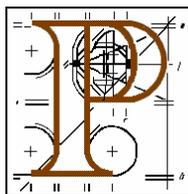


An Bord Pleanála



Inspector's Report

DETAILS OF THE APPEAL

Board Reference:	PL04.236346
Planning Authority & Reference No.:	Cork County Council, Ref.
Applicant:	Edward and Adrienne Forbes
Address of Appeal Site:	Glasshouse, Curraglass, County Cork.
The Application:	Permission for retention of quarry and for associated new works.
Decision of Planning Authority:	To grant permission subject to conditions.
Appeal Type:	Third Party (5 no.) v. decision. First Party v. Conditions.
Observations:	None
Site Inspection:	1 July, 2010.
Inspector:	B. Wyse.

1.0 THE SITE (See Map and Photographs)

- 1.1** This is a repeat application to previous application P.A. Ref. 08/5299, ABP Ref. PL04.232103 decided by the Board in May, 2009 (file attached). The decision of the Board in that case was to refuse permission for the following reason:

The proposed development which is located on a road network deficient in width, vertical and horizontal alignment would be unsuitable to carry the increased road traffic likely to result from the development. In the absence of adequate provision for road upgrading in the area, it is considered that the proposed development would endanger public safety by reason of traffic hazard, would interfere with the safety and free flow on the road network and would, therefore, be contrary to the proper planning and sustainable development of the area.

The subject application is stated to include just one minor change. This relates to the internal access road and entrance to the public roadway which were subsequently permitted under P.A. Ref. 08/6061, ABP Ref. PL04.231816 to service an adjacent stabling development (file attached). It is stated that these are now in place and the subject application includes seeking permission for their retention to serve the proposed development.

The application also includes a report by Barry and Partners, Consulting Engineers, to address the issues raised in the Board's reason for refusal. The report (Section 5.3) includes the following conclusions:

- The potential capacity of the road is far higher than the existing traffic flow plus those trips generated by the quarry development.
- Quarry Road (L5839) and its junction with Glengoura Road (L1531) are deficient in terms of width, alignment and road surface.
- The existing road network can be improved, by the applicant, such that it is suitable to carry the additional traffic likely to result from the quarry development.

The report (Sections 5.1 and 5.2) recommends the following:

- Reconfiguration/upgrade of Quarry Road/Glengoura Road junction.
- Measures to ensure that HGV traffic only uses the western section of the Quarry Road to the Glengoura Road. This is to be achieved by on-site signage and possibly kerb alignment at the entrance to the quarry site.
- Quarry Road to be widened to 5.5 metres along the site frontage.
- Local widening and passing bays to Quarry Road.

- Quarry Road to be resurfaced from the site to the junction with the Glengoura Road.
- Resurfacing of that part of the Glengoura Road between the two bends.

All of the above are illustrated on Drawing Nos. Y9301 T9-PL-01 and 2.

The cover letter to the application indicates that, subsequent to consultations with Cork County Council, the applicants propose to upgrade the Quarry Road as per the above and that an appropriate special contribution should be levied for resurfacing at the site entrance and at the Quarry Road/Glengoura Road junction.

It is stated that in all other respects the application is identical to the previous application. It is also emphasised that the quarry site has been out of use for over a year.

- 1.2** It is noted that a Landscaping Plan, Restoration Plan and Visual Impact Assessment were submitted to the Planning Authority on foot of requests for further information.

2.0 DECISION OF THE PLANNING AUTHORITY

- 2.1** The decision to grant permission is subject to 44 conditions.

Conditions include:

1. Development to be carried out as per application documentation and further information submissions on 4 December, 2009 and 27 January, 2010.
2. Rock extraction/stripping of top soil to be restricted to a maximum area of 1.8 acres as indicated on the site layout plan and excavation not to take place below indicated levels.
3. Development restricted to 10 years and restoration to be carried out broadly as indicated.
- 4/5/6. Landscaping as per submission of 27 January, 2010 and further requirements, including security.
7. Hours of operation.
8. Trucks to only travel west on exiting the site as per application details.
9. Security for completion of road improvement works.
10. Special contribution (€30,000) towards resurfacing at quarry entrance and at Glengoura Road junction.

11. Restoration programme details to be submitted.
12. Vehicle washing.
13. Noise.
14. Dust.
15. No blasting, crushing or screening on site.
16. Plant/equipment colouring.
17. Programme for continuous monitoring of local environment and control sites.
18. Extracted material to be exported from site as agreed with Area Engineer.
19. No washing of sand/gravel on site.
- 20-22. Dust control measures.
- 23-28. Surface water/tanks, controls, etc.
29. Groundwater monitoring.
- 31-33. Noise.
- 34-38. Waste disposals, recycling etc.
- 39-44. Environmental Management System (EMS) to be put in place, monitoring, reporting, etc.

2.2 Reports

- (i) **Planning**, dated 22 February, 2010, 21 December, 2009 and 6 November, 2009.
 - Basis for decision – contents noted.
- (ii) **Environment**
 - Conditions recommended.
- (iii) **Area Engineer/Executive Engineer**
 - In favour of development provided road is upgraded
 - Conditions recommended.

(iv) Geological Survey of Ireland (GSI)

- No known geological heritage sites within proposed quarry area.

(v) HSE

- No comments.

(vi) An Taisce

- Initiating a quarry development without planning permission is an overriding argument against retention.

3.0 THE APPEAL

3.1 Grounds of Appeal

The appeals lodged comprise five third party appeals against the Planning Authority decision to grant permission and a first party appeal against conditions.

3.1.1 Third Party Appeals

3.1.1.1 Three of these appeals, those on behalf of Michael Barry, Liam O'Donoghue and Matthew and Mary Harpur, are lodged by the same agent and the grounds of appeal are the same.

Main grounds include:

- There is no provision for upgrading the road network connecting to the Tallow/Fermoy Road.
- The measure specified in Planning Authority Condition No. 8 that traffic should move westward only at the exit point from the site is totally inadequate.
- There are several quarries in the general area that supply similar material to that proposed to be extracted from the subject site.
- There is a history of unauthorised quarrying at the site.
- The development is causing surface water to flow onto the public road, generating a traffic hazard and causing flooding on adjacent lands to the north.
- The development is out of character with farming activities and residential development.

- Noise generated would be out of character and generate a nuisance for farm animals, bloodstock and persons.
- While P.A. Condition 13 sets maximum noise levels there is no means for monitoring these noise levels.
- P.A. Condition 14 contains no precise details of the adequacy of the dust control measures provided for.
- The proposed excavation will have serious implications for existing bored wells in the vicinity, including the risk of pollution. P.A. Condition 29 means that action is only required by the developer when ground water supplies become contaminated.
- P.A. Conditions 13 and 31 are at variance in relation to noise level limits.
- P.A. Condition 40, requiring the developer to keep a record of complaints, does not make sense in the context of previous unauthorised development. It also transfers policing of the development from the P.A. to members of the public.
- The development would detract from the scenic amenity of the area.

3.1.1.2 Ann Geary

Main grounds include:

- Road upgrade proposals do not encompass the road network in the area.
- P.A. Condition 40 requires local residents to ensure compliance with conditions which is unworkable.
- The history of unauthorised development and the Board to note that the quarry is not on the quarry register.

3.1.1.3 An Taisce

Main grounds include:

- The application is before the Board 'de novo' so that all appeal grounds should be determined.
- The site, due to proximity to residential dwellings, is unsuitable for quarrying.
- The vehicular traffic generated would be incompatible with the condition and alignment of the local road network and constitute a traffic hazard.

- The development would have an adverse impact on the landscape setting and amenity of Mountprospect House, a Protected Structure, located in proximity to the site.
- In view of existing permitted and registered quarry capacity in County Cork and the local area a need for the development has not been demonstrated.
- The public notices are deficient in not referring to the retention of an unauthorised quarry access road.

3.1.2 Applicants v. Conditions

This is an appeal against Planning Authority Conditions 10 and 15.

Condition 10

A special contribution of €15,000, rather than €30,000, would be more appropriate to cover the costs to be incurred by the County Council in undertaking this work, relating to resurfacing at the quarry entrance and at the Glengoura Road junction.

Condition 15

The requirement that no crushing or screening takes place amounts to a virtual refusal of the application. It would render the quarry unviable.

Crushing and screening are an integral part of any quarrying operation and invariably take place on site, except in some very large scale operations.

The condition would generate additional traffic.

The Environmental Officer was satisfied with the application, subject to conditions, and made no specific reference to crushing and screening. The noise and dust monitoring tests were carried out with the existing crushing and screening facilities in operation.

Note the Planning Authority Planner's Report, with no specific reference to crushing or screening, and the Board's Inspector's Report, under Ref. PL04.232103, in relation to dust and noise emissions.

It is not understood why the condition was specified by the Area Engineer and it can only be assumed that it was a mistake.

It is requested that the condition be amended to refer to blasting only.

3.1.3 Responses

3.1.3.1 Matthew and Mary Harpur

Includes:

- The entire application is before the Board.
- The fact that An Bord Pleanála issued one reason for refusal does not mean it was satisfied with all other aspects of the application.

3.1.3.2 An Taisce

Includes comments re other appeals.

3.1.3.3 Applicants

Includes:

- The road network in the area, including the Glengoura Road link to the R628 (Fermoy – Tallow Road), has ample capacity to cater for existing traffic plus that generated by the quarry development. The only part of the Glengoura Road requiring improvements was its junction with Quarry Road.
- Noise, dust and visual impacts would be negligible and would not affect local residential amenity.
- The landscape setting of Mountprospect House would not be affected due to existing screening.
- P.A. Condition 40, requiring the applicants to maintain a complaints register is standard in most quarry permissions. It is not the main compliance management tool – this is the Environmental Management System (EMS) required under P.A. Condition 39.
- The noise surveys indicated levels at off-site receptors as satisfactory. The diesel powered processing plant used during one of the surveys will be replaced by quieter electrical plant. The relatively high elevation of the quarry maximises the effect of the screening embankment along the northern perimeter.
- Noise monitoring is provided for in P.A. Condition 32. In addition Conditions 17, 42, 43 and 44 relate to monitoring and reporting requirements. The entire monitoring programme will be overseen by the EMS specified in Condition 39.

- The quarry would not constitute a significant source of dust due to; relatively small scale of operation; sandstone not being a dusty product; natural screening with respect to south-east, south and prevailing south-west winds; screening due to embankment to northern perimeter.
- Specific dust control measures are set out in Conditions 21 and 22 and further measures may be identified in the EMS.
- It is agreed that the inclusion of two sets of noise limits, in P.A. Conditions 13 and 31, is confusing and unnecessary. The Board could clarify this issue.
- The quarry is particularly well screened.
- The current application seeks retention of the existing access road and entrance and the drawings reflect the exact situation on the ground. Any reference to a previous application is irrelevant.
- There are enforcement measures available to the Planning Authority in the event of non-compliance.
- The material to be extracted, red/brown sandstone, is relatively rare and is an attractive building material so that there is a demand. There is only a limited number of quarries providing a similar product in the general area.
- Drawing NO. 27265-07, Rev. A, illustrates provision for surface water drainage collection on the existing internal access road. Flooding occurs on the Quarry Road to the east of the site entrance, a section of the road not used by the applicants.
- The issue of potential impacts on bored wells and groundwater is covered in the Hydrology Report, and supplementary information, included in the application documentation.

3.1.3.4 The Planning Authority

Includes:

- The €30,000 required in Condition 10 is the minimum necessary to carry out the necessary work.
- The proposal was assessed as overcoming the single reason for refusal previously cited by the Board.
- The applicant's history of non-compliance is the reason for the bonds attached to the P.A. decision.
- The temporary permission granted should ensure the opportunity for a review of environmental standards.

3.1.4 Further Responses

3.1.4.1 Applicants

No further comments.

3.1.4.2 An Taisce (Two Submissions)

Includes:

- Applicant's response in relation to roads/traffic issue is entirely inadequate. No drawings or letters of consent are included for additional land takes for road widening/passing bays.
- No data is provided to justify claim of lack of residential amenity impact.
- There is a failure to address the impact on Mountprospect House and its associated curtilage and setting.
- The response in relation to dust and noise is unsatisfactory.
- The nature and extent of the development for which retention is sought has not been satisfactorily clarified.
- Comments on the response from the Planning Authority.

3.1.4.3 The Planning Authority

No further comment.

3.1.4.4 Matthew and Mary Harpur

Includes:

- An Bord Pleanála issued one reason for refusal of a previous application – this cannot be taken to mean there were no other reasons for refusal.
- There appears to be conflicting estimation of the traffic volumes that the proposed development would generate.
- As dealt with on behalf of the applicants the location of bored wells is inaccurate.
- Soakaways under roadways do not function properly so that there is no adequate proposal for the disposal of surface water at the site entrance.
- The roadway to the west of the site is not in as good condition as suggested.

3.1.4.5 Ann Geary

Includes:

- Lack of confidence re compliance with conditions. If Condition 39 is to maintain compliance with all conditions what is the purpose of Condition 40?
- The location of bored wells is inaccurately shown in the Hydrology Report.
- Doubts over upgrade of road to support HGVs and extra volumes of traffic.
- Soakaway would cause serious damage to foundation of road.
- The quarry is not on the register.

4.0 SUBMISSIONS/OBSERVATIONS TO THE PLANNING AUTHORITY

Contents noted.

5.0 ASSESSMENT

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise.

On a preliminary point it is noted that some of the appellants specifically request a 'de novo' consideration of the application by the Board on the grounds that the single reason for refusal cited by the Board under P.A. Ref. 08/5299, ABP Ref. 04.232103 cannot be taken to mean that there were no other reasons for refusal.

By reference to Section 37(1)(b) of the 2000 Act, the application is, as a matter of law, before the Board as if in the first instance and the Board is obliged to determine the application accordingly, This does not mean, however, that the Board cannot have regard to its recent determination of the same application (one minor change noted and referred to below) and, contrary to the assertion being made, it does mean that an applicant, or other interested party, is entitled to rely on that determination as an indicator for outstanding issues that need to be addressed if the project is to be advanced. To accept the assertion being made by the third parties would mean that decisions of the Board, or of Planning Authorities, were of little or no value in terms of providing guidance or direction within the planning system. Applicants would, in effect, be continually operating in the dark in proposing projects with no reliable guidance as to what might or might not succeed. Such a situation would not make sense and be extremely wasteful of resources.

The bulk of the issues raised by the appellants in this case, and as summarised at section 3.1.1 above, have recently been determined by the Board on the basis of essentially the same documentation. Apart from the roads/traffic issue, cited in the Board's previous refusal of permission and which the application itself is aimed at addressing, the only substantive additional issues raised refer to; the impact on Mountprospect House, a Protected Structure; deficiencies in the public notices; surface water discharge from the internal access road; and issues relating to some of the Planning Authority conditions. The following assessment therefore, deals with each of these issues in turn before dealing with the applicants' appeal against conditions.

5.1 Roads and Traffic Issues

The Board's reason for refusal under P.A. Ref. 08/5299, ABP Ref. 04.232103, is as set out at Section 1.1 above and the applicants' response is based on the report of Barry and Partners, Consulting Engineers, the main findings/recommendations of which are also summarised at Section 1.1 above.

As indicated the measures proposed by the applicants, and as illustrated on Drg. Nos. Y9301 TP-PL-01 and 2, focus on the Quarry Road (L5839), with just the junction and first bend on the Glengoura Road (L1531) also being proposed for improvement.

In relation to the Quarry Road it should be noted that while the existing carriageway width is narrow, varying between 3.0 and 4.0 metres, the road is characterised by wide verges for most of its length. I am satisfied, therefore, that the proposals for localised widening and the provision of passing bays can be implemented generally as indicated on Drg. Nos. Y9301 T9-PI-01 and 2, notwithstanding the absence of letters of consent from adjacent landowners which should not, in fact, be necessary in this instance. I am also satisfied that the proposal to ensure that all HGV traffic only uses the Quarry Road west of the entrance to the quarry is reasonable and can be enforced appropriately by condition. The other proposed improvements on the Quarry Road, including resurfacing over its entire length west of the quarry entrance, widening along the applicants' frontage and resurfacing at the entrance, are also noted.

As also noted the Quarry Road/Glengoura Road junction is to be reconfigured/upgraded and that section of the Glengoura Road between the two bends is to be resurfaced.

No further improvements are proposed for the remainder of the Glengoura Road. This road has a general carriageway width of approximately 5.0 metres, widening further near its junction with the Quarry Road and on the approach to the R628, Tallow/Fermoy Road. The road generally has a reasonably straight horizontal alignment, the main issue being the relatively steep gradients on the approach to the bends near the junction with the Quarry Road.

A critical consideration in determining the adequacy of the road improvement measures proposed is the scale of the proposed quarry and the volume and

type of traffic likely to be generated. This is also dealt with in the Barry and Partners, Consulting Engineer's, report.

The first thing to note in the assessment is the extreme low level of existing use of the roads in question, reflecting their status as secondary roads in a quiet rural area. Traffic counts indicated a two-way flow of 10 vehicles per hour on the Glengoura Road (with 20% HGV content) and 3 vehicles per hour on the Quarry Road.

The second thing to note is the relatively small scale of the proposed quarry, with the proposed extraction area covering less than 1 hectare. While it is noted, as pointed out by one of the appellants (Matthew and Mary Harpur), that there is some discrepancy in the estimate of traffic generation as between the Murphy McCarthy, Consulting Engineer's, report entitled "Project Description and Environmental Issues", which refers to a maximum activity of one lorry making 5 round trips per day, and the Barry and Partners report, which refers to a maximum of 4 lorry trips at peak production, this difference is not significant. Applying the higher estimate the maximum lorry traffic likely to be generated would be of the order of 10 trips per day (5 each way). In addition there would be up to 3 staff cars giving rise to a small amount of associated car traffic.

I am satisfied that the assigned route to/from the R628 via the Glengoura Road and the Quarry Road, with the proposed improvement measures in place, would have the capacity to cater for this level and type of traffic. In this regard, therefore, I am satisfied that the applicants have adequately addressed the issues raised in the Board's previous reason for refusal.

5.2 Impact on Mountprospect House, Protected Structure.

Mountprospect House is Item 00356 on the Record of Protected Structures. The property is located to the north of the quarry site on the opposite side of Quarry Road. It comprises a house and outbuildings accessed off a long driveway within a heavily wooded landscape such that the house is not readily visible from the road.

Given the distance of the quarry from Quarry Road, the steep rise in ground levels towards the quarry and the existing and proposed landscaping, including the existing vegetated embankment to the northern side of the quarry, I am satisfied that the proposed development would not have any significant impact on the curtilage or setting of Mountprospect House.

5.3 Deficiencies in the Public Notices

This is referred to in the submissions of An Taisce and concerns the internal access roadway and entrance as constructed.

The confusion appears to arise because of the statement in the covering letter to the application that refers to these elements having been permitted under P.A. Ref. 08/6061, ABP Ref. 04.231816 and that the subject application seeks

retention of same to serve the quarry development. The impression given is that the entrance and access road have been constructed in accordance with that earlier permission and that, in effect, the current application is merely seeking a 'change of use' to serve the quarry. In fact neither the entrance nor the access road have been constructed in accordance with the earlier permission – while the entrance is at the same location as permitted its layout as constructed is quite different and the access route follows a different alignment over the final 140 metres or so approach to the public road and it also appears to be wider over this stretch.

While the current status of the entrance and access road is that they are unauthorised the public notices do not repeat the confusion referred to above. They simply refer to the retention of the existing access roadway and entrance. This, in my view, does adequately describe the intended development as proposed and is not misleading.

It should be noted that while the access roadway and entrance alignment/layout as constructed differs from that previously before the Board under P.A. Ref. 08/5299, ABP Ref. 04.232103, and which was similar to that granted permission under P.A. Ref. 08/6061, ABP Ref. 04.231816, I do not consider that any additional significant negative impacts, including in particular visual impacts, arise.

5.4 Surface Water Discharge from the Internal Access Road

In response to issues raised by the third parties the applicants submitted a drawing (No. 27265-07, Rev. A) to the Board illustrating provision for a surface water drainage collection system on the internal access road. The system provides for a network of soakaways along the northern (lower) perimeter of the road and across the entrance splay. The appellants in turn question the suitability of this proposal.

While I cannot provide the Board with definitive advice on this matter I am satisfied that it should be capable of resolution and that it could be appropriately dealt with by condition requiring agreement with the Planning Authority.

5.5 Issues raised in relation to some of the Planning Authority Conditions

The issues raised refer to certain Planning Authority conditions dealing with noise, namely conditions 13, 31 and 32, and dust, namely condition 14. It is further noted that monitoring/reporting is also referred to in conditions 17, 42, 43 and 44 and that condition 39 requires an Environmental Management System (EMS). The hours of operation at the quarry are prescribed in condition 7.

I consider that there is scope, particularly given the small scale of the proposed quarry, to simplify and clarify the above conditions, principally through the application of an amended form of the Board's standard EMS condition.

In relation to the issues raised about Condition 40 of the Planning Authority decision, requiring a complaints record to be maintained, I do not consider this to be unreasonable. It would not, in any way, absolve the Planning Authority of its own enforcement responsibilities or deny any other party the opportunity to pursue complaints through other channels as may be appropriate.

5.6 Applicants' Appeal against Conditions

The applicants' appeal is against Planning Authority Condition 10 and 15 for the reasons as summarised at Section 3.1.2 above.

In relation to Condition 10 the Planning Authority Area Engineer indicates that the €30,000 sought is the minimum necessary to carry out the required works and I have no basis for disagreeing with this assessment.

In relation to Condition 15 I am inclined to agree with the applicants that crushing and screening would be an integral part of the proposed quarrying operation and that their exclusion would fundamentally alter the nature of the development. The condition, which also refers to blasting, was included in a scheme of conditions recommended by the Area Engineer, but without any specific justification. As pointed out by the applicants neither the Environmental Officer nor the Planning Officer made any reference to the issue and it also did not arise in the Board Inspector's report on the previous application. I also note that the Planning Authority's submissions to the Board, and which include a report from the Area Engineer, make no attempt to justify the condition.

In the circumstances, I consider that the condition should be amended to refer to blasting only as requested by the applicants.

6.0 RECOMMENDATION

I recommend that permission be granted subject to conditions.

REASONS AND CONSIDERATIONS

Having regard to the relatively modest scale of the quarry and 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 following conditions, 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 the 4th day of December 2009 and on the 27th day of January, 2010, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented 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 (Drg. No. 27265-02 Rev. C) and excavation shall not take place lower than the levels indicated on the site section drawings (Drg. Nos. 27265-03 Rev.D and 27265-04 Rev.C).

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 for the written agreement of the Planning Authority prior to the commencement of the development.

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

6. 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 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. 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 completion of the necessary road improvement works in the interest of traffic safety.

7. 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 prior to the commencement of the development 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.

8. All proposed landscaping works shall be carried out as detailed on the plans submitted to the Planning Authority on 27 January 2010 (Drg. Nos. 830-09-06 PD Rev. 1 and 830-09-08 PD and accompanying report) prior to the commencement of any quarrying activities on the site. Any planting failures shall be replaced within one planting season.

Reason: In the interest of visual amenity.

9. 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 completion of the landscaping of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to such landscaping. 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 landscaping of the site in the interest of visual amenity.

10. 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 prior to the commencement of development.

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

11. The quarry, and all activities occurring therein, shall only operate between 0700 hours and 1800 hours, Monday to Friday and between 0700 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.

12. The noise levels generated during the operation of the sand and gravel quarry shall not exceed $55\text{ dB(A)} L_{AeqT}$ when measured at the nearest occupied house.

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

13. 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.

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 prior to commencement of development. 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.

15. Prior to the commencement of the development details of a suitable surface water drainage system for the site access road and entrance area shall be submitted for the written agreement of 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 prior to commencement of development.

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 company'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.

Brendan Wyse
Senior Planning Inspector

September, 2010.

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