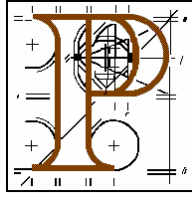


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2010

## Meath County

**Planning Register Reference Number: TA/900976**

An Bord Pleanála Reference Number: PL 17.235960

**APPEAL** by Meath Environmental Protection Alliance of Tromont House, Trammon, Rathmolyon, County Meath and by An Taisce of Tailors' Hall, Back Lane, Dublin against the decision made on the 7<sup>th</sup> day of January, 2010 by Meath County Council to grant subject to conditions a permission to Keegan Quarries Limited care of Declan Brassil and Company Limited of Lincoln House, Phoenix Street, Smithfield, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Extension of approximately 2.85 hectares to the existing permitted extraction area, demolition of the existing administration office and workshop and existing single storey dwelling and garage located in the southern quadrant of the lands and associated accommodation works to include landscaping and boundary treatments, restoration proposals including construction of berms and accessway improvements on a total site area of 4.274 hectares at Tromman, Rathmolyon, County Meath.

## DECISION

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS

Having regard to the established use of the overall landholding as a quarry, the planning history of these lands including the time limit applied to the main quarry development, the mitigation measures proposed in the Environmental Impact Statement, the policies of the current Meath County Development Plan and the provisions of the Quarries and Ancillary Activities Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2004, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience, would not seriously injure the amenities of the area or of property in the vicinity and would not create an undue risk of environmental pollution. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board took into account the considerable extent and significant depth of quarry development already permitted in the immediate vicinity, on both the applicant's lands and the adjoining lands of Cemex (ROI) Limited. The Board concluded that, having regard to the comparatively modest area of the proposed quarry extension, allied to the limited depth of excavation now proposed, there would likely be only a very limited additional impact on the groundwater regime and that the information submitted in this regard is adequate.

In relation to visual amenity, the Board agreed with the Inspector that, as proposed, the quarry extension would have an unacceptable impact. However, the Board considered that the development would be acceptable, if reduced in extent to allow for a 60 metre wide buffer zone along the frontage with the regional road. Such buffer zone would also enhance public safety and aid dust suppression.

## CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 4<sup>th</sup> day of December, 2009, and the further particulars received by An Bord Pleanála on the 3<sup>rd</sup> day of March, 2010, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity.

2. The area of the quarry extension shall be reduced so that the edge of the extraction area is not less than 60 metres from the boundary of the site with the R156 regional road. Revised drawings in this regard, including in respect of landscaping and site restoration, shall be submitted to the planning authority for written agreement before development commences.

**Reason:** In the interest of visual amenity, public safety and dust suppression.

3. There shall be no excavation below a level of 50 metres OD.

**Reason:** In the interest of clarity and protection of ground water resources.

4. Development on foot of this permission shall cease before the 5<sup>th</sup> day of August, 2013.

**Reason:** In the interest of orderly development, having regard to the time limit set for the main quarry development by virtue of previous planning permissions register reference number 97/1868 and register reference number TA/20334 (An Bord Pleanála reference number PL 17.206702).

5. The site shall be restored in accordance with the details provided in the Environmental Impact Statement, submitted to the planning authority on the 22<sup>nd</sup> day of June, 2009, as amended to provide for the reduced area of extraction required by condition number 2 above.

**Reason:** In the interest of orderly development, environmental control and public safety.

6. Groundwater monitoring shall be carried out at the site. Within three months of the date of this order, the developer shall submit for the written agreement of the planning authority, details of a comprehensive monitoring programme.

**Reason:** In the interest of environmental protection and residential amenity.

7. The developer shall make such provisions as are necessary to ensure immediate mitigation/replacement of any water supplies that may be adversely affected during all stages of the development, with the full cost of all such measures to be borne by the developer. In the event of disruption to local water supply, all operations causing such disruption shall be reduced/ceased immediately, as appropriate, until the water supply affected has been restored or replaced.

**Reason:** To ensure the maintenance of a continuous adequate potable water supply in the interest of residential amenity, public health and agricultural land use.

8. Before development commences on foot of this permission, details of the capping of the existing on-site water supply well shall be submitted to the planning authority for written agreement.

**Reason:** To ensure that no pathway is left for ingress of pollutants to the aquifer.

9. Before development commences on foot of this permission, details for removal of the existing on-site septic tank shall be submitted to the planning authority for written agreement.

**Reason:** In the interest of public health.

10. (1) In dry weather conditions all roads within the site and the working face shall be sprayed with water at least three times a day, in accordance with the requirements of the planning authority. A wetting agent shall be included in the spray at a ratio specified by the manufacturer.
- (2) All vehicles other than private cars exiting the site shall first pass through a wheel-wash facility of suitable design and fit for that purpose.
- (3) Vehicles used for transport of material from the site shall be equipped so as to prevent spillage and dust below.
- (4) The developer shall clean any spillage on the public roads as the need arises or when requested to do so by the planning authority.
- (5) Overburden stockpiles on site and awaiting use in landscaping shall be covered with topsoil and seeded.
- (6) All topsoil shall be stripped and stored separately from overburden.

**Reason:** In the interest of the amenities of the area and of public health.

11. The deposits of dust generated by the development shall not exceed 130 milligrams per square metre per day measured at the site boundaries.

**Reason:** In the interest of residential amenities and public health.

12. The operation of the quarry and associated machinery shall be confined to 0700 hours to 1800 hours, Monday to Friday and 0700 hours to 1400 hours on Saturdays. There shall be no quarry operations or associated activities on Sundays or public holidays.

**Reason:** To protect the residential amenities of the area.

13. The noise levels generated during the operation of the quarry shall not exceed 50 dB(A)  $L_{AeqT}$  when measured at any noise sensitive location. When measuring the specific noise, the time (T) shall be any 15 minute period during which the sound emission from the quarry is at its maximum level.

**Reason:** In the interest of residential amenity and public health.

14. (1) Vibration levels from the blasting shall not exceed a peak particle velocity of 12 mm/sec PPV, and air over-pressure values shall not exceed 125 dB (Lin) max peak, when measured at any noise sensitive location within the surrounding area.
- (2) Not less than 24 hours advance warning of each blast shall be given in writing to any house and landowner within 500 metres of the quarry.
- (3) A standard fixed time for blasting shall be agreed by the planning authority. Blasting shall be confined to 1100 to 1800 hours, Monday to Friday inclusive.
- (4) A siren shall be sounded five minutes prior to each blast.

**Reason:** In the interest of safety and amenity.

15. The developer shall monitor and record groundwater, surface water flow, noise, dust deposits levels, ground vibration and air over-pressure at monitoring stations, the location of which shall be agreed with the planning authority. All recorded data shall be submitted to the planning authority on a monthly basis.

**Reason:** To provide for the monitoring of all emissions, discharges, noise and vibration caused by the development.

16. The developer shall facilitate the planning authority in preserving, recording or otherwise protecting archaeological materials or features which may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of stripping of topsoil from the site,
- (b) employ a suitably-qualified archaeologist who shall monitor all site clearance and other excavation works, and
- (c) provide satisfactory arrangements for the recording and removal of any archaeological material which may be considered appropriate to remove.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation of any remains which may exist within the site.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to the Board for determination.

**Reason:** To ensure the satisfactory restoration of the site in the interest of visual and residential amenity.

18. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this                      day of                      2010.**