

File With _____

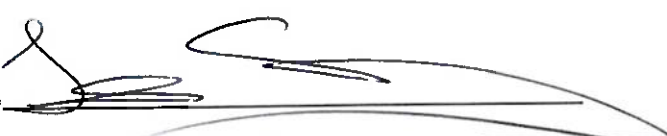
SECTION 131 FORM

Appeal NO: ABP 316144-23Defer Re O/H ☐

TO: SEO

Having considered the contents of the submission dated/ received 7th June '23
fromPA

I recommend that section 131 of the Planning and Development Act, 2000

be/not be invoked at this stage for the following reason(s): no new material issuesE.O.: Date: 27/6/23

To EO: _____

Section 131 not to be invoked at this stage. ☐Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.: _____

Date: _____

S.A.O.: _____

Date: _____

M _____

Please prepare BP _____ - Section 131 notice enclosing a copy of the attached submission

to: _____ Task No: _____

Allow 2/3/4weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

File With _____

CORRESPONDENCE FORM

Appeal No: ABP 316144-23

M _____

Please treat correspondence received on 7th June 2023 as follows:

1. Update database with new agent for Applicant/Appellant _____	
2. Acknowledge with <u>SC 20</u> <u>BP</u> _____	1. RETURN TO SENDER with BP _____
3. Keep copy of Board's Letter ☒	2. Keep Envelope: ☐
	3. Keep Copy of Board's letter ☐

Amendments/Comments
PA Response to substitute consent application rec'd by email.
Case Narrative
SC20 to PA Task Number 335906-23
Keep Copy of board letter + response for public file

4. Attach to file	
(a) R/S ☒	(d) Screening ☐
(b) GIS Processing ☐	(e) Inspectorate ☐
(c) Processing ☐	
	RETURN TO EO ☐

	Plans Date Stamped ☐
	Date Stamped Filled in ☐
EO: <u>Karen Hickey</u>	AA: <u>Ciara Feeling</u>
Date: <u>12/6/23</u>	Date: <u>12/06/23</u>

Karen
Hickey.

Catherine Flynn

From: Bord
Sent: Wednesday 7 June 2023 17:27
To: Appeals2
Subject: FW: ABP-316144-23. Application for Substitute Consent. Scotshouse Quarries
Attachments: ABP-316144-23 Scotshouse Quarries.pdf

From: Darragh McAdam <dmcadam@monaghancoco.ie>
Sent: Wednesday, June 7, 2023 4:22 PM
To: Bord <bord@pleanala.ie>
Subject: ABP-316144-23. Application for Substitute Consent. Scotshouse Quarries

To whom it may concern,

Please find attached a Report from the Planning Authority under Section 177I(1) of the Planning & Development Act (as amended).

Regards,

Darragh Mc Adam | Planner

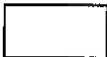
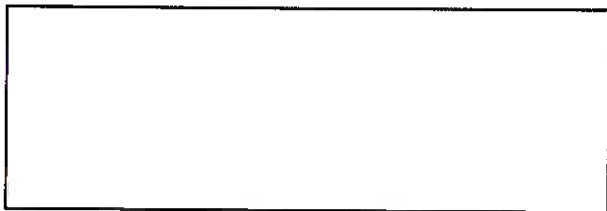
Monaghan County Council
Planning Dept. | No. 1 Dublin St. | Monaghan H18 X982

T +353 (0)47 30532
E dmcadam@monaghancoco.ie



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seachadadh ríomhphoist slán agus mar sin de ní ghlacann Comhairle Contae Mhuineacháin le freagracht dhlíthiúil as ábhar na teachtaireachta seo. Ach gurb é gnáthchomhfhreagras gnó atá i gceist, is leis an údar amháin aon bharúil nó tuairim a chuirtear i láthair agus ní gá gurb ionann iad agus barúil nó tuairim Comhairle Contae Mhuineacháin. Tá ríomhchláir frithvireas i bhfeidhm ag Comhairle Contae Mhuineacháin, ach ní ghlacaimid le freagracht as aon díobháil d'aon sórt a mbeidh seachadadh víris mar chúis léi. Déanann Comhairle Contae Mhuineacháin monatóireacht ar chumarsáid ríomhphoist ar chúiseanna oibriochtúla, slándála agus gnó..



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Comhairle Contae Mhuineacháin Monaghan County Council

Your Ref. ABP-316144-23

Acmhainní Daonna
Human Resources
047 30586

Airgeadas
Finance
047 30589

Na Bóithre
Roads
047 30587

Clár na dTogthóirí
Register of Electors
047 30551

Comhshaol
Environment
042 9661240

Na hEalaíona
Arts
047 38162

Iasachtaí /Deontais Tithíochta
Housing Loans/Grants
047 30527

Leabharlann an Chontae
County Library
047 74700

Mótarcháin
Motor Tax
047 81175

Músaem an Chontae
County Museum
047 82928

Pleanáil
Planning
047 30532

Pobal
Community
047 73718

Rialú Dóiteáin/Foirgnimh
Fire/Building Control
047 30521

Oifig Fiontair Áitiúil
Local Enterprise Office
047 71818

Seirbhís Uisce
Water Services
047 30504/30571

Karen Hickey,
Executive Officer
An Bord Pleanála,
64 Marlborough Street,
Dublin 1,
D01 V902.

By e-mail: bord@pleanala.ie

07th June 2023

Dear Madam,

RE: Application for Substitute Consent under Section 177E for Quarry on Lands at Aghnaskew (Dartree by), Scotshouse, Co. Monaghan.

I refer to your correspondence dated 30th March 2023 which was received on 02nd April 2023.

Set out below is a report under Section 177I(1) of the Planning and Development Act 2000 (as amended).

1771 (2)(a)

The table in Appendix 1 sets out the planning history for the site.

1771 (2)(b)

The Planning Authority are pursuing enforcement with respect to the extension to a quarry and/or unauthorised quarrying. The matter is at prosecution stage.

1771 (2)(c)

The following County Development Plan policies are considered of relevance to the development:

ERP 1 – ERP 2 (Mineral Extraction Policy)

HLP 1 – HLP 6 (Heritage, Conservation and Landscape Policy)

NNRP 1 – NNRP 6 (Non-National Routes Policy)

WPP 1 – WPP 19 (Water Protection Policy)

LP 1 – LP 3 (Lighting Policy)

NP 1 – (Noise Policy)

AQP 1 – AQP 2 (Air Quality Policy)

ICP 1 – (Industrial and Commercial Development)

LCP 1-LCP 2 (Landscaping Policy)

EIP 1 – EIP 4 (Extractive Industry Policy)

RAS 1 – (Access Details Policy)

CP 1-CP 7 – (Car Parking Policy)

AAP 1 (Appropriate Assessment Policy)

CEMP 1-CEMP 2 – (Construction and Environmental Management Policy)

Fálann an tUdarás Áitiúil roimh chomhfhreagras i nGaeilge.

Comhairle Contae Mhuineacháin, Oifig an Chontae, An Gleann, Muineachán, Éire.

Monaghan County Council, Council Offices, The Glen, Monaghan, Ireland.

☎ 00353 47 30500 📠 00353 47 82739 🌐 www.monaghan.ie

✉ eolas@monaghancoco.ie info@monaghancoco.ie

20

1.1 (2)(d)

- (i) The Planning Authority submit that Scotshouse Quarries is located within the Gortnana_010 Waterbody. This waterbody is at Moderate Status (2013-2018). The site lies on a poor aquifer on an area of extreme groundwater vulnerability. Scotshouse Quarries have been licenced under Section 4 of the Local Government (Water Pollution) Act 1977 as amended since 2015. Trade effluent is generated onsite from a number of processes
- 1) Overflow from 2 mineral crushing plants,
 - 2) Mineral washing
 - 3) Washing out of vehicles
 - 4) Wheel Washing
 - 5) Run-off of yard areas.
- Trade effluent passes through settlement ponds and a hydrocarbon interceptor to discharge to surface waters.
- A site inspection was carried out on the 2nd of May 2023 under the Section 4 monitoring programme. During the inspection the site appeared well managed, and all effluents collected, contained and treated. The watercourse at the discharge point and further downstream was inspected and no visual evidence of contamination was noted.
- The site continues to operate in accordance with their Licence to Discharge Trade Effluent to Waters under Local Government (Water Pollution) Act 1977 as amended.
- (ii) Appendix 2 sets out planning conditions which the Planning Authority consider are appropriate to attach to any grant of substitute consent.

1771 (2)(e)

The Planning Authority have no objection to substitute consent being granted for the development if An Bord Pleanála consider appropriate to do so.

Appendix 2 sets out planning conditions which the Planning Authority consider are appropriate to attach to any grant of substitute consent.

Yours faithfully,



Darragh Mc Adam
Assistant Planner

Appendix 1

File Number	Applicant	Application Status	Decision	Received Date	Decision Date	Development Address	Development Description
83/9	Patrick Cunningham	Decided	Grant	11/01/1983	17/06/1983	Aghnaskew, Scotshouse, Co. Monaghan	development of quarry m.o.p. 273/83
08/787	Paddy Connolly	Decided	Grant	10/07/2008	27/08/2008	Aghnaskew, Scotshouse, Co. Monaghan	existing floodlights
08/1087	Paddy Connolly	Incomplete	Grant	n/a	n/a	Aghnaskew, Scotshouse, Co. Monaghan	removal of condition no. 2 associated with the grant of planning permission ref. no. 08/787 for the retention of existing floodlights.
09/618	Paraic Connolly	Decided	Grant	21/12/2009	18/02/2010	Scotshouse Quarry Aghnaskew Scotshouse Co Monaghan	Portal Frame Workshop building and all associated site works
10/127	Paddy Connolly	Decided	Grant	06/04/2010	19/05/2010	Scotshouse Quarry Aghnaskew Scotshouse Co Monaghan	Prefabricated single storey office building, weightbridge, and 2.4m high roadside boundary palisade fence
14/124	Scotshouse Quarries Ltd	Decided	Grant	09/05/2014	26/01/2015	Aghnaskew, Scotshouse, Clones, Co Monaghan	Retain a crushing plant facility comprising 2 no crushing plants, a screening plant, concrete storage facility, conveyors, a concrete feeding chute, a concrete supporting structure, electrical services control container, all utilities and associated site works. Significant Further Information was submitted on 31st Dec 2014
14/157	Scotshouse Quarries	Decided	Grant	03/06/2014	24/07/2014	Aghnaskew, Scotshouse, Co. Monaghan	construct site office, wastewater treatment unit & associated raised filter percolation area, car park comprising of 7 No. spaces, storm drainage, foul drainage and all other associated site works
15/113	Scotshouse Quarries Ltd.	Decided	Grant	15/04/2015	20/08/2015	Aghnaskew, Scotshouse, Co. Monaghan	consist of erection of a coated road stone plant and associated site works
18/485	Chris Tinsley Scotshouse Quarries Ltd	Decided	Grant	19/10/2018	13/12/2018	Aghnaskew, Scotshouse, Co. Monaghan	The construction of an ESB Substation and customer switchroom
19/9011	Scotshouse Quarries	Decided	Grant	08/08/2019	13/09/2019	Aghnaskew, Scotshouse, Co. Monaghan	construct site office, wastewater treatment unit & associated raised filter percolation area, car park comprising of 7 No. spaces, storm drainage, foul drainage and all other associated site works (extension of duration of 14/157_

Appendix 2

1. 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 of any grant of permission 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.

Environmental Health

2. a. Applicant shall put in place appropriate measures to control dust arising, within the development, having regard to good environmental management practice. These documented measures shall be agreed with the Planning Authority and be available on-site for inspection by the Local Authority.
- b. The activities on site shall not give rise to total dust (soluble and insoluble) deposition values that exceed 350mg/m²/day (averaged over a 30 day period) when measured at agreed monitoring locations on the site boundary.
- c. Applicant shall, if required by the Planning Authority install, commission, operate and maintain dust deposition gauges to measure dust deposition levels at the site boundary. The monitoring locations shall be agreed in advance with the said Planning Authority. Measurement techniques shall be agreed with the Planning Authority.
- d. Applicant shall put in place appropriate measures to control noise arising within the development, having regard to good environmental management practice. These documented measures shall be agreed with the Planning Authority and be available on-site for inspection by the Local Authority.
- e. The activities on site shall not give rise to noise levels at the nearest noise sensitive receptor which exceed the following sound pressure limits: Daytime (08.00-20.00 hrs): 55dB(A) Leq (1 Hour).
- f. 95% of all noise levels measured shall comply with the specified limit values. No individual noise measurement shall exceed the limit value(s) by more than 2dB (A).
- g. There shall be no tonal or impulsive noise at noise sensitive locations during night-time hours.
- h. Applicant shall carry out noise surveys if required by the Planning Authority to measure levels at the nearest noise sensitive locations. The monitoring locations shall be agreed with the said Planning Authority.
- i. Operations at this quarry shall be confined to the hours between 8.00 and 18.00 hours Monday-Friday inclusive (except Bank Holidays) and between 8.00-14.00 hours on Saturdays, with no quarrying, processing or associated activities being permitted on Sundays or public holidays.

Environmental Considerations

3. a. The developer shall ensure that the proposed development does not affect or cause deterioration in water quality, water levels or yields in any domestic wells in the vicinity. In the event of quarrying activities having an adverse impact on existing private wells in the vicinity the developer shall undertake appropriate remedial measures as agreed with the Planning Authority, at his own expense. In the event of any disruption of water supplies, the developer shall cease any operations causing such disruption until water supply has been restored or replaced. The final extraction depth shall remain above the water table level at all times.

- b. The applicant shall ensure that a documented Emergency Response Procedure is in place, which shall address any emergency situation which may originate on-site. This Procedure shall include provision for minimising the effects of any emergency on the environment. This procedure shall be reviewed annually and updated as necessary.
- c. The applicant shall record all complaints received relating to site operations. The record shall contain the name of the complainant, nature, time and date and a summary of the applicant's investigation and response. All records of complaints shall be made available to the Planning Authority on request whether requested in writing or by a member of staff of the Planning Authority at the site.
- d. All soiled water shall be directed to settlement lagoons. All lagoons shall be suitably sized and of secure construction and maintained to the Planning Authority's satisfaction so as to ensure that no soiled water is discharged to the nearby watercourse. Any discharge from the settlement lagoons shall be in accordance with an effluent discharge licence issued by the local authority in accordance with the Water Pollution Acts 1977-1990 (as amended). An inspection chamber shall be installed on the outlet of the lagoon to facilitate sampling prior to discharge to adjacent watercourse. The settlement pond to be thoroughly dredged at least once every 6 months to prevent silting.
- e. No breaching or over tapping of the settlement ponds to occur.
- f. All washwaters from the wheel wash facility shall pass through a suitably sized oil interceptor prior to discharging to the settlement lagoons.
- g. All plant used to transport extracted material, other materials and staff, either to or from the quarry site, shall be refuelled off-site. Only plant wholly operated within the quarry may be refuelled on-site. Mobile plant shall be refuelled on a designated hard standing area located within the site. Run-off from this designated hardstanding area shall discharge to the oil interceptor.
- h. The oil interceptors shall be adequately maintained and the discharges from the oil interceptors shall be monitored at least annually for the presence of Oils and Total Petroleum Hydrocarbons.
- i. The developer shall maintain an adequate supply of oil absorbent material on site at all times and shall prepare a contingency plan in the event of an oil spill.
- j. Maintenance of all plant shall be carried out off-site. Emergency repairs of immobilised plant may be carried out on the quarry floor provided that the mechanics use appropriate drip trays and oil catcher tanks to drain hydraulic or oil lubrication systems.
- k. No trade effluent or other matter from the development shall discharge to surface or ground waters, other than in accordance with the terms of a current license granted in accordance with the relevant legislation
- l. Waste sent off-site for recovery or disposal shall be transported only by an authorised waste contractor. The waste shall be transported only from the site of the activity to the site of recovery/disposal in a manner which will not adversely affect the environment and in accordance with the appropriate National and European legislation and protocols.
- m. There shall be no dumping onto the site of any waste materials imported onto the site nor of any disused vehicles, plant or machinery.
- n. The erosion of soil shall be limited by rapidly vegetating exposed areas, planting the surfaces of overburden and topsoil mounds, progressively restoring worked-out areas and limiting the areas of topsoil/overburden stripping exposed at any one time.
- o. Adequate margins and buffer zones shall be left around watercourses, river corridors and other sensitive areas.
- p. Spoil heaps shall be designed to be stable in periods of very wet weather.

Landscaping & Restoration

- 4. No extraction shall take place within 5 metres of any land which is outside the ownership of the operator.
- 5. All stripped topsoil and overburden shall be retained within the site, in positions to be agreed in writing with the Planning Authority. All stripped topsoil and overburden shall be stored separately from overburden.

6. The operator shall maintain, and update on an annual basis a Quarry Restoration Plan, which shall be to the satisfaction of the Planning Authority. This Scheme shall be based on the information set out in the Remedial EIAR submitted to an Bord Pleanála, or as may be amended from time-to-time, subject to approval of the Planning Authority. Any amendments to the scheme shall be agreed with the Planning Authority in advance of implementation. The Restoration Scheme shall take due cognisance of best practice in the industry and shall also address the following:
 - a. Proposed final end-use
 - b. Biodiversity and habitat provision/replacement
 - c. Surface water drainage and hydrogeology
 - d. Landscaping/planting.
7. Following termination, or planned cessation of use or involvement of all or part of the site in the authorised activity for a period greater than six months, or a period as agreed with the Planning Authority, the developer shall, to the satisfaction of the Planning Authority, decommission, render safe or remove for disposal/recovery, buildings, infrastructure, plant or equipment, or any waste, materials or substances or other matter contained therein or thereon, that may result in environmental pollution.

Waste Management

8. No soils shall be imported onto the lands without required consent of a Waste Permit Licence and/or planning permission.

Security Bond

9. The developer shall pay to the planning authority a security cash deposit or a bond for this from an approved Insurance Company or other Financial Institution or other approved institution as security for the satisfactory reinstatement of the site, coupled with an agreement empowering the Planning Authority to apply such security or part thereof for the satisfactory reinstatement of the site as aforesaid of any part of the development. This security deposit shall be paid within six months of any grant of permission. Details of the security deposit 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 security deposit.

General Matters

10. Subject to the above the proposed development to be carried out in strict conformity with the lodged plans and specifications submitted to An Bord Pleanála.

THE REASONS FOR THE IMPOSITION OF THE ABOVE ARE:

1. It is considered appropriate that the developer should contribute towards the expenditure incurred by the Council in respect of these works, which will facilitate the proposed development.
2. In the interest of public health, to protect the environment and amenities of properties in the vicinity of the site, by control and monitoring of dust.
3. In the interest of environmental protection.
- 4-7. In the interest of proper planning and development, and the visual and environmental amenity of the area.
8. In the interest of proper waste management
9. To ensure satisfactory reinstatement and restoration of the site, and protection of the environment.
10. In the interest of a satisfactory standard development and to prevent unauthorised development