

## Introduction

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## **2. INTRODUCTION**

### **2.1 Introduction**

This remedial Environmental Impact Statement (rEIS) has been prepared to accompany an application to An Bord Pleanála for Substitute Consent in respect of a quarry located at Trentaghmucklagh, St Johnstown, Co Donegal. The application for Substitute Consent has been prepared on behalf of Mr Ian Tinney Trading as Tinney's Quarry.

The application for Substitute Consent is made in accordance with the requirements of Section 177E of the Planning and Development Act 2000 (as amended) following from the granting by An Bord Pleanála in November 2021 of leave to apply for substitute consent, while this rEIAR has been prepared in accordance with the provisions of Section 177F of the Planning and Development Act 2000 (as amended).

### **2.2 Remedial Environmental Impact Assessment**

As per Section 177F(1) of the Planning and Development Act 2000 (as amended):

177F. - (1) A remedial Environmental Impact Assessment Report shall contain the following:

(a) a statement of the significant effects, if any, on the environment, which have occurred or which are occurring or which can reasonably be expected to occur because the development the subject of the application for substitute consent was carried out;

(b) details of—

(i) any appropriate remedial measures undertaken or proposed to be undertaken by the applicant for substitute consent to remedy any significant adverse effects on the environment;

(ii) the period of time within which any proposed remedial measures shall be carried out by or on behalf of the applicant;

(c) such information as may be prescribed under section 177N.

### **2.3 Legislative Background to Application**

The principal legislation governing the preparation of this rEIAR is the: -

- EIA Directive 85/337/EC (as amended by Council Directive 97/11/EC, Directive 2003/35/EC, Directive 2009/31/EC, Directive 2011/92/EU and Directive 2014/52/EU)
- Planning and Development Act 2000 (as amended)

– Planning and Development Regulations 2001 (as amended)

In a circular issued in May 2017 'Implementation of Directive 2014/52/EU on the effects of certain public and private projects on the environment (EIA Directive)', the Department of Housing, Planning, Community and Local Government provided guidance on procedures that that may be followed in the case of such applications received on or after 16 May 2017.

With respect to 'Applications made on or after 16 May 2017' it stated that: -

- In respect of applications for planning permission or other development consent received on or after 16 May 2017 falling within the scope of Directive 2011/92/EU, or within the scope of Directive 2014/52/EU, competent authorities are advised to consider applying the requirements of Directive 2014/52/EU by way of administrative provisions in advance of the transposition of Directive 2014/52/EU into Irish law.

and

- Where EIA is required the developer must prepare an EIAR (previously EIS)

In addition to the legislative provisions, a series of guidelines that have been produced at EU and National level have informed the preparation of this rEIAR and are referred to in the individual sections of this rEIAR.

## 2.4 Definition of EIA /EIAR

Article 1 of Directive 2011/92/EU has been amended in Directive 2014/52/EU to provides the following definition of Environmental Impact Assessment (EIA) in Paragraph 2(g): -

(g) "Environmental impact assessment" means a process consisting of:

- (i) The preparation of an environmental impact assessment report by the developer, as referred to in Article 5(1) and (2);
- (ii) The carrying out of consultations as referred to in Article 6 and, where relevant, Article 7;
- (iii) the examination by the competent authority of the information presented in the environmental impact assessment report and any supplementary information provided, where necessary, by the developer in accordance with Article 5(3), and any relevant information received through the consultations under Articles 6 and 7;
- (iv) the reasoned conclusion by the competent authority on the significant effects of the project on the environment, taking into account the results of the examination referred to in point (iii) and, where appropriate, its own supplementary examination; and

*(v) The integration of the competent authority's reasoned conclusion into any of the decisions referred to in Article 8a."*

This rEIAR is a statement of the effects, if any, which the development has had on the environment.

The objectives of the rEIAR are to: -

- Identify and/or predict the significant impacts of the existing quarry development;
- Identify what mitigation measures have been or should be incorporated into the development in order to reduce or eliminate impacts;
- Interpret and communicate the information regarding impacts of the existing quarry development in both technical and non-technical terms;
- Assist the Competent Authority (An Bord Pleanála) in the decision making process in respect of the application for substitute consent for Tinney's Quarry.

## **2.5 Information to be included in rEIAR**

Directive 2014/52/EU introduced a new definition for Environmental Impact Assessment Report (EIAR) and Paragraph 1 of Article 5 has been replaced with the following description of information that is required to be included in an EIAR. It states: -

*"Where an environmental impact assessment is required, the developer shall prepare and submit an environmental impact assessment report. The information to be provided by the developer shall include at least:*

*(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."*

This rEIAR has been prepared in accordance with the requirements of the following legislation:-

- Planning and Development Acts, 2000 (S.I. 30 of 2000 – as amended);
- Planning and Development Regulations, 2001 (S.I. 600 of 2001- as amended).

This rEIAR was also prepared having regard to the Environmental Protection Agency (EPA) publications:

- Advice Notes on Current Practice in the preparation of Environmental Impact Statements; 2003;
- Advice Notes for Preparing Environmental Impact Statements Draft September 2015;
- Draft Guidelines on the Information to be contained in Environmental Impact Assessments Reports (September 2017);
- Guidelines on the Information to be contained in Environmental Impact Assessments Reports (May 2022);

and the following guidelines: -

- Quarries and Ancillary Activities - Guidelines for Planning Authorities; (DoEHLG) 2004;
- Environmental Management Guidelines - Environmental Management in the Extractive Industry (2006)

## **2.6 Factors to be considered in EIAR**

Article 3 of Directive 2014/52/EU has amended the issues that must be considered in the EIAR from that which was required formerly under Directive 2011/92/EU. It states: -

- 1. The environmental impact assessment shall identify, describe and assess in an appropriate manner, in the light of each individual case, the direct and indirect significant effects of a project on the following factors:*
  - (a) population and human health;*
  - (b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;*
  - (c) land, soil, water, air and climate;*
  - (d) material assets, cultural heritage and the landscape;*
  - (e) the interaction between the factors referred to in points (a) to (d).*

All of the above factors are assessed in this rEIAR.

## **2.7 Structure of Environmental Impact Assessment Report**

The impacts of the proposed development were examined under the following headings: -

- 1.0 Non-Technical Summary

- 2.0 Introduction
- 3.0 Consideration of Alternatives
- 4.0 Description of Development and Planning Policy Context
- 5.0 Population and Human Health
- 6.0 Biodiversity
- 7.0 Land, Soils & Geology
- 8.0 Water
- 9.0 Noise and Vibration
- 10.0 Air
- 11.0 Climate
- 12.0 Material Assets - Traffic
- 13.0 Material Assets – Site Services
- 14.0 Cultural Heritage
- 15.0 Landscape and Restoration
- 16.0 Interactions

The level of detail of the individual topics has been determined in each case, based on the likelihood of impacts occurring in the context of the nature of the existing quarry.

This structure of each of the above relevant sections generally the following matters: -

- description of the existing environment,
- methodology;
- description of likely significant impacts from the proposed development;
- existing and proposed mitigation measures;
- monitoring;
- cumulative impacts;
- residual impacts.

## 2.8 List of Contributors

Details of the study team are given below: -

Table 2.1 rEIAR Team		Contributors
Section		
1.0	Non-Technical Summary	Joe Bonner Town Planning Consultants Ltd Greentrack Environmental Consultants
2.0	Introduction	Joe Bonner Town Planning Consultants Ltd
3.0	Consideration of Alternatives	
4.0	Description of Development and Planning Policy Context	
5.0	Population and Human Health	
6.0	Biodiversity	Greentrack Environmental Consultants
7.0	Land, Soils & Geology	Greentrack Environmental Consultants John Colthurst Geologist
8.0	Water	Greentrack Environmental Consultants Aqualab
9.0	Noise and Vibration	Greentrack Environmental Consultants Noise and Vibration Consultants Limited
10.0	Air	Greentrack Environmental Consultants
11.0	Climate	Greentrack Environmental Consultants
12.0	Material Assets - Traffic	Greentrack Environmental Consultants
13.0	Material Assets – Site Services	Greentrack Environmental Consultants
14.0	Cultural Heritage	Greentrack Environmental Consultants
15.0	Landscape and Restoration	Greentrack Environmental Consultants
16.0	Interactions	Joe Bonner Planning Greentrack Environmental Consultants

These specialist contributors have either prepared individually or co-authored sections in accordance with the methodology described in the EPA's 'Guidelines on the Information to be contained in Environmental Impact Assessment Reports', and 'advice notes on current practice (in the preparation of Environmental Impact Statements)' as well as from past experience of preparing Environmental Impact Statements to accompany similar planning applications for quarries.

## 2.9 Contributors

The following persons contributed to the preparation of the rEIAR.

### **Joe Bonner** (Sections 1,2,3,4,5 16)

Joe Bonner Town Planning Consultant (B.A. MRUP, MIPI, Dip Env Eng, Dip Proj Mgt) who has over 22 years planning experience as both a Local Authority Planning Officer and as a planning consultant. Joe has managed the preparation of many EIS's/EIARs for a range of commercial, retail, and industrial planning applications including several for quarries that have been submitted to Local Authorities throughout the country and An Bord Pleanála including applications for Substitute Consent. Joe is a Corporate Member of the Irish Planning Institute.

### **Shannen McEwan, Greentrack Environmental Consultants Ltd** (Sections 6, 12, 13 & 15)

Shannen holds a BSc. (Hons) Environmental Science with a Diploma in Professional Practice from the University of Ulster. She has been involved in all aspects of Appropriate Assessment, Natura Impact Statement and Environmental Impact Assessment preparation since 2017. Shannen is an Associate Member of the Institution of Environmental Sciences.

### **Colin Farrell, Greentrack Environmental Consultants Ltd** (Sections 7, 8, 9, 10 & 11)

Colin holds a BSc. (Hons) Geochemistry from Reading University and an MSc. in Applied Environmental Sciences from QUB. Colin has been involved in all aspects of site investigations, hydrological and hydrogeological investigations, and flood risk assessments to inform Environmental Impact Assessment Reports for Greentrack over the last 15 years.

### **Brendan O'Reilly, Noise & Vibration Consultants Ltd** (Section 9)

Mr. O'Reilly has a Master's degree in noise and vibration from Liverpool University and over 35 years' experience in noise and vibration control (and many years' experience in preparation of noise impact statements) and was a member of a number of professional organisations including ISEE. Brendan was a co-author and project partner (as a senior noise consultant) in 'Environmental Quality Objectives Noise in Quiet Areas' administered by the Environmental Protection Agency. Noise & Vibration Consultants have considerable experience in the assessment of noise impact and have compiled EIA studies ranging from quarries, mines, retail development, wastewater treatment plants, housing developments and wind farms. Experience included dealing with all the noise and vibration related issues in Europe's largest Zn/Pb mine where blasting frequently occurred under houses.

### **John Colthurst. EurGeol, PhD, PGeo** (Section 7)

John Colthurst is a Professional Geologist registered with the Institute of Geologists of Ireland (Ref. no. 008) and holds a PhD in Geology. John has over 30 years' experience as a professional geologist compiling



reports and assessments in quarries throughout Ireland and the UK.

### **2.10 Baseline Information**

In assessing the EIS prepared in respect of the previous application for substitute consent (05E.SU0010), in their report, the Board Inspector set out a series of concerns that they had in respect of that EIS and followed on by issuing a request for further information. More details of the inspectors report and the request for further information are set out in sections 4.72 and 4.73 of this rEIAR.

The matters addressed gaps in the baseline information that needed to be addressed and the technical sections of this rEIAR address each of the matters raised by the inspector and the board, thereby providing a baseline from which impacts could be determined, existing mitigation measures set out and any further necessary mitigation measures recommended.

Some sections included the gathering of entirely new information as well as analysis of the environmental monitoring that is carried out in the interim.

This rEIAR also reflected the nature of the current quarry development, albeit the footprint has not changed since the 2012-13 application was assessed by the Board, while also addressing legislative and changes and other relevant guidance that has become available in the interim.

Additional survey work that was carried out for this EIAR in includes a new biodiversity survey, a review of hydrology including borehole logs and water testing, lands, soils and geology assessment, dust and noise monitoring results, a traffic assessment and landscape proposals. Site visits and planning history searches were carried out to determine the number of new dwellings if any in the area since 2012.

### **2.11 Statement of Difficulties Encountered**

No significant difficulties were experienced in compiling the information necessary for the preparation of this rEIAR.