



## Board Direction

**Ref: 04.236346**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15<sup>th</sup> October 2010. The Board decided, by a vote of 2:1, to grant permission generally in accordance with the Inspector's recommendation, subject to the following reasons, considerations and conditions.

### REASONS AND CONSIDERATIONS

Having regard to the relatively modest scale of the quarry, the limited volume of traffic likely to be generated and the proposed improvements to the local road network it is considered that, subject to compliance with the conditions set out below, the retention of the quarry would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and sustainable development of the area.

### CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 4<sup>th</sup> day of December 2009 and on the 27<sup>th</sup> day of January, 2010, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. Rock extraction and the stripping of top soil shall be restricted to the maximum area of 1.8 acres as shown shaded grey on the site layout plan (drawing number 27265-02 Rev. C) received by the planning authority on the 16<sup>th</sup> day of September, 2009 and excavation shall not take place lower than the levels indicated on the site section drawings (drawing numbers 27265-03 Rev.D and 27265-04 Rev.C) received by the planning authority on the 16<sup>th</sup> day of September, 2009.

**Reason:** In the interest of clarity and environmental protection.

3. The development herein permitted shall cease on the expiration of a period of 10 years from the date of this order.

**Reason:** In the interest of protecting the amenities of the area.

4. No blasting and no washing of sand or gravel shall take place on site.

**Reason:** In the interest of protecting the amenities of the area.

5. Trucks accessing or exiting the quarry shall only use the Quarry Road (L5839) west of the entrance. Details of measures, including layout changes at the entrance and signage, to enforce the use of this route shall be submitted to and agreed in writing with the planning authority within three months from the date of this order.

**Reason:** In the interest of traffic safety and to protect the amenities of the area.

6. All proposed landscaping works shall be carried out as detailed on the plans submitted to the planning authority on the 27<sup>th</sup> day of January, 2010 (drawing numbers 830-09-06 PD Rev. 1 and 830-09-08 PD and accompanying report) within three months of the date of this order. Any planting failures shall be replaced within one planting season.

**Reason:** In the interest of visual amenity.

7. Restoration shall be carried out in accordance with a restoration plan, which shall include existing and proposed finished ground levels, landscaping proposals and a timescale for implementation. This plan shall be prepared by the developer, and shall be submitted to, and agreed in writing with, the planning authority within three months from the date of this order.

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

8. The quarry, and all activities occurring therein, shall only operate between 0800 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays. No rock-breaking activity shall be undertaken within any part of the site before 0800 hours on any day.

**Reason:** In order to protect the amenities of the area.

9. The noise levels generated during the operation of the quarry shall not exceed 50 dB(A)  $L_{Aeq}$  (one hour) when measured at the nearest occupied house.

**Reason:** In order to protect the residential amenities of property in the vicinity.

10. Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days.

**Reason:** To control dust emissions in the interest of protecting the amenities of the area.

11. Per PA No.12.

12. Per PA No. 21.

13. Per PA No.22.

14. The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority within three months from the date of this order. This shall include the following:
- (a) Proposals for the suppression of on-site noise.
  - (b) Proposals for the suppression of dust on site, including the access road and on the public road.
  - (c) Proposals for the bunding of the refuelling and routine maintenance area and details of appropriate grit traps and hydrocarbon interceptors.
  - (d) Details of safety measures for the land above the quarry, to include warning signs and stock proof fencing.
  - (e) Proposals for on-going monitoring of noise and dust emissions.
  - (f) Monitoring of ground and surface water quality, levels and discharges.
  - (g) Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.
  - (h) Details of record keeping and reporting arrangements for all monitoring carried out.

**Reason:** In order to safeguard local amenities and to ensure the proper operation of the quarry.

12. Per PA No. 44.

15. Within three months from the date of this order, details of a suitable surface water drainage system for the site access road and entrance area shall be submitted to and agreed in writing with the planning authority. The agreed system shall be implemented by the developer within two months of the date of written confirmation of such agreement by the planning authority.

**Reason:** In the interest of preventing surface water runoff to the public road or to adjacent lands.

16. A proprietary effluent treatment and disposal system shall be provided. This shall be designed, constructed and maintained in accordance with the requirements of the planning authority. Details of the system to be used, and arrangements in relation to the ongoing maintenance of the system,

shall be submitted to, and agreed in writing with, the planning authority within three months from the date of this order.

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

17. The developer shall record all complaints received relating to site operations. The record shall contain the name of the complainant, nature, time and date and a summary of the quarry owner's investigation and response including the name of the person who investigated the complaint and their relationship to the developer or operator of the site. All records of complaints shall be made available to the planning authority on request.

**Reason:** To safeguard the amenities of the area.

18. **Standardise wording** - Within three months from the date of this order, 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 the value of €50,000 to secure the satisfactory completion of the proposed road improvement works, coupled with an agreement empowering the planning authority to apply such security or part thereof to such completion.

**Reason:** To ensure the satisfactory completion of the necessary road improvement works in the interest of traffic safety.

19. **Standardise wording** - Within three months from the date of this order, 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 the value of €10,000 to secure the satisfactory completion of tree and shrub planting, coupled with an agreement empowering the planning authority to apply such security or part thereof to such completion.

**Reason:** To ensure the satisfactory completion of the landscaping in the interest of amenity.

20. The developer shall pay the sum of €30,000 (thirty thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000 in respect of the provision of asphalt surfacing at the quarry entrance and at the Glengoura road junction. This contribution shall be paid within three months from the date of this order or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

21. Within three months from the date of this order, 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 reinstatement of the site in the interest of visual amenity

22. Standard Section 48 condition.

Board Member: \_\_\_\_\_ Date: 15<sup>th</sup> October 2010  
Karl Kent