

## Treanor, Bronagh

---

**From:** Liam Smyth [Liam.Smyth@irishconcrete.ie]  
**Sent:** 24 May 2018 14:32  
**To:** ldevplan  
**Subject:** ICF Submission on Draft County Development Plan 2019-2025  
**Attachments:** ICF Draft Plan Submission May 18.pdf

**CAUTION:** This email originated from outside of the Organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Administrative Officer,  
Forward Planning Dept.  
Planning Section,  
Monaghan County Council,  
The Glen,  
Co. Monaghan

Dear Sir or Madam,

Please find attached the ICF submission on the Draft County Development Plan 2019-2025. Please acknowledge receipt of the submission at your convenience.

Regards,

Liam Smyth

Liam Smyth BE, LLB, MBA, Dip EIA, Eur Ing, C.Eng FIEI  
Senior Manager – Regulatory Compliance  
Irish Concrete Federation  
Unit 8 Newlands Business Park  
Naas Road  
Clondalkin  
Dublin 22  
Ph: 01 4640082  
Fax: 01 464 0087  
E-mail: [liam.smyth@irishconcrete.ie](mailto:liam.smyth@irishconcrete.ie)

**Concrete Built [is](#) Better Built**

**Attention:**

This email is privileged and confidential.

If you are not the intended recipient please delete the message and notify the sender.

Any views or opinions expressed are solely those of the author.

Irish Concrete Federation Ltd  
Registered in Ireland Number 236008.  
Registered Office: 8 Newlands Business Park, Naas Road, Clondalkin, Dublin 22.  
Web: [www.irishconcrete.ie](http://www.irishconcrete.ie)





## Irish Concrete Federation

8 Newlands Business Park, Naas Road, Clondalkin, Dublin 22, D22 R2F8  
T: 01 464 0082 F: 01 464 0087 E: info@irishconcrete.ie  
www.irishconcrete.ie

**Administrative Officer,  
Forward Planning Department,  
Monaghan County Council,  
The Glen,  
Co. Monaghan.**

**24<sup>th</sup> May 2018**

### **Re: Comments on Draft County Development Plan 2019-2025**

**Dear Sir or Madam,**

With regard to the public consultation on the Draft County Development Plan 2019-2025, the Irish Concrete Federation (ICF) would like to make the following comments and observations.

1. The ICF acknowledges the significant recognition afforded to the Extractive Industry in the Draft Plan, specifically Section 4.8. There is a clear need for a National Aggregate Policy at this time but, in its absence, the County Development Review process is the only mechanism for strategic policy and provision for the industry, which underpins the Construction Sector. It is, therefore, important that Development Plans around the country include supportive policies to protect and promote this rural industry sector.

It is fair to say that the mainstream Extractive Industry has been working steadily to improve industry perception and modus operandi with considerable achievements to date. It is ICF policy that each member adopts a Good Neighbour Policy regarding development and the Section 261/261A processes at least gave an opportunity to formally consult the public with regard to existing operations. Of particular note is that the number of observations and comments from the public was quite low nationally.

2. During the boom years which ended in 2008/9, Ireland was using 30-35 tonnes of aggregate based product per capita per annum, approximately four times the then EU average rate of consumption and, even now continues at substantially more than the current European rate of 5 tonnes per capita per annum nationally, primarily due to the nature of road maintenance and practice of rural housing in Ireland. The importance of the extractive industry, upon which the construction sector is built, cannot be overlooked or underestimated and the needs of the industry must be adequately provided for.

It is equally crucial that market demand is met from legitimate industry in a planned and controlled manner. Regrettably, a significant portion of national demand has been met from unauthorised sources. This undermines the entire planning process and gives professional legitimate industry a bad name and unfair competition. The Section 261A process has seen many unauthorised sites regularised but also many ear-marked for closure subject to enforcement proceedings; we note the commitment to enforcement within the draft plan and would welcome the tight application of the enforcement provisions of the Planning & Development Act 2000 (as amended) across the extractive industry within the country.

Hopefully, this will result in finally providing a level playing field where costs of environmental and planning compliance incurred by the professional industry will not leave good performers at a competitive disadvantage.

3. ICF is supportive of the need for the correct assessment of extractive developments. Given the EIA requirements and ongoing difficulties and delays of the Planning system, it can take upwards of 7 years from inception until operation of a suitable green field site. Ireland will continue to require more aggregate per capita than the European average into the future, despite the downturn, due to the nature of our housing development and our road maintenance practices. Therefore, an Extractive Industry policy is required that acknowledges the likely relatively high demand for aggregate products ongoing.

The GSI Aggregate Potential Mapping proposal (October 2006) is based on meeting anticipated demand until 2021. This proposal had the backing of the Dept. of Communications, Energy, and Natural Resources. The Federation would strongly welcome support in the Draft Plan for the GSI Aggregates and Gravel maps for the county within the plan. That said, ICF has concerns with some of the underlying data which contributed to the Aggregate Potential Rating; chief among the concerns is the clear need to keep the underlying data current or else the maps become inaccurate. There is a need for each council using APM to periodically, at least following the review of the County Development Plan and the National Development Plan, review the underlying data for accuracy.

4. In relation to environmental management of potential emissions generally, the Quarry Planning Guidelines, as published by the Department of the Environment Heritage and Local Government in April 2004, the ICF Environmental Code (2<sup>nd</sup> Edition) of October 2005, and the Guidelines for Environmental Management in the Extractive Sector as published by the Environmental Protection Agency in May 2006 are the key documents for standards required of extractive developments and would be usefully specified in the Management Guidelines for the Extractive Industry, Section 15.25.

Similarly, we would welcome an acknowledgement of several additional publications as reference documents, with which the ICF played a role in development and publication, e.g. the NPWS Guidance on Biodiversity in the Extractive Industry as well as the GSI's Geological Heritage Guidelines for the Extractive Industry. These documents are available on request or can be down loaded from [www.irishconcrete.ie](http://www.irishconcrete.ie).

5. As above, the ICF has worked closely with the GSI in the area of geological heritage. The GSI understand the value of the Extractive Industry in the furtherance of knowledge of Geology and discovery of Geodiversity. It could be acknowledged that through excavation we learn about geological heritage, hence protection is not always the correct approach, nor is it universally endorsed by the GSI.

6. The ICF has engaged with the NPWS, the Heritage Council and local authorities with regard to the promotion of biodiversity on extractive sites both during operation and post restoration. This area is completely compatible with extractive developments; the rehabilitation of extractive sites provides unique opportunities to promote these areas and the environment generally. We believe that the industry has much to offer local

communities in the course of site rehabilitation through the promotion of biodiversity, wildlife refuges etc and hope that Restoration Plans will be required to be more imaginative in these areas than in the past.

In November 2009, the then Minister for the Environment, Mr. John Gormley TD, formally launched the NPWS Notice Nature Biodiversity Guidance for Extractive Developments. This document links in well with the National Biodiversity Plan and remains a very useful reference document for site biodiversity management and restoration.

7. We are confident that the Extractive Industry can work within the general landscape and protection policies of the Plan, allowing for development throughout the county in order to minimise the environmental impact of unnecessary and unsustainable road haulage of materials from further afield. Development applications should include operational landscaping schemes and restoration plans sympathetic to the general landscape in which it is set.

However, some sites of longstanding may have difficulty complying with modern standards in this area and due regard should be had to their reasonable entitlement to favourable consideration of future development applications on this historical use basis.

8. With regard to Archaeological Heritage, the ICF employs a professional licenced archaeologist to investigate, report on and project manage the excavation, where appropriate, of archaeological remains in line with the Archaeological Code of Practice agreed between the ICF and the National Monuments Division, then part of the Department of Arts, Heritage, Gaeltacht and the Islands, and published in 2002, and revised and launched in June 2009. All extractive development applications should be assessed against this important document and we would welcome the appropriate referencing of the Code in the plan.

With regard to Architectural Heritage and the potential impact of quarries, all too often, exhaustive reports are being requested on such items over areas far beyond the potential zone of impact of a quarry development. This has brought many applications to a standstill nationwide. It must be remembered that pits have little impact in this regard beyond the area of development while quarries have little superficial, and zero structural, impact beyond where the vibration limit of 12mm/second must be adhered to, generally 300m or less from the blast. This is not in conflict with general Architectural Conservation principles and we respectfully request that common sense be applied in such cases.

9. The capital investment required to properly develop and manage a sustainable extractive development cannot be achieved if it is subject to short term planning consents and policy restraints. The Federation would welcome a commitment in Section 4.8 of the Draft Plan to issue permissions with terms commensurate with the resources available for extraction and would further welcome support for significant extensions to existing professionally managed quarries in the Draft Plan.

It is possible to construct a planning condition whereby the recommendations of EPA Guidelines or any revision of that document or other relevant legislation applies to a site on an ongoing basis. This again allows for the environmental management procedures and emission limits to be updated without the need for a new planning application, solely for the purpose of reviewing the existing permission.

Given the current level of NIMBYism that exists, there is no guarantee that even the cleanest of sites can get through the planning process, at least without some restriction on existing practices, hence the need for long term robust planning permissions with terms commensurate with the timescale for development of the aggregate resource.

10. With regard to the transportation of aggregates, an appropriate contribution to road improvements and maintenance should be calculated, based on a balance of impact of all road users so as not to unjustly penalise an authorised development. The impact of unauthorised development on roads nationally is clear and can only be resolved through strong Enforcement action. Authorised development, paying for road improvements, development contributions and operating to high environmental principles, cannot compete with unauthorised developments that have a much smaller cost base. Therefore, for the Planning Authority to seek road and development contributions from legitimate industry, it must ensure that legitimate industry is not being unfairly competed with by unauthorised developments.

11. The ICF was involved in the early implementation of the Water Framework Directive for a number of years, and participated on many of the Advisory Councils nationwide, including the South West and Eastern River Basin District Advisory Councils. It is clear from the River Basin Management Plans that the Extractive Industry, properly managed and working to BAT/BATNEEC principles as established in the EPA Guidelines, is not a significant threat to the water quality in Ireland. Strict enforcement of planning conditions and the requirement for updated Section 4 discharge licences should eliminate any potential threat from this industry in support of the Draft Plan policies.

With regard to Groundwater Protection, the ICF is actively engaged in promoting and setting higher standards for Environmental Impact Statement reporting and, in particular, for the areas of Geology and Hydro-Geology. It is accepted that extractive development applications have been generally poor in reporting of these considerations with the effect that few recent development applications have received permission to extract below the water table.

This is regrettable as it sterilises at least 50% of available resources per unit of area and thus necessitates a larger quarry or pit footprint. The Institute of Geologists of Ireland have issued recommendations with regard to Geological and Hydro-Geological reporting for EIS which we believe establishes a comprehensive template for robust reporting upon which the Planning Authority can confidently permit extraction below the water table. The GSI, An Bord Pleanála and An Taisce have expressed support for this initiative.

12. In relation to the information required for an extractive development proposal, I refer to previous comments regarding the necessary improvement in EIS preparation and reporting and would reiterate the Federation's commitment to continuous

improvement in this process. A reasonably detailed template of criteria for consideration of an extractive development application might usefully be inserted in Section 15.25 of the plan, which might be augmented by referencing key documents (as submitted above), and by stressing the need for robust applications, prepared by professionals with appropriate experience, which will allow the local authority make informed robust decisions and will properly inform the public of the real nature of the application.

13. The Extractive Industry can play a bigger part in waste reuse and recycling as industry sites are particularly suitable for such activities. All authorised sites must operate to environmental management controls largely identical to those conditions imposed to waste permit holders. To allow for more effective control and enforcement of waste permit conditions, the siting of waste recycling and recovery facilities in authorised working extractive sites allows the Planning Authority to use both Planning and Environmental legislation to ensure the sustainable operation of such facilities.

Inert material which cannot be recycled or otherwise sold can be used for the phased restoration and landscaping of the site in line with standard planning conditions imposed under Section 34. We would strongly welcome specific support for extractive sites as suitable locations for C&D waste facilities. This will maximise the recycling and recovery opportunities for these activities within existing developments, facilitating the most efficient use of virgin aggregates and the use of recovered inert non-polluting material in the restoration of sites.

14. As a general comment with regard to rural housing and other forms of rural development, the impact on existing extractive industry sites should be addressed by applicants at the planning stage to assist planners identify proximity to extraction industry in order to avoid accidental sterilisation of reserves or the future unnecessary restriction of current productive sites. This is entirely consistent with the Draft Plan's commitment to safeguard these valuable resources for future extraction.

## **Conclusion**

The ICF welcomes the general thrust of the Draft Development Plan in relation to the extractive industry and acknowledges some support within the appropriate objectives and policies.

While quarries are a temporary use of the land, the term of usage will generally be upwards of 20 years and the planning permission should be for a term commensurate with the extraction period. Short term permissions limit investment due to the regulatory uncertainty it brings. To develop a quarry and extract in an environmentally and economically sustainable manner, as per the EU Communication on Sustainable Development in the Extractive Industry (Non-Energy Sector) 2000, requires very substantial investment in plant and infrastructure, both on and off site, which cannot be justified on either development return criteria or to lending institutions on the basis of a short term extraction permit. There is a need to grant long permissions to support and protect the investment decision and subsequent employment. The ICF would welcome support for this within the Draft Plan.

Modern planning conditions, properly complied with and Enforced if necessary, are perfectly adequate to ensure ongoing environmental protection. A written commitment to a sustained enforcement policy against unauthorised extractive developments and ensuring adequate development control of all extractive industry operators would be welcomed.

As previously discussed, the Federation believes that the areas of geodiversity and biodiversity enhancement can be well served through imaginative restorative measures on at least part of every site after closure, and where possible during the operational phase.

Please feel free to contact me regarding any queries you may have or for copies of the referenced documents.

**Yours faithfully**

A handwritten signature in black ink, appearing to read 'Liam Smyth', written in a cursive style.

**Liam Smyth FIEI  
Senior Manager – Regulatory Compliance  
Irish Concrete Federation**