

1.0 INTRODUCTION, SCOPE & METHODOLOGY

Golder Associates Ireland Ltd (“Golder”) have been commissioned to prepare this Environmental Impact Assessment Report [EIAR] to accompany an application for permission for further development of an existing quarry over approximately 26.87 hectares [ha.] at Windmillhill, Rathcoole, Co. Dublin. This EIAR is submitted on instruction of Mr. Laurence Behan, owner and operator of this quarry who will be making the application for permission.

It is noted that this EIAR has been prepared in tandem with an rEIAR to accompany an application for substitute consent for that existing quarry under Section 261A of the Planning and Development Act, 2000 as amended by the same applicant.

The further development of the quarry is proposed over an area nearly entirely consisting of lands already excavated and is therefore mainly for the purpose of recovering the economic reserve that remains in the void. The proposed development site (application site) lies at the centre of a contiguous, established landholding of approximately 73 ha. That landholding is centered on the townland of Windmillhill and covers much of that townland area with protruding minor portions of that ownership unit extending north westerly into the townland of Steelstown and south easterly into the townland of Carrigeen.

The centre of the landholding has been the subject of historic, current and intended future extraction and is roughly rectangular in shape with a south to north orientation onto the N/M7. The southern boundary is delineated by the local Windmillhill Road and the western and eastern boundaries of this area are delineated by the Windmillhill townland boundaries. This area extends to 46.14 ha. and constitutes the EIA project boundary for the quarry.

The lands the subject of this EIAR [the subject lands] at 46.14 ha. entirely encompass the application lands of 26.87 ha. The reserve at this quarry is greywacke rock, overlain by boulder clay, currently worked to an average depth of 173 mAOD.

The reserve is excavated by blasting and mechanical means, primarily processed by mobile plant at the working face. Excavated material is transported to a centrally located existing administration and processing plant area over approximately 5 ha. that holds further processing plant (washing, screening, grading, bagging), an asphalt production plant and concrete plant. This plant and processing area is an established part of the quarry area and has also been formerly used for the recovery of inert C&D waste.

Figure 1.1 provides a depiction of the application area and the EIA project boundary.

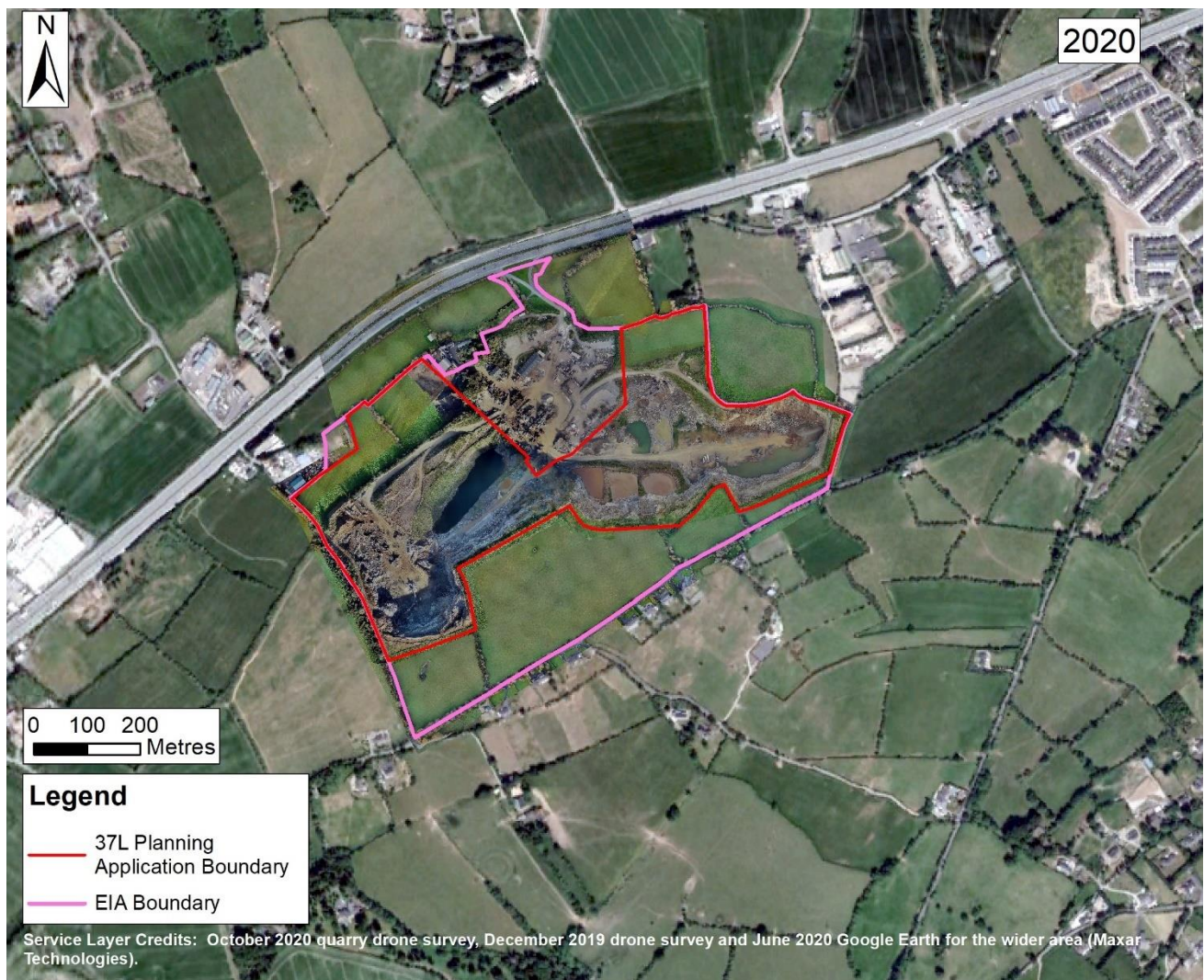


Figure 1.1: Further development of the quarry application area and the lands the subject of the EIAR.

1.1 Requirement for EIAR

Certain proposed developments, due to their typology, or scale automatically attract the requirement for EIA by a competent authority as part of that authority's formal assessment of a development proposal seeking permission, consent or licensing. As set out in the next section, a hierarchical suite of European and national legislation and guidance govern EIA and direct EIAR content.

The further development of a quarry proposal is over a site area of 26.87 ha. that automatically attracts the requirement for EIA. The applicant seeking this development permission is therefore bound to provide an EIAR for the purposes of EIA.

The permission for development sought in this instance is under S.37L of the Planning and Development Act, 2000. This type of planning permission may only be sought where an application for substitute consent is in being.

In this instance the concurrent substitute application with rEIAR and this EIAR to accompany the application for further development of the quarry is by Order of the High Court [2018 No. 929 JR] of August 2020 that set aside a previous substitute consent (ref. PL06.SU0068) and a S.37L (PL06S. QD0003) ref. application decisions and granted relief including:

“...that a fresh application to the Respondent for continued development in relation to the site at Windmill Hill Rathcoole County Dublin pursuant to the notice dated 11 August 2015 issued by the Respondent in respect of section 37L of the Planning and Development Act 2000 as amended shall be deemed to have been made within the time limits prescribed therein where the application is made not later than twelve weeks of the date of perfection of this Order or such further period as the Board may allow...”

A copy of this Order is at Appendix 1.1.

A copy of the notice of 11 August 2015 is at Appendix 1.2. This notice consisted for a letter from An Bord Pleanála to the applicant for substitute consent under PL06.SU0068, stating that new legislative provisions had been made that allowed for concurrent application for permission for further quarrying to be made concurrent to substitute consent applications. Ref. PL06.SU0068 was an application for substitute consent before the Bord at the time of the notice. The provision referred to is S.37L of the Planning and Development Act, 2000 as amended.

1.1.1 Context and description of previous application for further quarry development

Section 37L of the Planning and Development Act 2000, as amended is entitled ‘Further matters in relation to control of quarries’ and allows for the making of an application for planning permission for the further development of a quarry site for quarrying only. Furthermore, this section of the Act restricts the circumstances timing of the making of the application to within 6 weeks of the submission of a subsite consent application on the same site.

As noted in the last section the current S.37L application is made on foot of the quashing of an order in respect of an earlier S.37L application that itself was allowed to be sought as a then concurrent application for substitute consent for a quarry was in being. That substitute consent application arose as a result of the review of the quarry under S.261A of the Planning and Development Act as amended (South Dublin County Council ref. SDQU5/04 & An Bord Pleanála Quarries Review ref. PL06S.QV0090).

The S.261A review of the quarry arose following registration in 2005 under S.261 by Mr. Laurence Behan of a quarry being operated by L Behan & Sons Ltd. with an estimated ‘site boundary’ of 73 ha. and a ‘workable area’ of 39.27 ha. This registration further recorded that the quarry was pre ’63 and later revised to recognise the securing of a planning permission in 1968. The S.261 registration as assigned ref. SDQU05/04 by South Dublin County Council. The registration map submitted is repeated at Figure 1.2.

A description of the superseded substitute consent and S.37L applications is below:

An application for substitute consent for ‘a quarry’ over 40.875 ha. on behalf of Laurence Behan was made 24 October 2013 and assigned ref. PL06S.SU0068. A copy of the site location map part of this application is at Figure 1.3

An application was made, also on behalf of Laurence Behan for further development of the quarry under S.37L on 25 November 2015 and assigned ref. PL06S.DQ0003. The development was stated to consist of: ‘(A) to continue the development of a quarry having a total site area of 40.875 Hectares, (B) Reinstatement of worked out quarry to agricultural use by means of the importation of inert sub soil and top soil amounting to a total of 11,151,570 cubic metres.’ A copy of the site location map part of this application is at Figure 1.4.

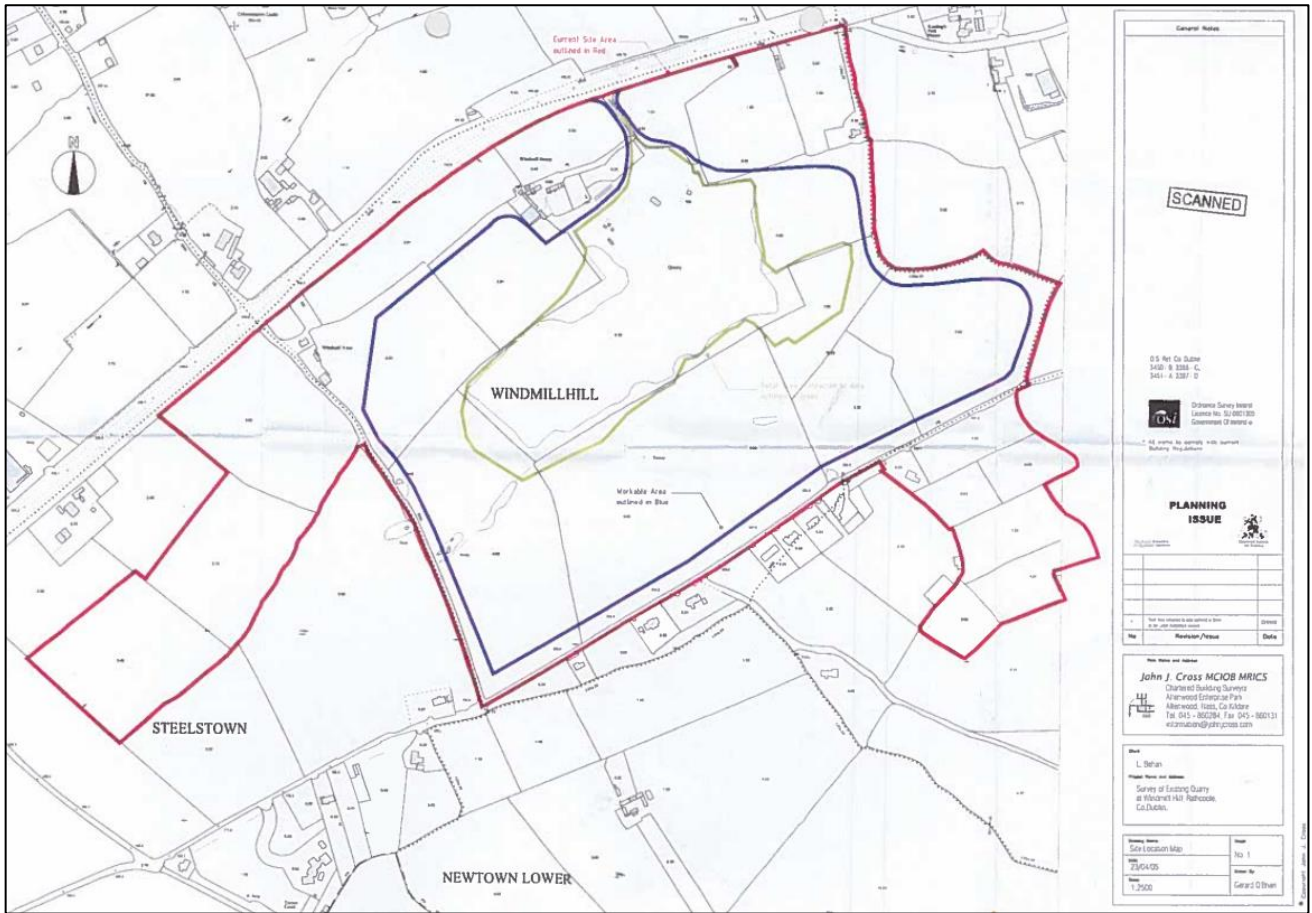


Figure 1.2: Copy of S.261 registration map submitted 10 October 2005, in response to request for further information for S.261 registration ref. no. SDQU05/4 'revised map indicating (a) site boundary in red, (b) extractable area in blue.

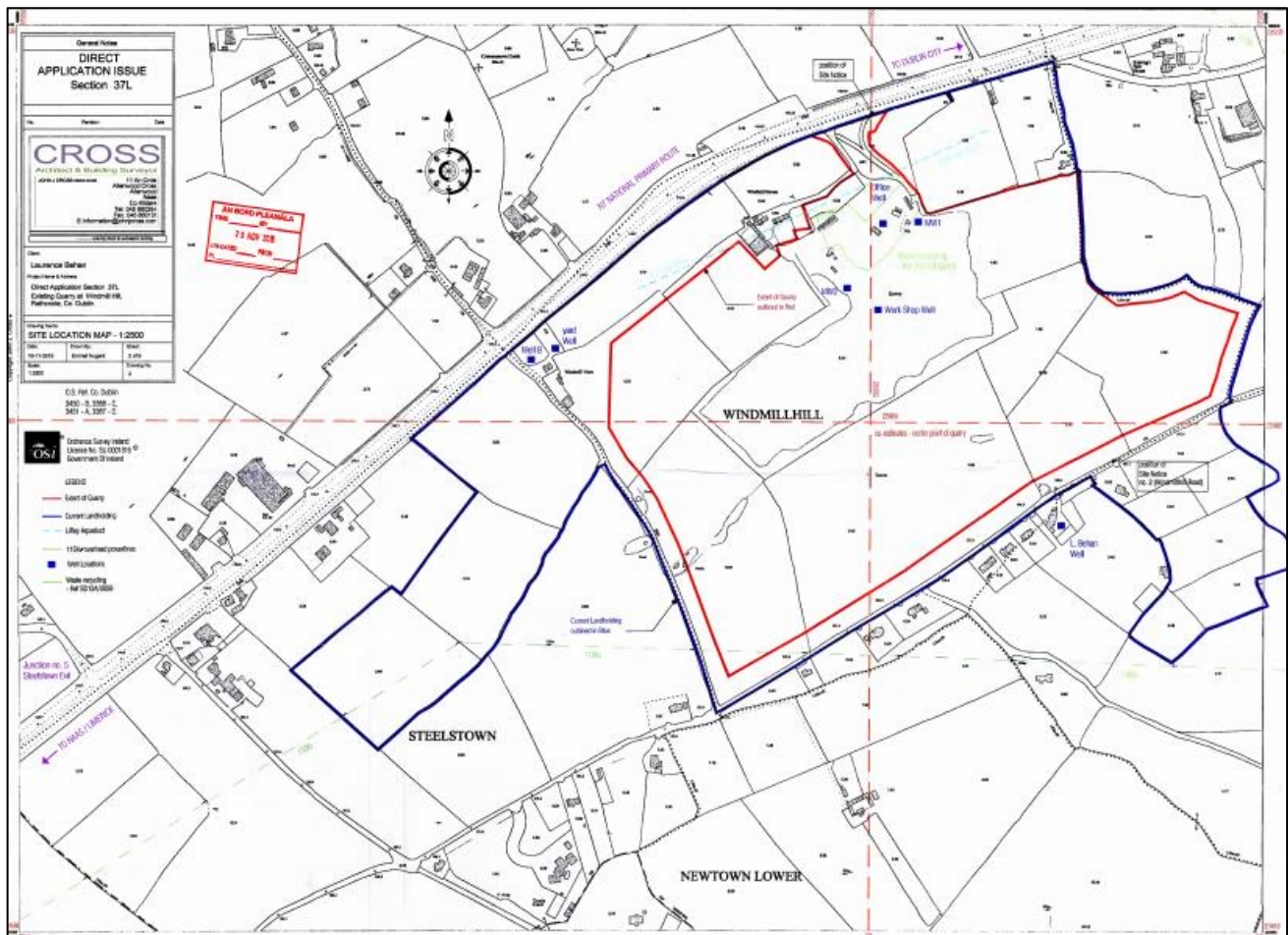


Figure 1.4: Copy of S.37L application ref. PL06S.DQ0003, site location map. Application made 2015, refused 2018, decision quashed by High Court Order 2020.

1.1.2 S.37L application and EIA project boundary

The application for substitute consent, made 24 October 2013, assigned ref. PL06S.SU0068 was refused 21 September 2018. The application for further development of the quarry under S.37L, made on 25 November 2015, assigned ref. PL06S.DQ0003 was also refused 21 September 2018. These application decisions were quashed by High Court Order [2018 No. 929 JR].

Therefore, having regard to section 1.1. above and the Order of the High Court [2018 No. 929 JR] of August 2020: the quashing of the decision under ref. L06A.0003 has given rise to this ‘fresh’ application further quarrying under S.37L, that is accompanied by this EIAR.

The S.37L planning application unit extends to 26.87 ha. and reflects the extracted area of the quarry and a northern extension to that void area of 4.1 ha. requiring a total additional land take of 5.19 ha. for landscaping berms, all contained within the S.261 workable area registration boundary at Figure 1.2. This additional extraction area is the only new development currently proposed for the quarry.

The S.37L planning application boundary unit (26.87 ha.) that this EIAR accompanies is significantly smaller than that for which permission was previously sought (40.875 ha.) under PL06S.DQ0003 as it excludes the extraction of lands in the south of the originally registered S.261 quarry area. In addition, the S.37L application previously submitted sought development permission for infilling of the void. This infilling is not further quarry development and no such proposal is now included. A restoration proposal for the site is included as mitigation in this EIAR and presented at Chapter 11 and in submitted application drawing. The restoration proposed principally consists of the regrading of the current void and use of stored top and subsoils on site for restoration

purposes. The restoration proposal includes the restoration of the extant plant processing area at the centre of the site within the Applicant's ownership area and the subject of concurrent substitute consent application.

As noted at the outset, the application under S.37L that this EIAR accompanies is to be made concurrent with an application for substitute consent for the over an area of 28.8 ha. That application is accompanied by an rEIAR.

In view of this rEIAR and the EIAR being concurrently prepared for much of the same operational lands it is submitted that a single EIA project boundary for the purposes of assessment by experts of works past and proposed is consistent and will facilitate EIA of each development within the same EIA project envelope.

The EIA project boundary envelopes an area of 46.14 ha. that encloses previous recent quarry application areas, current workings and intended future workings.

The EIA project boundary is therefore larger than the associated planning application units in order to capture:

- the currently proposed substitute consent and S.37L application boundaries and associated infrastructure; and
- the workable area registered under S.261 for which conditions were imposed.

To a lesser extent, the EIA project boundary was chosen to capture previous applications on the lands as they may include information useful to construct the history and baseline of the current development proposals. In this regard, it was assumed that the most relevant information would derive from the rEIS and EIS submitted for the previous substitute consent and S.37L applications (refs. PL06S.SU0068 and PL06S.DQ0003), therefore the current EIA project boundary largely coincides with those EIA project boundaries.

1.1.3 Definition of a quarry

The substitute consent application being made in respect of this site is for a quarry and arises on foot of S.261A review. The S.37L application that this EIAR accompanies is for further quarrying only. As such, a definition of a quarry is here repeated in order the application made accords with the legislative provision for these applications.

The proposed S.37L further quarrying proposal excludes areas that are not proposed for quarrying i.e.it excludes the centre of the current operational site that holds the ancillary plant and welfare facilities for the site that are mainly included in the substitute consent application area as those lands are not proposed to be extracted and therefore outside of the provision of S.37L. It is intended that the material extracted under the further quarrying proposal will be processed in the extant central plant area of approximately 5 ha. and will continue to utilise the main site entrance to the north which is onto the N/M7. The site location and layout maps submitted with the S.37L application indicate this arrangement.

It is noted that at S.261(13) of the Planning and Development Act 2000, as amended are definitions for that Section. This includes 'quarry'; *"has the meaning assigned to it by section 3 of the Mines and Quarries Act, 1965."* This definition is set out here, Section 3, Mines and Quarries Act, 1965

"In this Act "mine" means an excavation or system of excavations made for the purpose of, or in connection with, the getting, wholly or substantially by means involving the employment of persons below ground, of minerals (whether in their natural state or in solution or suspension) or products of minerals.

(2) In this Act "quarry" means an excavation or system of excavations made for the purpose of, or in connection with, the getting of minerals (whether in their natural state or in solution or suspension) or products of minerals, being neither a mine nor merely a well or bore-hole or a well and bore-hole combined.

(3) “Mine” and “quarry” include, respectively, any place on the surface surrounding or adjacent to the shafts of the mine or to the quarry occupied together with the mine or quarry for the storage or removal of the minerals or for the purposes of a process ancillary to the getting of minerals, including the breaking, crushing, grinding, screening, washing or dressing of such minerals but, subject thereto, does not include any place at which any manufacturing process is carried on.

(4) For the purposes of this Act, any place occupied by the owner of a mine or quarry and used for depositing refuse from it shall form part of the mine or quarry, but any place so used in connection with two or more mines or quarries, and occupied by the owner of one of them, or by the owners of any two or more in common, shall be deemed to form part of such one of those mines or quarries as the Minister may direct.

(5) For the purposes of this Act any line or siding (not being part of a railway) serving a mine or quarry shall form part of the mine or quarry, but, if serving two or more of them, shall be deemed to form part of such one of them as the Minister may direct.

(6) For the purposes of this Act a conveyor or aerial ropeway provided for the removal from a mine or quarry of minerals or refuse shall form part of the mine or quarry.”

European Union (Environmental Impact Assessment and Habitats) (No. 2) Regulations 2011 (S.I. No. 584 of 2011) inserted a discreet ‘quarry’ definition into Section 2 ‘Interpretation’ of the Planning and Development Act, 2000 as amended as follows:

“quarry” means an excavation or system of excavations made for the purpose of, or in connection with, the getting of minerals (whether in their natural state or in solution or suspension) or products of minerals, being neither a mine nor merely a well or bore-hole or a well and bore-hole combined, and shall be deemed to include—

(i) any place on the surface surrounding or adjacent to the quarry occupied together with the quarry for the storage or removal of the minerals or for the purposes of a process ancillary to the getting of minerals, including the breaking, crushing, grinding, screening, washing or dressing of such minerals but, subject thereto, does not include any place at which any manufacturing process is carried on;

(ii) any place occupied by the owner of a quarry and used for depositing refuse from it but any place so used in connection with two or more quarries, and occupied by the owner of one of them, or by the owners of any two or more in common, shall be deemed to form part of such one of those quarries as the Minister may direct;

(iii) any line or siding (not being part of a railway) serving a quarry but, if serving two or more quarries shall be deemed to form part of such one of them as the Minister may direct;

(iv) a conveyor or aerial ropeway provided for the removal from a quarry of minerals or refuse.”

As noted above, the only new development of the quarry currently proposed i.e. development in excess of what exists that is the subject of concurrent substitute consent application, is further extraction over the existing void to include a 4.1 ha. northern extension to that void. The extant void that contains reserve and the lateral extension area total 28.8 ha. in extent and constitute the S.37L application boundary which accords with S.37L(3):

“(1) Where an application for substitute consent is or was required to be made by the owner or operator of a quarry pursuant to subsection (7), (10) or (12) of section 261A, the owner or operator may apply for permission to further develop that quarry in accordance with this section.

(2) An application for permission to further develop a quarry under subsection (1) shall be made to the Board.

(3) An application for permission under subsection (1) may only be made for further development of a quarry as a quarry.”

1.2 Structure and Content of the EIAR

EIA is a process undertaken for certain types of development. It provides a means of drawing together the findings from a systematic analysis of the likely significant environmental effects of a scheme to assist local planning authorities, statutory consultees and other key stakeholders in their understanding of the impacts arising from the development.

The following subsections outline the evolution of EIA Directives and their interpretation in the Irish jurisdiction, statutory provisions and guidance that provide the purpose and content of the EIAR that is summarised at the end of this section.

1.2.1 EIA Directives and Transposition

The requirement for an Environmental Impact Assessment [EIA] process arises from European Union [EU] Directives required to be adhered to by member States and transposed into national laws.

The original EIA Directive 85/337/EEC has been amended and superseded by Directives 97/11/EC, 2003/35/EC, 2009/31/EC to Directive 2011/92/EU.

Having regard to the transposition of the original environmental assessment Directive into Irish Law it is determined by reference to the Planning and Development Act, 2000 as amended [P&D Act] that appointed day at which the requirement for same arose is the 1st of February 1990.

On 16th April 2014 Directive 2011/92/EU was amended by Directive 2014/52/EU of the European Parliament and of the Council [2014 EIA Directive].

The amending 2014 EIA Directive consists of 16 no. Articles and 5 no. Annexes that define EIA and the supporting information and processes available and required for EIA determination in the form of reasoned conclusion by the competent authority.

This is the environmental impact assessment report [EIAR] by the developer defined at Article 1 and required under Article 3 in order EIA may be undertaken. This report relates to lands of 46.14 ha. that enclose lands that have been the subject of extraction and are intended for further quarry development area over a total application area of 26.87 ha.. Extraction area of that magnitude attracts automatic requirement for EIA as an Annex 1 project and is therefore subject to an assessment in accordance with articles 5 through 10.

Article 5 of the 2014 EIA Directive sets down the minimum information to be supplied in an EIAR including those matters at Annex IV as follows;

- (a) a description of the project comprising information on the site, design, size and other relevant features of the project;*
- (b) a description of the likely significant effects of the project on the environment;*
- (c) a description of the features of the project and/or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;*
- (d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;*
- (e) a non-technical summary of the information referred to in points (a) to (d); and*

(f) any additional information specified in Annex IV relevant to the specific characteristics of a particular project or type of project and to the environmental features likely to be affected.”

The 2014 EIA Directive required that “Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 16 May 2017.”

The requirement for the current EIAR arises as a result of the associated development proposal being made for a development typology that exceeds the EIA threshold. The development proposal seeks planning permission under S.37L of the Planning and Development Act 2000, as amended, therefore the competent authority undertaking EIA is An Bord Pleanála.

1.2.2 Purpose of EIAR and Statutory Provisions

As stated above the requirement for the current EIAR arises as a result of High Court Order that allowed a ‘fresh’ application for further development of a quarry as a quarry reviewed under S.37L of the Planning and Development Act, 2000 as amended [P&D Act]. The procedures and considerations for S.37L applications are also contained in the P&D Act therefore the planning and development statutes and related policy and guidance are relied upon to contextualise and define this report.

The report of the assessment of environmental effects to be prepared and submitted by a developer is referred to as an Environmental Impact Assessment Report (EIAR) in the current planning and development statutes after the transposition of the 2014 EIA Directive.

The P&D Act defines an EIAR as follows;

“means a report of the effects, if any, which proposed development, if carried out, would have on the environment and shall include the information specified in Annex IV of the Environmental Impact Assessment Directive;”

Regulations have been made to administer EIA. For the purposes of this EIAR and the statutes under which the requirement for its preparation has arisen, the following Statutory Instruments are relevant and have informed this report:

- European Communities (Environmental Impact Assessment) Regulations (1989-2006);
- European Union (Environmental Impact Assessment and Habitats) Regulations (2011- 2019);
- European Communities (Environmental Impact Assessment) Regulations (2011 – 2020); and
- Planning and Development Regulations (2001 – 2021).

1.2.3 Guidance

Under the P&D Act the minister may make regulations and issue guidance. Summarily, Sections 28 and 29 of the P&D Act require that planning authorities and An Bord Pleanála have regard to guidelines and comply with policy directives, respectively in the performance of their functions.

The structure and content of this EIAR is in accordance with the following guidance:

Guidelines issued by the Housing, Local Government and Heritage Department

- 2020 *Environmental Assessments and Planning in Ireland – Planning Leaflet 11*, Office of the Planning Regulator
- 2018 August *Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment*, Department of Housing, Planning and Local Government

- 2012 July *Section 261A of Planning and Development Act, 2000 and related provisions Supplementary Guidelines for Planning Authorities*, Department of the Environment, Community and Local Government
- 2012 January *Section 261A of Planning and Development Act, 2000 and related provisions Guidelines for Planning Authorities*, Department of the Environment, Community and Local Government
- 2009 December (revision February 2010) *Appropriate Assessment of Plans and Projects in Ireland*, Department of Environment, Heritage and Local Government
- 2009 November *The Planning System and Flood Risk Management Guidelines for Planning Authorities*, Department of Environment, Heritage and Local Government
- 2004 April *Quarries and Ancillary Activities Guidelines for Planning Authorities*, Department of the Environment, Heritage and Local Government

Guidance issued by the Environmental Protection Agency [EPA]

- August 2017 *DRAFT Guidelines on the Information to be Contained in Environmental Impact Assessment Reports* [Draft 2017 EPA Guidance which updated that Draft Guidance of May 2017]
- September 2015 *DRAFT Revised Guidelines on the Information to be Contained in Environmental Impact Statements*
- September 2015 *DRAFT Advice Notes For Preparing Environmental Impact Statements*
- 2006 *Environmental Management Guidelines, Environmental Management in the Extractive Industry (Non-Scheduled Minerals)*
- 2003 September *Advice Notes On Current Practice In The Preparation Of Environmental Impact Statements*
- 2002 March *Guidelines On The Information To Be Contained In Environmental Impact Statements*

1.2.4 Purpose & Content of EIAR

Taking the definition of an EIAR as in the P&D

this EIAR has been prepared in a 'Grouped Format' structure having regard to the prescribed environmental factors of the EIA Directive and the 2017 EPA Guidance; "Population and Human Health; Biodiversity, Land & Soils, Water, Air, Climate, Material Assets, Cultural Heritage, Landscape, Interactions."

In this way each aspect of the environment is presented as a separate section referring to the environment as it existed before development commenced, the existing development, experienced and / or likely impacts, and employed / proposed mitigation measures.

The EIAR has therefore been systematically organised to provide the following information and environmental aspect chapters identified in Table 1.1.

Table 1.1: Overall structure of the rEIAR.

Content	Chapter
Context and Requirement for rEIAR	1.0 Introduction
A description of the existing environment.	2.0 Project Description; and As appropriate in the respective discipline chapters.
A description of the project.	2.0 Project Description

Content	Chapter
Identification of experienced / likely significant impacts during construction and operation of the development and a description of the measures employed / envisaged in order to avoid, reduce and, if possible, remedy significant adverse impacts.	3.0 Population and Human Health 4.0 Ecology and Biodiversity 5.0 Land, Soils and Geology 6.0 Water 7.0 Air Quality and Climate 8.0 Noise and Vibration 9.0 Cultural Heritage 10.0 Landscape and Visual Impact 11.0 Traffic 12.0 Material Assets 14.0 Mitigation and Monitoring Measures
Sets down the cumulative and in combination significant effects of the project and considers expected / experienced effects deriving from the vulnerability of the project to risks of major accidents and/or disasters that are relevant to the project concerned	Cumulative: As appropriate in the respective discipline chapters. In combination: 13.0 Interactions Major accidents and/or disasters: 2.0 Project Description

Alternatives are examined by reference to locations, design and processes, as appropriate.

Likely and significant impacts arising from the existence of the development, its use of natural resources, the emission of pollutants and, the creation of nuisances are identified, described as direct, indirect, secondary, cumulative; by duration short, medium and long-term, permanent and temporary; and by type positive and negative, as appropriate.

A Non-Technical Summary (NTS) accompanies the EIAR and provides a summary of the key findings of the EIA in non-technical language.

Table 1.2 identifies the data and information to be included by the developer in the EIAR as describes in Annex IV of the amended EIA Directive, and the location of this information within the document.

Table 1.2: Requirements of 2014/52/EU Annex IV and where these have been addressed in this rEIAR.

Item	Requirement of Annex IV item	Reference in rEIAR
1	Description of the project, including in particular: (a) a description of the location of the project; (b) a description of the physical characteristics of the whole project, including, where relevant, requisite demolition works, and the land-use requirements during the construction and operational phases; (c) a description of the main characteristics of the operational phase of the project (in particular any production process), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used; (d) an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation) and quantities and types of waste produced during the construction and operation phases.	(a) and (b) Chapter 2 – ‘Project Description’ (c) and (d) Chapter 2 – ‘Project Description’, and identified in the relevant technical chapters
2	A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.	Section 1.8 – ‘Alternatives’
3	A description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the project as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.	A ‘Baseline Conditions’ section has been provided in each technical chapter’ along with a section which summarises a ‘Do-Nothing’

Item	Requirement of Annex IV item	Reference in rEIAR
		scenario without development.
4	A description of the factors specified in Article 3(1) likely to be significantly affected by the project: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape.	Each relevant study area which has been scoped into the EIAR is provided within a dedicated technical chapter. Chapters 3 – 12.
5	A description of the likely significant effects of the project on the environment resulting from, inter alia: (a) the construction and existence of the project, including, where relevant, demolition works; (b) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources; (c) the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste; (d) the risks to human health, cultural heritage or the environment (for example due to accidents or disasters); (e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources; (f) the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change; (g) the technologies and the substances used. The description of the likely significant effects on the factors specified in Article 3(1) should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the project. This description should take into account the environmental protection objectives established at Union or Member State level which are relevant to the project.	(a), (b) and (c) Each technical chapter, as appropriate (d) Chapter 3 (Pop. and Human Health), Chapter 9 (Cultural Heritage), and Chapter 2 (in relation to accidents and disasters) (e) Each technical chapter, as appropriate (f) Chapter 7 (Air Quality and Climate) (g) Each technical chapter, as appropriate Descriptions of effects are identified in each technical chapter, as appropriate
6	A description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.	Assessment methodology is identified in each technical chapter, as appropriate, or a common framework and terminology has been identified in Section 1.7. Difficulties encountered in compiling the rEIAR have been identified in each technical chapter, as appropriate
7	A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-project analysis). That description should explain the extent, to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases.	The identification of mitigation measures is identified in each technical chapter, as appropriate. These have also been compiled in Chapter 14.
8	A description of the expected significant adverse effects of the project on the environment deriving from the vulnerability of the project to risks of major accidents and/or disasters which are relevant to the project concerned. Relevant information available and obtained through risk assessments pursuant to Union legislation such as Directive 2012/18/EU of the European Parliament and of the Council or Council Directive 2009/71/Euratom or relevant assessments carried out pursuant to national legislation may be used for this purpose provided that the requirements of this Directive are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects	Chapter 2, Section 2.6 (Major Accidents and Disasters)

Item	Requirement of Annex IV item	Reference in rEIAR
	of such events on the environment and details of the preparedness for and proposed response to such emergencies.	
9	A non-technical summary of the information provided under points 1 to 8.	EIAR Volume 1; Report No.: '20137776.R04.B0'
10	A reference list detailing the sources used for the descriptions and assessments included in the report.	Final Section of each technical chapter.

1.3 Summary description of development the subject of EIAR

The lands the subject of this EIAR extend to approximately 46.14 ha. at the centre of a landholding in the control of the applicant of approximately 73 ha. This Environmental Impact Assessment Report [EIAR] has been prepared to accompany application for further development of a quarry as a quarry at an existing quarry at Windmillhill, Rathcoole, Co. Dublin that is the subject of a concurrent application for substitute consent, itself accompanied by a rEIAR.

As stated above, the lands the subject of this EIAR extend to 46.14 ha. that reflect historic operational site information including the extractable area declared under S.261 quarry registration in 2005. The quarry area that makes up the application further development of a quarry as a quarry planning unit extends to approximately 26.87 ha. at the centre of the EIA project area that is generally bounded by the N/M7 to the north and the local Windmillhill Road to the south. The eastern and western EIA project boundaries are demarcated by the Windmillhill townland boundary that consist of field boundaries and the entrance to a dwelling called 'Four Winds' that is within the ownership of the developer to the east; and the former local Athgoe Road to the west.

The current quarry site is accessed toward the centre of its northern boundary from the N/M7 and has been accessed from that road since grant of planning permission for stone quarrying on site in 1968 (under Reg. Ref. 11547). The current quarry void is centrally located within the EIA unit and roughly rectangular in shape with an east – west orientation, parallel to the N/M7 and local Windmillhill Road. At the centre of the current quarry area is the existing administration and processing plant area over approximately 5 ha. The current quarry area, including the plant and processing area is the subject of the concurrent substitute consent application.

S.37L confines development proposal to be for further development of a quarry as a quarry. The proposed development for which this EIAR has been prepared is for a deepening of the existing void from an average of 173 mAOD to 150 mAOD and an extension to that void of 4.1 ha. The lateral extension area is in two parts to the west and east of the original farmhouse (now used to house site employees) on the northern margin of the existing plant and processing area and will require a total of 5.16 ha. to facilitate the storage of top and subsoils currently covering the proposed lateral extraction area extension as screening berms around the lateral extension. The proposed development will therefore consist of extraction in areas that surround the extant plant and processing area over a total application site area of 26.87 ha. The plant and processing area is included in the application for substitute consent area that includes restoration concept for the purposes of retrospective assessment in the accompanying rEIAR. This EIAR contains a restoration proposal for the proposed further quarry area and the extant plant and processing area for the purposes of mitigation.

1.3.1 Description of Site at Baseline

Section 3.6.1 of the 2017 Draft EPA EIAR Guidance states that after the description of the project “...the description of the baseline scenario is the second of the two factual foundations of the EIAR.”

In this instance the EIAR relates to proposed development at a site already in operation as a quarry with related ancillary processing activities and supporting welfare facilities. Please refer to submitted site layout for identification of the below summarised current quarry operation description:

The quarry operation is accessed from a single entry/exit point at the centre of the northern EIA boundary. This access point is onto the N/M7 and only accessible from the outbound lane via entry and exit demarcated slip roads.

The access point connects to an avenue with asphalt surface with a southerly inline and direction to access a plant and processing area over approximately 5 ha. holding: holds 2 no. office buildings, 4 no. portacabins, 4 no. containers, 2 no. storage / maintenance sheds, a storage / drying shed, water recycling unit and silt press, an asphalt plant, a concrete plant and washing, crushing, screening and bagging plants. Also, within this plant and administration area are 2 no. weighbridges, 4 no. wheel washes, fuel storage and refuelling area, potable water well and sewage holding tank. The concrete plant and the storage / drying shed have been erected within the last three years and will be the subject of a separate planning application process.

The plant and processing area is centrally located within the existing quarry operation and EIA boundary area. The reserve consists of greywacke (sandstone) and is currently extracted by blasting and mechanical means. The excavated material is crushed at the working face by mobile plant and transported to the central processing area for washing and grading. The current associated quarry void is south, south west and south east of the plant and processing area at a current average working depth of 150 mAOD. The same manner of working a is currently employed will be utilised.

The reader is minded that historic extraction of the subject lands was evidenced in previously submitted S261 registration information and High Court Order [2018 No. 929 JR]. That Order recorded first extraction evidence on the lands in 1710. In addition, planning permission for 'stone quarrying' was granted 28 June 1968 (Reg. Ref. A.14 /11547).

In order to retrospectively build a narrative of the development of the lands over their extraction lifetime the concurrent rEIAR contains a record of primary site and surrounding development events that is repeated in Section 2.0 of this EIAR for the purposes of context.

1.4 Limitations & Difficulties in Compiling the Specified Information (Schedule 6 of SI 600 of 2001, as amended)

Limitations and difficulties encountered in preparing this EIAR having regard to the Planning and Development Regulations and Section 3.7.2 of the 2017 EPA Guidelines relate to the lack of monitoring and survey data from the period that the subject lands were excavated and material processed. Golder Associates were allowed full access to all records held by the substitute consent applicant [the developer], who has possessed the lands the subject of this EIAR and their surrounding landholding since the 1960s when he inherited the lands. The developer, upon taking possession of the lands, continued (and continues, alongside his children) to operate the quarry therein and it was he (Laurence Behan) who secured the above 1968 permission for stone quarrying at the lands, which was the first permission on the lands since the commencement of the Local Government (Planning and Development) Act, 1963.

Historic planning application and license files were inspected at the offices of South Dublin County Council 21 October 2020.

In this instance the subject lands and processing plant have variously been the subject of, or part of previous planning applications, an rEIS, EIS and Screening for AA which themselves contain monitoring, impact and mitigation analyses which are part relied upon to discern the environmental impact of development on the subject lands before, during and after their extraction phases.

Conditions imposed 27 April 2007 under S.261 registration (ref. SDQA5/04) apply to the operational site as registered under S.261 that allow for a compilation of emission thresholds. Throughout this EIAR, monitoring and survey data and analysis, previously submitted in earlier planning applications, or monitoring records held

by the applicant are relied upon to model the subject site throughout its lifetime and discern impacts on the environment of the subject site.

Further relevant difficulties or survey limitations specific to each study area have been identified therein, as appropriate.

Conservative assessments have been applied where information concerning methodology or program could not be fully determined.

As appropriate information from publicly available sources has been used in the course of this assessment. This includes mapping sources such as the Environmental Protection Agency, Geological Survey of Ireland, Department of Communication, Climate Action and Environment, etc., and other information including Census returns. Due care has been taken in the review of these data sets however no responsibility can be taken for inaccuracies which may be present within this public data.

1.5 EIAR Contributors and Guarantee of Competency and Independence

S177F(1A) requires that the EIAR be prepared by experts with the competence to ensure its completeness and quality. In the interests of consistency and the leveraging of existing specialist knowledge of the subject site, alongside the applicant, competent experts have been retained to compile this EIAR. It was not possible to draw those experts from the earlier rEIS and EIS as they were not available, though they generously supplied information they held in respect of those reports.

Notwithstanding the quashing of previous substitute consent and S.37L applications (refs. PL06S.SU0068 and PL06S.DQ0003) decisions, the environmental assessments that gave rise to those outcomes by both the local authority and An Bord Pleanála were reviewed to identify the following group of experts, all of whom are particularly experienced in environmental assessment of quarry and mining projects.

The EIAR was completed by a project team led by Golder, who also prepared a number of the chapters.

The members of the team and their respective inputs are presented in Table 1.3.

In accordance with EIA Directive 2014/52/EU, we confirm that experts involved in the preparation of the EIAR are fully qualified and competent in their respective field. Each has extensive proven expertise in the relevant field concerned, thus ensuring that the information provided herein is complete and of high quality.

Table 1.3: EIAR Contributors

Discipline	Lead Specialist	Qualifications	Accreditations	Years of professional experience
Population & Human Health; Material Assets	Kevin McGillycuddy	BA (Mod) Botany MSc Environmental Science	PIEMA	8+
Land, Soils & Geology, and Water	Barry Balding	BA (Mod) Natural Science (Geology) MSc Applied Geophysics	PGeo Institute of Geologists Ireland EurGeol European Federation of Geologists	30+
Biodiversity	Freddy Brookes	MSc Aquatic Ecosystem Management	Member of the Chartered Institute of Ecology and Environmental Management (MCIEEM) Member of the Institute of Fisheries Management (MIFM)	12+

Discipline	Lead Specialist	Qualifications	Accreditations	Years of professional experience
Air Quality; and Climate	Rachel Lansley	MSc Environmental Monitoring and Analysis, BSc Physical Geography	Chartered Scientist (CSci), Member of the Institution of Environmental Sciences (IES) and the Institute of Air Quality Management (IAQM)	13+
Noise and Vibration	Simon Waddell	BSc (Hons.) Environmental Geoscience PG Dip Acoustics and Noise Control	Member of Institute of Acoustics (MIOA)	9+
Cultural Heritage & Archaeology	Conor Ryan	BA (Jt. Hons.) Archaeology and Geography	Associate of the Chartered Institute for Archaeologists (ACIfA)	7+
Landscape & Visual	Richard Barker (Macro Works)	MLA, PG Dip Forestry, BA Env	Corporate Member Irish Landscape Institute	15+
Traffic & Transport	Peter Monahan	BE MSc RSA Cert Comp CEng FIEI	Chartered Engineer (CEng) – Engineers Ireland Fellow of Engineers Ireland (FIEI) – Engineers Ireland Fellow Consulting Engineer (FConsEI) – Association of Consulting Engineers of Ireland	25+
Interactions	All relevant Lead Specialists			
Mitigation and Monitoring Measures	All relevant Lead Specialists			
Introduction, Project Description, and Planning	Cliona Ryan	BA (Hons), MRUP, MBA	Irish Planning Institute (IPI)	15+

1.6 The Applicant/Developer

The developer for the purposes of this EIAR and applicant for the purposes of application for development of a quarry as a quarry under S.37L of the P&D Act is Mr. Laurence Behan. As noted above, Laurence Behan now alongside his own children has exclusively operated the quarry since the early 1960s when he inherited the landholding and quarry. As also noted above, it is the developer who secured the 1968 permission (Reg. Ref. A.14 / 11547) for stone quarrying at the lands, which was the first permission on the lands since the commencement of the Local Government (Planning and Development) Act, 1963.

It was also the developer who personally S.261 registered (ref. SDQA5/04) the quarry site 25 April 2005 and supplied the application form and map of the quarry at that time, recording that it was operated by L. Behan and Sons Ltd. Subsequent to registration there was a request for further information and the developer then engaged the services of a consulting engineer to undertake correspondence on his behalf who latterly re-supplied the registration form and updated the registration map (repeated at Figure 1.2 in this rEIAR).

On 27 April 2007 the developer received final conditions (36 no.) under which the site registered under S.261 (ref. SDQA5/04) was to operate and continues to operate to today.

Since the developer's taking over of the quarry and associated lands, he has sought to improve and expand the operational capabilities of the quarry. Besides securing washing, screening, grading and bagging plants to

produce all grades of construction aggregate from dimension stone to fine fill, he has sought alternative related commercial uses.

In December 1988 under Reg. Ref. 88A/709 permission was granted for a 'mobile asphalt mixing plant in existing quarry' to Laurence Behan. Asphalt production continues today and the asphalt plant lies within a now centrally located plant and processing area of approximately 5 ha. in extent that also holds the site's current and former site and shipping offices, portacabins and (shipping) containers.

Between 2005 and 2012 the central plant and processing area facilitated the intake of inert soil and stones (C&D) waste under successive waste permits (ref no. WPR051) at a rate of 5,000 tonnes per annum. Latterly a certificate of registration (ref. COR-DS-12-0002-01) alongside planning permission Reg. Ref. SD12A/0059, granted in May 2013 after appeal (ref. PL06S.241259) allowed intake of 10,000 tonnes per annum of the same inert waste that was segregated, processed, recycled and reused as raw materials for the existing on-site asphalt manufacturing plant up to June 2018.

In order to maintain control over the site's supply chain and costs, the developer and companies that run the quarry site maintain a fleet of heavy goods vehicles and drivers.

Also, within this central plant and processing area is a demountable concrete batching plant, brought to site in 2018 and a storage / drying shed used to store clean, dry aggregate erected in 2019. These items, occurred on site subsequent to S.261 registration and whilst within the substitute consent application area for reason of occurring in the centre of the quarry site, and considered for the purposes of rEiAR and EiAR assessments, are excluded from the substitute consent application as they constitute development that is not exempted development and is therefore bound to be the subject of a separate consent process.

As stated at section 1.3. Golder Associates have had full access to the quarry site, associated lands, offices and records, including access to the developer and employees of companies operating the quarry site in order to inspect and monitor and to prepare this rEiAR and concurrent EiAR.

1.7 EiAR Process - Prediction of Impacts and Effects and Assessment of Mitigation Measures

1.7.1 Determining the Extent of the Assessment

It is necessary to define the extent of the EIA in both spatial and temporal terms, and this has been done as described below.

Geographical Extent

The EIA directly covers the physical extent of the Site as shown in the EIA boundary plan (Figure 1.1). Also, as many predicted impacts can extend beyond the immediate EIA boundary, for example the use of the Site for foraging by a species that is primarily located off-site. For certain topic areas a wider 'zone of influence' has been considered, as described in the individual topic chapters.

The geographical extent of the EIA boundary also includes the cumulative impacts from related and unrelated development activities in both the construction and operational phases.

Temporal Extent

Under this programme, it is expected that the duration of the proposed extraction operations will be 10 to 15 years depending on market conditions. The restoration phase of the Proposed Development will last between 2 to 5 years.

1.7.2 Prediction of Impacts and Effects Prior to Mitigation

Prediction methods are required to identify and assess the significant effects of the development on the environment. The predictive methods used for each technical discipline are detailed in the respective chapter. For several topic areas, predictive methods have been developed by professional bodies. Where these are available they have been identified in the individual chapters as appropriate.

For topics where there is no topic specific guidance available, a common framework of assessment criteria and terminology has been used based on the EPA's draft Guidelines on the Information to be Contained in EIARs (EPA, 2017)¹.

This common framework follows a 'matrix approach' to environmental assessment which is based on the characteristics of the impact (magnitude and nature) and the value (sensitivity) of the receptor. The terms used in the common framework are described below. Details of how these specifically relate to the individual topic areas are provided within the respective topic chapters.

The descriptions for value (sensitivity) of receptors are provided in Table 1.4.

Table 1.4: Environmental value (sensitivity) and descriptions.

Value (sensitivity) of receptor / resource	Typical description
High	High importance and rarity, national scale, and limited potential for substitution.
Medium	Medium or high importance and rarity, regional scale, limited potential for substitution.
Low	Low or medium importance and rarity, local scale.
Negligible	Very low importance and rarity, local scale.

The descriptions for magnitude of impact are provided in Table 1.5.

Table 1.5: Magnitude of impact and typical descriptions.

Magnitude of impact (change)		Typical description
High	Adverse	Loss of resource and/or quality and integrity of resource; severe damage to key characteristics, features or elements.
	Beneficial	Large scale or major improvement of resource quality; extensive restoration; major improvement of attribute quality.
Medium	Adverse	Loss of resource, but not adversely affecting the integrity; partial loss of/damage to key characteristics, features or elements.
	Beneficial	Benefit to, or addition of, key characteristics, features or elements; improvement of attribute quality.

¹ Environmental Protection Agency (2017) Guidelines on the information to be contained in Environmental Impact Assessment Reports, Draft, August 2017

Magnitude of impact (change)		Typical description
Low	Adverse	Some measurable change in attributes, quality or vulnerability; minor loss of, or alteration to, one (maybe more) key characteristics, features or elements.
	Beneficial	Minor benefit to, or addition of, one (maybe more) key characteristics, features or elements; some beneficial impact on attribute or a reduced risk of negative impact occurring.
Negligible	Adverse	Very minor loss or alteration to one or more characteristics, features or elements.
	Beneficial	Very minor benefit to or positive addition of one or more characteristics, features or elements.

The approach followed to derive effects significance from receptor value and magnitude of impacts is shown in Table 1.6. Where Table 1.6 includes two significance categories, evidence is provided in the topic chapters to support the reporting of a single significance category.

Table 1.6: Significance Matrix

	Magnitude of Impact (Degree of Change)				
		Negligible	Low	Medium	High
Environmental value (Sensitivity)	High	Slight	Slight or moderate	Moderate or large	Profound
	Medium	Imperceptible or slight	Slight or moderate	Moderate	Large or profound
	Low	Imperceptible	Slight	Slight	Slight or moderate
	Negligible	Imperceptible	Imperceptible or slight	Imperceptible or slight	Slight

A description of the significance categories used in Table 1.7.

Table 1.7: Significance categories and typical descriptions.

Significance Category	Typical Description
Profound	An effect which obliterates sensitive characteristics.
Large	An effect which, by its character, magnitude, duration or intensity alters a significant proportion of a sensitive aspect of the environment.
Moderate	An effect that alters the character of the environment in a manner that is consistent with existing and emerging baseline trends.
Slight	An effect which causes noticeable changes in the character of the environment without affecting its sensitivities.
Imperceptible	An effect capable of measurement but without significant consequences.

The approach to assigning significance of effect included reasoned argument, the professional judgement of competent experts and using effective consultation to ensure the advice and views of relevant stakeholders were taken into account.

The assessment of the significance of environmental effects covered the following factors:

1. The receptors/resources (natural and human) which would have been affected and the pathways for such effects;
2. The geographic importance, sensitivity or value of receptors/resources;
3. The duration (long or short term); permanence (permanent or temporary) and changes in significance (increase or decrease);
4. Reversibility - e.g. is the change reversible or irreversible, permanent or temporary;
5. Environmental and health standards (e.g. local air quality standards) being threatened; and
6. Feasibility and mechanisms for delivering mitigating measures, e.g. Is there evidence of the ability to legally deliver the environmental assumptions which are the basis for the assessment?

1.7.3 Design and Mitigation

The environmental assessment and design of the Proposed Development incorporated mitigation measures using a hierarchical system as follows:

1. Avoidance and prevention: design and mitigation measures to prevent the effect (e.g. alternative design options or avoidance of environmentally sensitive sites);
2. Reduction: where avoidance is not possible, then mitigation is used to lessen the magnitude or significance of effects; and
3. Remediation: where it is not possible to avoid or reduce a significant adverse effect, these are measures to offset the effect.

Any enhancement measures have also been described (measures that are over and above what is required to mitigate the adverse effects of a project), as well as any requirements for monitoring of mitigation measures associated with any significant environmental effects.

1.7.4 Prediction of Residual Impacts and Effects

Once the mitigation measures had been developed the assessment process for predicting impacts and effects described above was repeated to determine the residual effects (i.e. the effects remaining after mitigation).

1.7.5 Cumulative Assessment

The EIAR assesses cumulative effects including those from:

1. The development itself (e.g. numerous different effects impacting a single receptor); and
2. Other appropriate developments in the surrounds of the Site (together with the development itself).

The cumulative effects were assessed when the conclusions of individual environmental topic assessments had been reached and reported.

The assessment of cumulative effects from different developments included:

1. Establishment of the zone of influence of the development together with other projects;

2. Establishment of a list of developments which had the potential to result in cumulative impacts, including:
3. Obtaining further information and detail on the list of identified projects to support further the assessment.

1.8 The Need for the Development and Consideration of Alternatives

The greywacke rock reserve at the subject location is of a proven good quality capable of being used as aggregate fill and for further processing to asphalt products. Therefore, the reserve material assumed to be present at the subject site is suitable aggregates for construction purposes. This EIAR is prepared to accompany an application for the continued extraction of this reserve within existing extraction areas from their average current working depth of 173 mAOD to 150 mAOD, and a lateral extension of those extraction areas to extract reserve over an area of 4.1 ha. which also has a final working depth of 150 mAOD.

As with all aggregate extraction development the nearer the supply of aggregate to the market, the more economically viable it is and given the nature of aggregate deposits, quarries can only be worked where the sediments occur. Aligned to this economic situation is the environmental and social preferability of locally sourced aggregates. Aggregates sourced close to their market is preferable to that sourced at more remote locations as it lessens road traffic and associated environmental impacts and economic costs. Socially, the local sourcing of construction aggregate strengthens the local economy through job provision and associated spending and exploits advantages and opportunities inherent in local supply chains.

Aggregates are an essential material for the construction industry and are used in all major development plans (housing, road surfacing, infrastructure etc.). As such, they are of major significance to the overall growth of their local areas and the country and an important economic resource despite fluctuations in levels of construction due to wider economic forces, or the Covid-19 pandemic suspension of construction just ended at the time of writing this EIAR.

The purpose of this EIAR is to assess the site with regard to experienced / potential impacts on the environment, and to recount / propose measures to avoid, reduce or remedy undesirable potential impacts, as appropriate.

In this case, the quarry site represents the sole land asset upon which the developer's companies and employees rely. The developer has a personal intergenerational association with the lands and is a quarry operator and employer who wishes to maintain this asset as a sustainable extraction and processing development. In order for this operation to continue, planning permission for further extraction is sought to continue to feed market demand for aggregate and its products. The concurrent substitute consent application and rEIAR may only seek permission for development that has already occurred and as such the further extraction of reserve is the subject of the S.37L application that this EIAR accompanies.

Maintaining the quarry site and adjacent suitable lands as a viable quarry with associated processing plants will ultimately realise the sustainable extraction potential this extant, established quarry and will maintain those direct and indirect jobs which that had only lately returned to pre-recession levels.

1.8.1 Site Selection and Alternative Designs Considered

In this instance the EIAR has arisen as a direct requirement of the proposed extraction area exceeding EIAR preparation thresholds. However this extraction area occurs over an existing extraction site with minor lateral extension and is intended to utilise the plant and processing area the subject of concurrent substitute consent. In other words, the site for which proposed development permission is sought is not a new site but rather an existing extraction site with minor, contiguous lateral extension that will utilise a contiguous plant and processing area.

The necessity for the application this EIAR accompanies arises as the concurrent substitute consent application may only permit development already undertaken as a result of S.261A review. As such, without a S.37L application and permission for further extraction of reserve, the continuation of the existing quarry will not be possible. Therefore site selection methodology employed is primarily driven by the existence of the existing quarry and remaining reserve at the quarry. In this way, the site selected was required to be functionally conjoined or capable of being conjoined to the extant plant and processing area and quarry entrance.

The proposed development represents the immediate reserve available for extraction at the site: a deepening of the existing void and minor lateral northern extension of the void to ensure aggregate product to meet existing market demand from the quarry site.

Also deployed in site selection methodology was a review of the Development Plan objectives for the area and previous reports prepared by the local planning authority in their S.261A Assessment, An Bord Pleanála's review of that assessment and the former subsite consent and S.37L applications arising at this quarry. In this regard, the presence of Windmill Hill Protected Structure no. 358 and the specific objective for the preservation of this structure is noted and detailed at Chapter 3 of this EIAR, alongside previous ground investigation of the lands around this structure as assessed in the Cultural Heritage Chapter (Chapter 9) of this EIAR. The area around the protected structure requires further archaeological investigation as to extent and importance and therefore it is not proposed to extend the current quarry void in a more southerly direction at this time as was previously proposed under quashed S.37L application.

Though it is evident that the Applicant holds significant landholding at this location, controlled lands to the west, east and south of the current EIA boundary are mainly on the opposite sides of public roads or accesses. The accessing of reserve at these locations, which are currently greenfield, would require detailed design of road crossing or over or underbridge proposals that would require detailed design consideration and pre-application assessment by transport authorities and likely roads opening or similar licenses that are not currently sought. In addition, further lateral extension of the current quarry to the west, east or further south is not required at this time where there exists sufficient reserve, estimated at approximately 5M tonnes, within the existing void and the minor northern lateral extension proposed. This remaining reserve is expected to be extracted at an average rate of 500,000 tonnes per year, as has been the average for the previous approximately 25 years for the site, and so gives rise to an expected lifespan of 10 to 15 years depending on market conditions.

The existence and continued use of the established quarry and processing complex will have less net environmental and economic impact than developing a new greenfield quarry.

APPENDIX 1.1

**2018 No. 929 JR - Final Perfected
Order**

THE HIGH COURT

JUDICIAL REVIEW

2018 No. 929 JR

Thursday the 27th day of August 2020

BEFORE MR. JUSTICE BARRETT

BETWEEN

LAURENCE BEHAN

APPLICANT

AND

AN BORD PLEANÁLA

RESPONDENT

The Motion of Counsel for the Applicant pursuant to Notice of Motion herein dated the 16th day of November 2018 having been at hearing before the Court on the 25th 26th 27th and 28th days of February 2020 in the presence of Counsel for the Respondent

Whereupon and having read said Notice the Statement filed herein on the 9th day of November 2018 signed by the Solicitor for the Applicant the Order herein dated the 12th day of November 2018 giving leave to the Applicant to apply for *inter alia* an Order of Certiorari by way of application for judicial review quashing the decision of the Respondent made on 21st September 2018 by which it refused to grant substitute consent pursuant to an application made under section 177E of the Planning and Development Act 2000 as amended (“the 2000 Act”) to it on the 24th October 2013 the Affidavit of Laurence Behan filed herein on the 9th day of November 2018 the Affidavits (2) of Geraldine Fahy both filed herein on the 8th day of January 2020 the Statement of Opposition filed herein on the 26th day of

THE HIGH COURT

April 2019 on behalf of the Respondent the Affidavit of Gerard Egan filed herein on the 26th day of April 2019 and the documents and exhibits referred to in said respective Affidavits and having heard what was offered by Counsel for the Applicant and Counsel for the Respondent and having read the written submissions of Counsel for the Applicant and Counsel for the Respondent

The Court was pleased to reserve judgment herein

And judgment having been delivered on the 12th day of March 2020

And the matter coming before the Court this day in the presence of Counsel for the Applicant in relation to finalisation of the Order and on hearing said Counsel and there being no attendance in Court by or on behalf of the Respondent

THE COURT DOTH GRANT an Order of Certiorari in respect of the decision of the Respondent made on 21st September 2018 by which it refused to grant substitute consent pursuant to an application made under section 177E of the Planning and Development Act 2000 as amended (“the 2000 Act”) to it on the 24th October 2013 following the issue of a notice pursuant to section 261A(3)(a) of the 2000 Act by the planning authority South Dublin County Council on 31st May 2013 for the quarry at Windmill Hill Rathcoole County Dublin having An Bord Pleanála Reference No. PL 06S.SU0068 Register Reference No. SDQU05A/4 and also in breach of s.126 of the Planning and Development Act 2000 as amended

THE COURT DOTH GRANT an Order of Certiorari in respect of the decision of the Respondent made on 21st September 2018 by which it refused permission for continued development at the site having An Bord Pleanála Reference No. PL. 06S.QD.0003

THE COURT DOTH DECLARE that the application for substitute consent made on behalf of the Applicant to the Respondent on the 24th October 2013 An Bord Pleanála Reference No. PL06S.SU0068 was invalid as it was not in compliance with the requirements of Section 177E(2) of the 2000 Act as amended

THE HIGH COURT

and the regulations made under section 177N as amended as such non-compliance constituted a material defect in the application which could not be readily rectified through the submission of additional documentation and also in breach of s.126 of the Planning and Development Act 2000 as amended

THE COURT DOETH DECLARE that the decision of the Respondent made on 21st September 2018 in respect of the application for substitute consent having An Bord Pleanála Reference No. PL 06S.SU0068 was contrary to and in breach of the provisions of sections 177E of the 2000 Act and Articles 228(1) (3) and (4) of the Planning and Development Regulations 2001 as amended (“the 2001 Regulations”) and was therefore *ultra vires* and invalid and also in breach of s.126 of the Planning and Development Act 2000 as amended

THE COURT DOETH DECLARE that the decision of the Respondent made on 21st September 2018 refusing to grant substitute consent having An Bord Pleanála Reference No. PL 06S.SU0068 was contrary to natural and constitutional justice and in breach of the Applicant’s rights also in breach of s.126 of the Planning and Development Act 2000 as amended and was contrary to and in breach of the Charter of Fundamental Rights of the European Union (2000/C364/01) and in breach of the Applicant’s rights as provided for therein and also in breach of the right to good administration a general principle of European Union law

AND BY CONSENT IT IS ORDERED that a fresh application for substitute consent submitted by the Applicant to the Respondent pursuant to the Record of Executive Business and Managers Order of South Dublin County Council dated 9th August 2012 in respect of the determination made and notice issued under section 261A (2)(a), 261A(3)(a) and 261A(7) of the Planning and Development Act 2000 as amended in relation to the quarry at Windmill Hill Rathcoole County Dublin shall be deemed to have been made within the time limits prescribed therein where the application is made not later than twelve weeks from the date of

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perfection of this Order or such further period as the Board may allow

AND BY CONSENT IT IS ORDERED that a fresh application to the Respondent for continued development in relation to the site at Windmill Hill Rathcoole County Dublin pursuant to the notice dated 11 August 2015 issued by the Respondent in respect of section 37L of the Planning and Development Act 2000 as amended shall be deemed to have been made within the time limits prescribed therein where the application is made not later than twelve weeks of the date of perfection of this Order or such further period as the Board may allow

AND BY CONSENT IT IS ORDERED that in accordance with Article 228(3) of the Planning and Development (Amendment) (No 3) Regulations 2011 the Respondent do refund the fee in respect of the invalid application for substitute consent pursuant to section 261A of the Planning and Development Act 2000 as amended submitted by the Applicant on 24th October 2013 (An Bord Pleanála Reference No. PL06S.SU0068)

AND BY CONSENT IT IS ORDERED that in accordance with Article 268(3) of the Planning and Development (Amendment) (No. 2) Regulations 2015 the Respondent do refund the fee in respect of the application for continued development pursuant to section 37L of the Planning and Development Act 2000 as amended submitted by the Applicant on 25th November 2015 (An Bord Pleanála Reference No. PL06S.QD0003)

AND BY CONSENT IT IS ORDERED that the Applicant do recover against the Respondent the costs of the within proceedings to include all reserved costs herein such costs to be adjudicated upon by the Office of the Legal Costs Adjudicator in default of agreement between the parties

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AISLING O'NEILL

REGISTRAR

28TH AUGUST 2020

BKC Solicitors
Solicitors for the Applicant

Philip Lee
Solicitors for the Respondent

APPENDIX 1.2

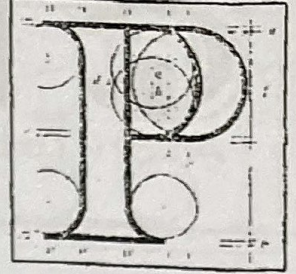
ABP Notice for Section 37L

Our Ref: SU 06S.SU0068
P.A.Reg.Ref: SDQU05A/4

DRAFTING

An Bord Pleanála

Ref: Laurence Behan



John Cross,
Cross Architects & Building Surveyor,
11 An Crois, Allenwood Cross,
Allenwood,
Naas,
Co. Kildare.

Date: 28 August, 2015.

Application **Re: Quarry.**
Windmill Hill, Rathcoole, Co. Dublin.

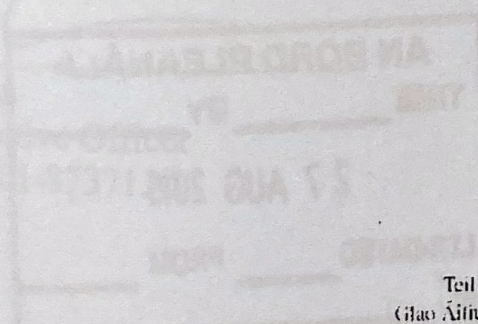
Dear Sir,

I wish to acknowledge receipt of your letter received 27th August, 2015 notifying the Board of the intention of your client to submit an application in respect of the above mentioned Substitute Consent application in accordance with article 4(1) of S.I. 301 of 2015.

Your attention is drawn to article 7 of the said regulations with regards to the timelines of such applications. The period of 6 months within which to make an application commences on 14th July 2015. In the regard please note that the Board has no powers to extend the period for the making of an application.

Yours faithfully,

David Curran,
Senior Executive Officer
Direct Line: 01-8737130



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