent to any designated European Site or identified as being of specific ecological merit. The nearest European Site is the River Barrow and River Nore SAC (site code 002162) c. 13 km to the east.

8.2.9. The conclusion that the lands would have been of low biodiversity value is accepted. Thus I consider that it is reasonable to conclude that the provision of the batching plant and ancillary facilities is unlikely to have adversely impacted on habitats and species.

Soil

8.2.10. The application site, in itself, is a relatively small area of the overall quarry which has a stated area of 17.66 hectares.

8.2.11. The location of the batching plant, offices and ancillary facilities are located on bare ground which was stripped as part of the extraction process carried out on the larger quarry operation and which has been in operation for a material period of time. As can be extrapolated from the aerial photographs for the area and historical mapping, extraction advanced in an easterly direction away from the road. As such the loss of soil and aggregate reserve pre-dated the development and thus, in itself, has had no impact.

8.2.12. 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

Hydrology

8.2.13. There are no surface water bodies located within the immediate vicinity of the application site or indeed the overall quarry complex. The Knockardagannon and Monamonra Streams are located to the north-east of the quarry with the former being approx. 500 metres from the batching plant. The streams are tributaries of the Erkina River which, itself, is a tributary of the River Nore.

8.2.14. There is no process effluent from the activity with surface water runoff from roofs and hardstanding areas collected within the larger quarry site which is then used for dust suppression. There is no discharge to surface waters.

8.2.15. No details are provided of the surface water management regime in the larger quarry complex. As per the details noted on site a settlement pond is located downslope and to the east of the batching plant. In view of the small scale of the development to which this application refers in the context of the larger site, I submit that the surface water runoff arising relative to that generated on the larger site would be insignificant and thus do not consider the absence of such information to be a material deficiency. Such detail can be sought by way of condition should the Board be disposed to a favourable decision in the interests of clarity.

Hydrogeology

8.2.16. The site is located above a local important aquifer – *bedrock which is generally moderately productive*, with groundwater vulnerability at the site classed *X – Rock at*

or near surface of Karst. It is stated that as per GIS data the recharge rate at the development site is 522mm/yr with a recharge coefficient of 85%.

- 8.2.17. Groundwater sampling was undertaken in September 2012 from the well at the western boundary of the site and from the tap at the batching plant which is supplied by a separate borehole with the results set out in Appendices D2 and D3. Save for elevated sulphate concentrations which would be associated with the sulphate rich limestone on which the overall quarry is located the other parameters measured are well below the threshold limits.
- 8.2.18. 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. The potential contaminants stored on site are admixture, diesel and waste oil. Admixture is stored in a bund which is inspected for integrity every 3 years. Diesel is stored in a double-skinned tank located in the maintenance shed which contains a drip tray. Waste oil is stored in low volumes in the maintenance shed. It is stated that best practices were initiated to avoid such a scenario including storage of fuel and admixtures in fully bunded areas.
- 8.2.19. 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 as delineated on sheet no.4. As per the report from the HSE an annual monitoring programme for the well is recommended. This can be ensured by way of condition.
- 8.2.20. In terms of water supply the batching plant utilises a daily average of 3.9m³ of water and is abstracted from the well immediately to the west of the plant. It is not clear whether this well also supplies the water requirements to the staff facilities in the offices or whether they are supplied from the well to the west of the site as referenced above, however were it to be used for staff facilities I would suggest that the additional extraction required for same would be minimal. It is stated that the closest wells according to GSI records of boreholes, dug wells, springs, and site investigations are a borehole 1km to the south-west and a borehole located c.2km to the south. There is no evidence that the extraction has had any impact on the

groundwater resource or on any other abstractions in the area. This statement would in the context of the potential for the extraction works on the larger quarrying site being undertaken below the watertable.

- 8.2.21. I note that a closed loop wheelwash facility has been installed for vehicles exiting the overall site in the vicinity of the office buildings. The application also makes reference to the proposed provision of a concrete truck washout bay however no details are provided of same save for the layout as delineated on Attachment A.1 and Attachment 1.F of the rEIS (available in digital form only). It is stated that the solids and water mix would be trapped in a settlement tank. After settlement has been achieved, the water would be re-used for dust suppression within the quarry. The solids would be transferred to a drying bay prior to re-use for bollard construction. Returned concrete is also used for bollard construction. No details are provided as to the water requirements nor justification for same in terms of a necessary remedial measure for the existing development. In view of the absence of such detail I recommend that should the Board be disposed to a favourable decision that a condition be attached clarifying the nature and extent of the development subject of the consent and that any further development such as the washout bay would require a separate application for permission.
- 8.2.22. A septic tank and percolation area serve the staff facilities in the office building and is located on lands to the south. The system was assessed in 2015 which concluded that the additional loading arising from the increase in staff from the development can be accommodated.
- 8.2.23. In conclusion I submit that whilst it is extremely difficult to isolate the impacts of the development subject of this application from the overall quarry development the results indicate that no adverse impacts have arisen in terms of groundwater. Thus on the basis of the available information I submit that the groundwater would not appear to have been affected by the activity subject of this consent application. No third party or prescribed body has raised concerns regarding impact of the quarry on groundwater (volume or quality).

Air and Climate

- 8.2.24. As stated the application site is situated in a rural, relatively lightly populated area with the nearest residential property c. 200 metres to the north. Other quarrying activity is noted to the south and south-east.
- 8.2.25. The main emission to air is dust. The main potential source from the batching plant is dust from the delivery and mixing of sand and aggregate and dust from vehicles.
- 8.2.26. No direct dust emissions monitoring has been conducted on the batching plant alone and I would accept the view that due to the setback distances, any generated dust would be likely to only be evident in the immediate vicinity of the plant and would not be expected to impact on dwellings and other buildings in the area. The primary dust sources in the area would be the three separate quarrying operations adjacent to the batching plant.
- 8.2.27. Dust monitoring has been carried out on the overall site with the details for 2014-2015 given in Table 5.1 at two points, both of which are positioned along the south-western boundary of the site. The figures as presented would be representative of the overall quarry operation and any other emissions arising from the adjacent quarries and not just from the plant subject of this application. They therefore represent the cumulative effect. The batching plant is stated to constitute 1-2% of the raw material extraction and therefore constitutes a minor addition to on site dust creation. I would accept that the primary dust sources are the quarrying operations. The site monitoring as detailed indicates no exceedances of the recommended limit value of 350mg/m²/day for dust deposition.
- 8.2.28. Reference is made in the document to dust minimisation measures employed both at the batching plant and on the entire site and appear to be representative of industry best practice. Thus, it is reasonable to conclude that the previous and continuing operation of the plant would not give rise to concerns in terms of dust taken in the context of the activity on the larger site and the adjoining extractive activities. Dust emissions from traffic generated by the batching plant in the context of that generated by the overall quarry is not anticipated to be a material concern due to the low volume of HGV movements generated by the subject development.
- 8.2.29. I would accept the statement that considering the mitigation measures as detailed in Section 5.4, there are and will continue to be no significant residual dust impacts as

a result of the concrete batch plant alone or in combination with other activities in the area.

- 8.2.30. In terms of noise the area subject of the application operates in a rural area, albeit in the context of the noise already generated by the larger quarry, quarries in the immediate vicinity, traffic noise along the regional road and noise from activity on the rail line. The operation of the batching plant is not continuous but would contribute to the noise environment with noise emissions also from vehicles serving the plant.
- 8.2.31. A predictive noise assessment was carried out at the closest noise sensitive locations. This assessed the theoretical impact of the concrete batch plant alone, in the absence of other activity noise unrelated to the batch plant (i.e. extraction works). The batching plant operation is predicted to be inaudible at the nearest noise sensitive locations.
- 8.2.32. In addition baseline monitoring was undertaken in January 2016 during quarry operation hours at three noise sensitive locations with machine noise from the quarries audible in the absence of traffic. The noise levels are below the acceptable parameters for such type activity. It was determined that there is no significant impact on noise sensitive locations as a result of the operation of the concrete batch plant, alone or in combination with other developments in the area.
- 8.2.33. I would accept the conclusions that the operation of the batching plant would not have an adverse impact on the nearest noise sensitive receptors.
- 8.2.34. As operations associated with the batching plant are not a source of significant vibration, it does not cause a significant impact to vibration at sensitive locations.
- 8.2.35. In terms of climate the batching plant has resulted in the emission of greenhouse gases to the atmosphere. However, in the context of the overall extraction activities in the area and the operation of plant and vehicles this would not be significant.

Landscape

- 8.2.36. The overall quarry site lies within the Rolling Hills Area as identified in the current Laois County Development Plan with the landscaping character defined as a complex landscape incorporating several elements within a rolling landform. It is not affected by any view or prospect. With the site accessed directly from the regional road views of the office buildings are available from the access point but the batching

plant is set back somewhat. Due to the level of hedgerow screening along the regional road and the local roads to the south and west any views are limited and intermittent. The development is not visually prominent from residences in the area. It is screened from view at all points except at two locations to the west in the townland of Knockahaw. These views are set in the wider context of the larger quarry complex.

8.2.37. In the context of the extant quarry operation such views are considered acceptable and I consider that landscape impact as a result of the plant and equipment to be negligible.

Material Assets

8.2.38. At time of inspection whilst the overall site was in operation the batching plant was not. No vehicular movements to and from from the overall operation were noted during the period of the inspection.

8.2.39. The rEIS is accompanied by a TIA that was prepared in 2011. An average of 8 concrete truck journeys per day arise as a consequence of the batching plant with the offices also generating staff movements. I note that the TIA worked with scenarios of between 12 and 20 movements per day with a proposed increase in volume of 4-6 HGV trips as a result of proposed intensification of the operation at the time. Whilst the text of the TIA is somewhat unclear as to whether the said 12-20 movements arise from the overall quarry operation or from the batching plant operation in isolation, the results of the survey as set out in Appendix 3 undertaken at the site entrance which serves the entire operation would reasonably suggest that the figures pertain to the overall operation.

8.2.40. The traffic generated by the batching plant operation and that of the overall operation are not considered to be material and the analysis of 2011, 2012, 2017 and 2027 shows the road has more than sufficient capacity to accommodate the development.

8.2.41. Sight lines available at the site entrance are 124m to the left and 127m to the right which exceed the 120 metre requirement for the regional road. The existing entrance is surfaced and is wide enough to allow two HGVs to enter and exit simultaneously.

8.2.42. It is not anticipated that the traffic volumes arising from the said batching plant taken in conjunction with that arising from the extraction activities on site would have given

rise to or continues to give rise to material adverse impacts for the wider community or would adversely affect the carrying capacity of the local or national road network involved.

Cultural Heritage

8.2.43. No recorded monuments lie within the site or in close proximity to it. In addition there are no protected structures in the vicinity. I would therefore accept the view that the plant and equipment did not and will not have an impact on cultural heritage.

Interaction of the Foregoing

8.2.44. Table 4.1 sets out a summary of the inter-relationships. I am satisfied having regard to the mitigation measures in place that there are no indicators for negative or deleterious interactive impacts arising.

Cumulative Impacts

8.2.45. By its nature the assessment of the development subject of this consent application has been conducted under the various environmental topics in the context of its location within a larger quarry complex and the two further quarries to the east and south-east. Given the location of the site as described and the nature and pattern of development in the vicinity I do not consider that any further significant cumulative impact issues arise.

EIA - Conclusion

8.2.46. Having regard to the Environmental Impact Assessment carried out above, and to submissions made in connection with the substitute application, I note that quarrying activity is long established at this location and the expansion of the quarrying activities to include the batching plant may have been considered more acceptable than the development of a separate site. I consider that the residual environmental effects arising from the development as described to be acceptable

8.3. Appropriate Assessment

8.3.1. As indicated above this application follows the decision of An Bord Pleanála to grant leave to apply for substitute consent under ref. LS11.LS0018. This decision directed that the application for substitute consent be accompanied by an rEIS, only, and did not require an rNIS

- 8.3.2. In considering the application LS11.LS0018 the Board was obliged to, and did, carry out a screening for Appropriate Assessment and concluded that Appropriate Assessment/the submission of an rNIS was not required.
- 8.3.3. I note that the rNIS that is included in the documentation accompanying the application is the same as that before the Board on file reference LS0018.
- 8.3.4. I note the reference by the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs in its submission to the Board to the fact that the rNIS submitted with the documentation accompanying the application dated 2011 did not reference the most up to date Conservation Objectives. The Board is advised that the qualifying interests and the conservation objectives for the site are the same as when the Board conducted its AA screening in November 2015 (Version 1.0, July 2011). Therefore there are no alterations, amendments or modifications which would require the revisiting of the conclusions previously drawn.

9.0 Recommendation

I recommend that substitute consent for the above described development be granted for the following reasons and considerations subject to conditions.

REASONS AND CONSIDERATIONS

In coming to its decision, the Board had regard to the following:

- (a) the provisions of the Planning and Development Acts, 2000 to 2014, and in particular Part XA,
- (b) the 'Quarries and Ancillary Activities, Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government, April 2004.
- (c) the provisions of the current Laois County Development Plan,
- (d) the remedial Environmental Impact Statement submitted with the application for substitute consent, and documentation on file generally,
- (d) the Board's decision in relation to the application for Leave To Apply For Substitute Consent on the 30th day of November, 2015 (11.LS0018),

- (e) the report and the opinion of the planning authority under section 177I of the Planning and Development Act 2000, as amended,
- (f) the report of the Board's Inspector, including in relation to potential significant effects on the environment.
- (g) the submissions on the file,
- (h) the pattern of development in the area, and
- (i) the nature and scale of the development the subject of this application for substitute consent.

Appropriate Assessment

The Board had previously established at the time of the application for leave to apply for substitute consent that the development in question would not be likely to have a significant effect on a European Site and therefore no 'Appropriate Assessment' issues arise.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment in relation to the development in question and concluded that the remedial Environmental Impact Statement submitted identified and described adequately the direct and indirect effects on the environment of the development. The Board considered that the Inspector's report was satisfactory in addressing the likely significant environmental effects of the development and also agreed with its conclusions in relation to the acceptability of mitigation measures proposed and residual effects.

Conclusion

Having regard to the acceptability of the environmental impacts, as set out above, and subject to the compliance with the conditions set out below, it is considered that the subject development would not be likely to have had or have a significant effect on the environment and is not contrary to the proper planning and sustainable development of the area.

Conditions

1. a) This grant of substitute consent shall be in accordance with the plans and particulars submitted to An Bord Pleanála with the application of the 18th day of May, 2016, except as otherwise may be required to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be in accordance with the agreed particulars.

b) This grant of substitute consent relates to the batching plant, quarry buildings, weighbridge and wheelwash, only, and does not authorise any structure or any future development including a concrete truck wash as set out in the remedial Environmental Impact Statement received by An Bord Pleanála on the 18th day of May, 2016

Reason: In the interest of clarity

2. All environmental mitigation measures identified within the remedial Environmental Impact Statement shall be implemented in full.

Reason: In the interest of the conservation of the environment

3. Within three months of the date of this order, the applicant shall submit details of the surface water drainage system serving the development subject of this substitute consent for the written agreement of the planning authority.

Reason: In the interest of clarity and public health

4. Within three months of the date of this order, the applicant shall submit a programme for the monitoring of the water quality in the well serving the site for the written agreement of the planning authority. The well shall be tested annually for microbial contamination and at least once every three years for chemical contamination.

Reason: To protect and monitor groundwater in the area

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 prior to commencement of development 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 the permission.

Pauline Fitzpatrick
Senior Planning Inspector

December, 2016