

File With _____

SECTION 131 FORM

Appeal NO: ABP 318793-24Defer Re O/H ☐

Having considered the contents of the submission dated/ received 01/02/2024
from

Applicant 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 issues

E.O.: Pat BeDate: 02/02/2024

For further consideration by SEO/SAO

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 318793-24

M _____

Please treat correspondence received on 01/02/2024 as follows:

1. Update database with new agent for Applicant/Appellant _____	
2. Acknowledge with BP <u>20</u>	1. RETURN TO SENDER with BP _____
3. Keep copy of Board's Letter ☐	2. Keep Envelope: ☐
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Amendments/Comments <u>Applicant response to Appeal</u>
<u>05/01/24 : 01/02/24 -</u>

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>Pat B</u>	AA: <u>Anthony McNally</u>
Date: <u>02/02/2024</u>	Date: <u>07/02/2024</u>

Patrick

Cathy Carleton

From: Bord
Sent: Friday 2 February 2024 09:59
To: Appeals2
Subject: FW: ABP-318793-24 / P&S Civil Works Ltd (1st Party) response submission on Third Party Appeal (An Taisce)
Attachments: Stradone Appeal submission ABP-318793-24.pdf

From: Shane McDermott <smcdermott@slrconsulting.com>
Sent: Thursday, February 1, 2024 5:16 PM
To: Bord <bord@pleanala.ie>
Cc: Appeals2 <appeals@pleanala.ie>; Lynn Hassett <lhassett@slrconsulting.com>
Subject: ABP-318793-24 / P&S Civil Works Ltd (1st Party) response submission on Third Party Appeal (An Taisce)

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An Bord Pleanála
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RE: ABP-318793-24

PLANNING REF: 23/169

FIRST PARTY RESPONSE SUBMISSION TO THIRD PARTY APPEAL BY AN TAISCE

P&S CIVIL WORKS LIMITED

QUARRY DEVELOPMENT AT MULLYMAGOWAN TOWNLAND, STRADONE, CO. CAVAN

Dear Sir / Madam

We refer to the letter dated 5 January 2024, An Bord Pleanála reference ABP-318793-24, containing the third-party appeal from An Taisce on the notification grant decision by Cavan County Council on planning application ref. 23/169, seeking a submission from the applicant in response to the appeal.

SLR Consulting Ireland, Unit 7, Dundrum Business Park, Windy Arbour, Dublin, D14 N2Y7 acts on behalf of P&S Civil Works Limited. This first party response to the third-party appeal is made on behalf of P&S Civil Works Limited, Unit 4, Block B, Corlurgan Business Park, Ballinagh Road, Cavan.

Please find attached the first party response submission.

Please do not hesitate to contact the undersigned should you require any further information.

I would be grateful if you could confirm receipt of this submission.

Kind regards

Shane

Shane McDermott

Technical Director - Environmental & Social Impact Assessment

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1 February 2024

An Bord Pleanála
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bord@pleanala.ie

SLR Project No.: 501-904200-064821

RE: ABP-318793-24

Planning Ref: 23/169

First Party Response to Third Party Appeal by An Taisce

P&S Civil Works Limited
Quarry Development at Mullymagowan Townland, Stradone, Co. Cavan

Introduction

We refer to the letter dated 5 January 2024, An Bord Pleanála reference ABP-318793-24, containing the third party appeal from An Taisce on the notification grant decision by Cavan County Council on planning application ref. 23/169, seeking a submission from the applicant in response to the appeal.

SLR Consulting Ireland, Unit 7, Dundrum Business Park, Windy Arbour, Dublin, D14 N2Y7 acts on behalf of P&S Civil Works Limited. This first party response to the third party appeal is made on behalf of P&S Civil Works Limited, Unit 4, Block B, Corlurgan Business Park, Ballinagh Road, Cavan.

The third party appeal has been reviewed and the first party response to the salient issues raised in the An Taisce appeal letter dated 4th January 2024 are set out below.

The EIAR and NIS submitted were sufficiently detailed for the planning application process and were accepted by Cavan County Council and provided a sound basis for the grant of planning permission for the proposed development by the Competent Authority.

1.0 Any application for quarry extension needs to address and resolve the compliance history of the site

While the overall site has not been operational since c. 2013/2014, prior to this, conditions attached to the originally approved quarry under P. Ref. 07/827 were complied with in respect to all the issues covered, such as environmental monitoring being implemented and reported to the Local Authority, payment of development contributions, discharge licence sought and approved, provision of site infrastructure such as wheelwash, waste water treatment system and adequate site security fencing.

No planning compliance issues were raised by the Planning Authority in their consideration of both planning applications P. Ref. 12/101 and P. Ref. 23/169.

2.0 Permission for Quarry should never be beyond a 10 year period

We refer to the Quarries and Ancillary Activities Guidelines 2004 Section 4.9 'Life of planning permissions' which states:

Where the expected life of the proposed quarry exceeds 5 years it will normally be appropriate to grant permission for a longer period (such as 10 - 20 years), particularly where major capital investment is required at the outset. In deciding the length of the planning permission, planning authorities should have regard to the expected life of the reserves within the site. The purpose of setting a finite period is not to anticipate that extraction should not continue after the expiry of that period, but rather to enable the planning authority, in conjunction with the developer and environmental authorities, to review changes in environmental standards and technology over a decade or more since the original permission was granted. In considering whether a further permission should be granted, the planning authority should have regard (inter alia) to the following factors:

- (a) The extent of the remaining mineral resources and*
- (b) The extent of existing capital investment in infrastructure, equipment, etc.*

The previously permitted maximum annual extraction rate (P. Ref. 12/101) was 290,000 tonnes per annum over a period of 10 years. No extraction activities were undertaken at the application site, so the total aggregate reserve for extraction remains the same.

For planning ref. 23/169, to reflect current and projected market conditions, a revised maximum annual extraction rate of 250,000 tonnes per annum was proposed which would extend the life to a period of 15 years. A further 2 year period is proposed to carry out any final restoration works, giving an overall proposed development life of 17 years.

It is considered that planning permission for the proposed quarry development should be commensurate with the life of the reserves. This will ensure the developer has security for this investment and that the operation is carried out in accordance with proper planning and development guidelines. An adequate quarry life is required to secure an acceptable return on investment.

Local Authorities and An Bord Pleanála regularly granted planning permissions in well in excess of 10-years, and permissions of 15-25 years for these types of developments are common.

3.0 Issues around temporary abandonment have not been adequately addressed and require appropriate review to properly address planning compliance status of overall quarry site

The applicant would like to confirm that the quarry site permitted through P. Ref. 07/827 has not been abandoned. A temporary cessation of activities was agreed by the Company in c.2013 because of the economic downturn and the lack of demand for output in the Cavan area.



There has been no intention to abandon the quarry site by the applicant, and this is clearly demonstrated by the securing of planning permission under P. Ref. 12/101 for the quarry extension and the subsequent planning application 23/613 being made in advance of the 12/101 permission expiring. Furthermore, as mentioned above, the applicant has committed a significant amount of capital investment in infrastructure that remains on site.

4.0 Apparent inadequate review of ancillary activities

A full description of all these and other elements of the existing quarry infrastructure (permitted through P. Ref. 07/827 and other long standing planning permissions at the applicant's landholding) is set out in Chapter 2 of the EIAR and supported by appropriate site plans provided at scale. Details of proposed operations, and how these will be undertaken using existing infrastructure, are also provided. For example, see below extract from the EIAR which explains the processing activities that will be used in the existing plant to process material from the proposed quarry extension and how emissions will be dealt with.

4.1 Extract from EIAR as example of Information Provided on Processing

Processing Methods

- 2.66 The processing methods to be used at the proposed development will consist of industry standard methods which constitute size reduction through crushing and sizing by screening using fixed plant.
- 2.67 Dump trucks will transport excavated material from the quarry face to feed the primary crusher within the existing fixed processing plant to the east of the quarry extension area.
- 2.68 The primary crusher is stationary and breaks the material down to below 200mm in size. A primary screener then divides the material products, which are temporarily stockpiled prior to further crushing and screening to create end products, which are stored in end bins prior to being transported off site using identified haul routes as set out in chapter 14 of this EIAR.
- 2.69 The 6mm dust product requires a washing process to allow for its use as sand for sports pitches / arenas, as well as its use in the manufacture of concrete products at the processing plant in the existing quarry. The silt produced from the washing process is pumped to the site's settlement lagoon system and dried for its ultimate use in restoration of the overall site.
- 2.70 It is proposed that the same processing methods as those used at the existing permitted quarry will be utilised going forward. There is no requirement for any additional processing plant as part of this planning application.

Stockpiling and Dispatch of Aggregate Product

- 2.71 Excavated aggregate will be stored in temporary segregated stockpiles prior to being loaded by means of a mechanical loading shovel directly to incoming road trucks (HGV's). Trucks will then leave the stockpile area and travel to the weighbridge on the exit route out of the site where loads dispatched off-site will be weighed and recorded. The dispatch office will monitor the movement of incoming and outgoing HGV's and will also be responsible for the issuing of dispatch dockets.
- 2.72 Prior to leaving the site, all HGV's will pass through the wheelwash facility to minimise dust / mud carry onto the public carriageway.



4.2 Extract from EIAR confirming Use of Existing Infrastructure

Construction stage impacts

- 4.64 The initial phase of the proposed development will require stripping of overburden on the application site. Given the pre-existence of the access and internal haul road of the existing quarry, as well as the processing and ancillary facilities, there will be limited construction activities.
- 4.65 This initial phase would provide some short-term employment to c. 2-3 no. machinery operators and site personnel and would be a continuation of employment in the local area. This would be a short-term, direct, temporary and positive effect that would not have significant effects on the environment.

4.3 Extract from EIAR showing Proposed Extension and Existing Quarry considered cumulatively

The following are specific extracts from the EIAR which clearly show examples where the individual technical chapters consider the proposed extension and ancillary activities cumulatively with the site processing and other infrastructure associated with P. Ref. 07/827. Where monitoring data was available to the specialists, this was used in order to provide supporting information on the cumulative assessment. Almost 10 years have passed since the existing quarry has last been operational (as a consequence of economic circumstances), therefore, it was not possible to obtain current monitoring data.

Operational Stage Impacts

- 4.66 During the operational phase, rock will be extracted using the methods outlined in Chapter 2 of this EIAR. The proposed development will represent a continuation of employment (from the existing P&S Civil Works Ltd. workforce) within the local area during the operational phase. The proposed working scheme will require at least 10 staff directly on-site. Therefore, the proposal will secure direct employment of up to 10 people for the duration of the extraction development, i.e. 15 years.

Birds

- 5.81 Sand martin nests were located in aggregate stockpiles within three locations on the active quarry habitat during the habitat survey (Plate 10). The locations of these sand martin nests are shown in Figure 5-3. Point #1 contains approximately 106 potential nest holes, point #2 contains approximately 30 potential nest holes, and point #3 contains approximately 25 potential nest holes. Sand martins are Amber-listed on the BoCCI list.
- 5.105 If possible, similar stockpiles could be created in quiet areas of the quarry and/or within the wider landholding quarry area that will not be used and which will be left to accommodate breeding sand martins.
- 6.30 The existing exposures at the adjoining quarry on the site also provided information on the local subsoils and bedrock geology at the proposed development site.
- 6.59 Bedrock is exposed at the existing central quarry area and this proposal will involve the extraction of similar High Polished Stone Value (PSV) bedrock from the proposed extension area. The existing quarry has produced a valuable high PSV aggregate product which is important at the local and regional scale.



Existing Quarry Area – P. Ref. 07/827

- 7.14 Water from the existing quarry void (when operational) is pumped from a sump on the quarry floor which provides retention, by use of an electric 4" pump on float switches. The water is discharged directly to the surface water drainage channel located to the north of the landholding and running along the eastern boundary of the application site for the quarry extension. The drainage channel flows into the Mullmagowan Stream, which flows north to Corfad Lough (c. 600m north of the quarry extension area), and subsequently the Stradone River. On occasion and as required, a limited volume of the discharge water is directed to the existing settlement lagoons for use as a top-up water supply at the washing plant, located to the north of the existing quarry void.
- 7.15 Within the general central aggregate processing / concrete plant / chip washing areas, all surface water is returned via 3 no. ramped settlement sumps at the forementioned areas before being piped to the settlement tank and at sand washing plant before final discharge to the adjacent channel.

Existing and Proposed Water Management at the Site

- 7.9 There is extensive water management and processing infrastructure on the site to deal with surface water, groundwater and any process water. This infrastructure will require maintenance and upgrading prior to its re-use at the new proposed extraction area. Additional water management infrastructure will also be required to connect the proposed extraction area to the existing framework and to the discharge point.

Wheelwash

- 7.19 There is currently a wheelwash present at the site, located within the main site entrance gates and adjacent to the weighbridge. The area leading to the wheelwash and beyond towards the site entrance is hard surfaced.
- 7.20 In addition, the existing quarry has a dust suppression system which can be utilised, and all processing equipment has inbuilt dust suppression systems.
- 7.21 The above measures have proven to be effective and acceptable to-date and will be maintained in the future. The applicant will continue to regularly monitor the situation and will notify the Local Authority of any change in circumstances.

Wastewater Systems

- 7.22 Site staff will use existing toilet, hand washing, and welfare facilities provided at the existing site. Wastewater from these facilities is currently managed through a dedicated wastewater treatment system.

Process Water

- 7.27 The 6mm dust product requires a washing process to allow for its use as sand for sports pitches / arenas, as well as its use in the manufacture of concrete products at the processing plant in the

HYDROLOGY AND HYDROGEOLOGY (WATER) 7

- existing quarry. The silt produced from the washing process is pumped to the site's settlement lagoon system and dried for its ultimate use in restoration of the overall site.
- 7.28 Water for use in the washing of aggregate will be pumped from either the existing flooded quarry void to the south of the application area or will be sourced from the dewatering of the proposed extraction area.
- 7.29 It is proposed that the same processing methods will be utilised going forward. There is no requirement for any additional processing plant as part of this planning application.



Materials Extraction and Ancillary Activities

8.139 P&S Civil Works Ltd. will implement the mitigation measures outlined in Table 8-15 to reduce particulate matter emissions during the extraction of rock and processing activities.

Table 8-15
Rock Extraction and Ancillary Activities– Particulate Emission Mitigation Measures

Source	Emission Potential	Recommended Mitigation Measures	Effectiveness
Loader/ Mobile Processing Plant	High – dry material during strong windy weather	Processing of rock carried out on quarry floor and in close proximity to working face to reduce the movement distance.	High
	High – dry material during strong windy weather	Minimise drop heights when handling material. Water sprays to moisten handled material.	High
	Low – wet material during conditions of low wind speed	Minimise drop heights when handling material, protection from wind where possible.	High
Onsite Vehicles	High when travelling over un-surfaced and dry site roads	Minimise distances of onsite haul routes.	High
		Use of water sprays / tractor & bowser to moisten surfaces during dry weather.	High
		Restrict vehicle speeds through signage / staff training.	High
		Location of haul routes away from sensitive receptors.	High
Road Vehicles (transfer offsite)	Low / Moderate on paved road surfaces	Use of road sweeper to reduce the amount of available material for re-suspension.	Moderate / High
Screening Mounds	High when dry or fine material being stored or handled during strong windy weather	Seed surfaces of completed mounds / bunds of topsoil.	High
		Limit mechanical disturbance	High
Drilling Rig Dust Emissions	High – during dry and strong windy weather if filters on rig not working	Avoid working in adverse weather conditions and faulty dust filters.	High
Ancillary Activities	High- if plant malfunction	Carry out regular checks and maintenance works at the mobile processing plant.	High
Acceptable Risk Receptors	High – during dry and strong windy weather	Retention of hedgerows.	High
		Proposed perimeter berms where necessary.	High
		Avoid working in adverse weather conditions	High
Slight Adverse Risk Receptors	High – during dry and strong windy weather	Retention of hedgerows	High
		Proposed perimeter berms where necessary	High
		Avoid working in adverse weather conditions	High

PM₁₀ Contribution from Material Extraction and Ancillary Activities - Assessment

- 8.124 In terms of PM₁₀, the maximum annual mean measured baseline background concentration ranged from 7.0 µg/m³ to 11 µg/m³ over the period 2013 to 2021 at the Kilkitt, Co. Monaghan monitoring station. Therefore, the potential contribution up of 5 µg/m³ towards annual mean background concentrations of the coarse fraction (2.5 – 10 µm diameters) of particulates (in the immediate area of the site) is insignificant and well below the annual objective of 40µg/m³.
- 8.125 Therefore, the potential impacts in relation to increase in ambient PM₁₀ concentrations can be classified as 'negligible' when the limited duration of conditions and the magnitude of change in the extent and scale of activities are considered to significantly reduce the generation of airborne PM₁₀ beyond the site development boundary.



- 10.71 The following noise sources have been considered in the noise assessment for the rock extraction within the planning application area:

- drilling rig;
- excavator;
- HGV;
- processing/screening plant;
- crushing plant.

*The detailed noise assessment calculations shown in Appendix 10-B of the EIAR set out the assumptions including HGVs required, other vehicles, processing and crushing plant.

- 13.99 It should be noted that since this application is for the extension of an existing quarry, all existing lighting within the existing processing area would continue to be used, as it is currently established. Within the extension area only mobile lighting attached to the machinery used to work the site would be used. All lighting would continue to only be in use for wintertime operations, when darkness has fallen, within the previously permitted site operating hours, which are sought for this quarry extension as well. The site would operate from 07.00 hours until 18.00 hours Monday to Friday and 14.00 hours on Saturdays. There would therefore be a period where such lighting would be required for up to 1.5 hours in the morning and up to 2.5h in the evening, during the height of winter. Night-time light pollution caused by the proposed development would therefore continue to be of brief duration during winter months, similar to what is already taking place on site, and is not considered significant.

TRAFFIC & TRANSPORT 14

- 14.28 General HGV deliveries to site will include fuel supplies and skips for the removal of refuse from the site. The trip rate for imported materials are as follows:

- General Deliveries 5 Loads per day

Exported Materials

- 14.29 The quarry under P. Ref. 12/101 could extract, and process 290,000 tonnes of aggregates per annum. It is now proposed to seek a 15 year extension period to extract rock at a reduced rate of 250,000 tonnes per year.

- Aggregate 250,000 tonnes per year
5,000 Tonnes per Week (50 Weeks) 250 Loads per Week (20 tonnes)
910 Tonnes per Day (5.5 Days) 45 Loads per Day (20 tonnes)

Staff and Visitors

- Staff 8 Staff at Peak Production 10 trips per day
- Visitors 5 Trips per day

- 14.30 The quarry was not operational during the classified traffic counts carried out on the public road network. All trips generated by the quarry will be assigned as new trips to the public road network.

- 14.31 A typical traffic profile for quarry operations showing arrivals and departures of HGV vehicles throughout the day is shown in Figure 14-3. The profile shows two periods of peak traffic associated with quarry operations, a morning peak between 0900-1000HRS and an afternoon peak at 1400-1500HRS which is the busiest period for HGV traffic at the quarry. The profile indicates that during the morning peak traffic period on the public road network (07300-0830HRS) approximately 10.0% of daily HGV movements are likely to occur. During the site operational peak (1400-1500HRS) approximately 15% of daily HGV movements are likely to occur. During the PM peak on the local road network (1630-1730HRS) 2.6% of daily HGV movements are likely to occur.



4.4 Extract from EIAR showing Monitoring Data available from when the Existing Quarry was last operational

Background Air Quality

- 8.54 The closest air quality monitoring locations to the quarry, and in a similar Zone D area, is located at Kilkitt, Co. Monaghan.
- 8.55 The monitoring stations continuously monitor concentrations of particulate matter with an aerodynamic diameter of less than 10 µm (PM₁₀). Recent annual mean concentrations monitored at Kilkitt (published on the EPA website⁵) are presented in Table 8-3 below

Table 8-3
Background Air Quality Concentrations

Year	PM ₁₀	
	Annual Mean (µg/m ³)	Number of Days > 50 µg/m ³
2013	11	3
2014	9	2
2015	9	1
2016	8.1	0
2017	7.8	0
2018	9	0
2019	7	0
2020	8	0
2021	7.8	0

- 8.56 Table 8-3 illustrates that PM₁₀ concentrations monitored at the Kilkitt monitoring site are below the annual mean Air Quality Standards (AQS) of 40 µg/m³ and comply with the requirement that a 24-hour mean of 50 µg/m³ should not be exceeded more than 35 times in a calendar year.
- 8.57 For rural areas, such as those surrounding the application site, the primary source of PM₁₀ would be residential solid fuel emissions and local agricultural or rural based activities for deposited dust

⁵ Secure Archive for Environmental Research Data – <http://erc.epa.ie/safer/>.

- 10.97 Historical blast monitoring results at the existing quarry confirm that the blasting operations at the quarry have complied with the DoEHLG (2004) and EPA (2006) recommended threshold limit values for groundborne vibration (12 mm/sec peak particle velocity) and air overpressure (125 dBL Linear max peak with a 95% confidence limit).



Table 10-9
Blast Monitoring Results

Date	Position	Location	PPV			AOP (dB)	Resultant mm/s
			(L)	(V)	(T)		
07/10/2008	V1	Residence R3	2.07	3.24	4.22	117	5.04
25/11/2008	V2	Quarry Weighbridge	1.40	2.07	1.80	113	2.34
25/11/2008	V1	Residence R3	0.97	1.17	1.21	113	1.44
16/02/2009	V	Residence R3	2.19	2.77	2.30	110	3.75
10/06/2009	V1	Residence R3	4.19	3.99	4.25	111	6.40
14/08/2009	V1	Residence R3	3.32	3.67	6.06	100	6.65

5.0 Failure to adequately address issues relating to Hydrological and Hydrogeological concerns and the associated protection measures suggest the Applicant cannot eliminate all reasonable scientific doubt as to the significance of impacts upon local aquatic regimes

The **Appropriate Assessment (AA)** is a detailed study of the likely impacts of a proposed plan or project on the ecology of a designated European site (also known as a Natura 2000 site). A plan or project can only be approved, where it can be demonstrated beyond reasonable scientific doubt, that it will not negatively affect the integrity of a Natura 2000 site.

The revised NIS submitted as part of the RFI Response to Cavan Co. Co. in September 2023 did contain sufficient information to allow it to determine beyond reasonable scientific doubt that the project, individually or in combination with other plans or projects, would not have an adverse effect on the integrity or pose a risk of likely significant effects on any Natura 2000 site.

The Competent Authority, in this case Cavan County Council, considered that the NIS was sufficient as they granted permission for the proposed development.

The purpose of **Environmental Impact Assessment (EIA)** is to protect the environment by ensuring that before deciding whether to grant planning permission for a development proposal, the planning authority or An Bord Pleanála fully understands the significant effects it is likely to have on the environment before making a decision.

Chapter 7 of the EIAR provides an assessment of the likelihood of significant hydrological and hydrogeological impacts that could arise from the quarry extension in the absence of mitigation measures. It then proposes standard and available protection/mitigation measures to reduce the potential significance of impacts and confirms that these will be implemented.

Cavan Co. Co. accepted that further detailed hydrological work would be required through the discharge license application process which would be carried out as a planning condition prior to commencement.

To address the submission from An Taisce, we have reviewed water quality at the receiving stream waterbody (Stradone-010) and it was categorised as 'unassigned' under the Water Framework Directive (WFD) for the monitoring period 2007-2009, the earliest date for which WFD monitoring data is available. For all later periods for which WFD monitoring data is



available, the quality has been assessed as 'Good' based on monitoring undertaken and the waterbody is classified as 'Not at Risk' of meeting its objectives under the WFD.

The quarry was in operation up until c. 2013/2014 when the WFD status of the waterbody was recorded as being of Good Status for the period 2010-2015. This indicates that when operational the quarry and discharge did not result in the receiving waters not achieving the WFD objectives.

As noted in Items 7 and 9 below, the applicant has undertaken baseline macroinvertebrate monitoring at three locations to determine the baseline Q values of the receiving waterbodies.

In addition, three water quality samples (Physio-chemical), one each at the discharge point and existing quarry void to add to 2022 surface water quality parameter data already submitted in the EIAR, and one further downstream of the Mullymagowan Stream are scheduled to be carried out in February 2024.

6.0 Water Framework Directive Article 4 Assessment Criteria must be applied

The Water Framework Directive (WFD) was addressed in Chapter 7 of the EIAR and included reference to the current River Basin Management Plans. The current WFD classifications for the local surface water bodies and groundwater body was included in the EIAR and the potential impact on the WFD objectives was assessed in the EIAR.

The EIAR states that, based on the assessment undertaken therein as well as the evidence set out in this response, it is considered that the proposed development of the quarry will not be contrary to the objectives of the WFD to maintain Good Ecological Status in the surface waterbodies of the Laragh sub-catchment or in the Cavan GWB by 2027.

7.0 A review of historic surface water quality bodies and micro/macro aquatic faunae downstream and upstream of the extant quarry void is required to enable proper contextual assessment of quarry activities on local water regimes during previous quarrying activities and extended period of inactivity

The existing WFD quality status of the local surface water courses and groundwater body was included in the EIAR. The surface water status for the receiving waters was classified as being of Good Status for the EPA WFD monitoring and reporting periods 2010-2015, 2013-2018 and 2016-2021 (www.catchments.ie).

The quarry site was operational up until c. 2013/2014 and was discharging waters to the receiving watercourse during the EPA WFD monitoring period 2010-2015. The surface waters were classified as being of Good Status during this period and therefore met their objective under the WFD while the quarry was previously operational.

The groundwater body status under the WFD was classified as being of Good Overall status EPA WFD monitoring and reporting periods 2010-2015, 2013-2018 and 2016-2021 (www.catchments.ie). Again, the quarry site was operational up until c. 2013/2014, during the EPA WFD monitoring period 2010-2015, when the groundwater was classified as being of Overall Good Status and therefore met the objective under the WFD at this time.



A baseline biological Q survey of the receiving waters has been undertaken. Owing to the short appeal response submission time period of 4 weeks the results of the survey are currently being processed, are not yet available and a report is currently being prepared and will be available shortly, should the Board be mindful to request this additional information in due course.

8.0 Apparent absence of detailed Assimilative Capacity reporting on receiving water courses despite the volume of surface waters which will require to be pumped out of the quarry void daily

The proposed development, subject to Planning Permission, will require a discharge licence review from the Local Authority to discharge treated waters to the stream. It is not possible to apply for a discharge licence until planning has been approved for the development.

An Assimilative Capacity Assessment of the receiving waters and Mass Balance Calculation for the receiving waters with the discharge waters will be undertaken as part of the discharge licence application to the Local Authority. The Local Authority are responsible for setting the discharge Emission Limit Values as part of the licensing process based on the results of the Assimilative Capacity Assessment and Mass Balance Calculations.

9.0 Proposed Surface Water Mitigation Measures would seem to depend on the use of historic surface water management measures. There does not appear to be any detailed survey and assessment of these various measures

Paragraph 7.9 of the EIAR states that:

There is extensive water management and processing infrastructure on the site to deal with surface water, groundwater and any process water. This infrastructure will require maintenance and upgrading prior to its re-use at the new proposed extraction area. Additional water management infrastructure will also be required to connect the proposed extraction area to the existing framework and to the discharge point.

Paragraph 7.15 of the EIAR states that:

Within the general central aggregate processing / concrete plant / chip washing areas, all surface water is returned via 3 no. ramped settlement sumps at the forementioned areas before being piped to the settlement tank and at sand washing plant before final discharge to the adjacent channel.

The proposed water management system at the site is shown in EIAR Figure 7-1. This figure indicates that the proposed quarry water management system is not connected to the existing water management system for the site area. It is proposed to only carry out standard routine upgrade of the existing water management system at the site for the proposed quarry extension with no requirement for any new infrastructure. The proposed water management system at the site as shown in EIAR Figure 7-1 was assessed in the EIAR for the proposed development.



The existing water management system at the site as set out in paragraph 7.9 of the EIAR which details the surface water management through the existing settlement lagoons for processing/ancillary areas is covered by the existing planning permission P. Ref. 07/827 for the site.

10.0 Absence of Water Quality Monitoring, which is left to post-consent condition and future discharge licencing

The quarry has not been operational since c. 2013/2014 and therefore no water quality monitoring has been undertaken at the site.

The recent (November 2022) water quality monitoring results for the site were included in the EIAR and the results were discussed in Chapter 7 - Water. An additional round of surface water baseline water quality is scheduled to be undertaken at the site in February 2024. These results will be available once the testing has been completed by the laboratory, should the Board be mindful to request this additional information in due course.



Closure

This appeal response submission should be read in conjunction with the Environmental Impact Assessment Report (EIAR), Natura Impact Statement (NIS) and the response to the request for further information submitted to the Planning Authority.

We thank the Board for affording us the opportunity to make a submission on the third-party appeal and request that the Board uphold the decision of Cavan County Council to grant permission for the proposed development.

Kind regards,

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