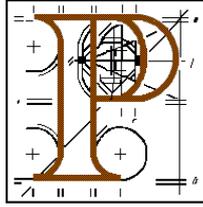


# An Bord Pleanála



## Inspector's Report

**PL SU05E.SU0030**

**DEVELOPMENT:-** Quarry at Carrownamaddy,  
Creelough, County Donegal.

**Planning Authority:** Donegal County Council

**Applicant:** McFadden and McGinley Limited

**Application Type:** Application for Substitute Consent

**DATE OF SITE INSPECTION** 24/10/2013

**INSPECTOR:** Paul Caprani

## **1.0 INTRODUCTION**

A notice was issued under the provisions of S261A(3)(a) by Donegal County Council on 22<sup>nd</sup> August 2012 instructing the owner/operator of a quarry at Carrownamaddy, Creeslough, County Donegal to apply for substitute consent for the works undertaken on site and that this application be accompanied by a remedial Environmental Impact Statement and a remedial Natura Impact Statement. An application for substitute consent accompanied by the above documents was lodged by the applicant with An Bord Pleanála on the 26<sup>th</sup> April 2013.

## **2.0 SITE LOCATION AND DESCRIPTION**

The quarry is located in north Donegal approximately 3 kilometres northwest of the village of Creeslough. Creeslough is a small village located on the N56 linking Letterkenny and Dunfanaghy. The quarry is accessed off a local third class road which follows the alignment of a former dismantled railway and runs westwards from the N56. The site is located approximately 3 kilometres from the junction of the local road (the L2182) and the N56 national secondary route. It appears that the road has been recently resurfaced and is of varying width. The site is located on the northern side of the local road.

The Carrownamaddy River runs in close proximity to the northern boundary of the site and runs in a north-easterly direction where it joins up with the Kildarragh River before discharging into Sheephaven Bay. Muckish Mountain is located approximately 3 kilometres further west of the site. The quarry has a stated area of 21.06 hectares and is orientated along a southwest – northeast access. The site can be divided onto two separate areas; the upper area which is located close to the access road in the south western portion of the site accommodates the main processing area (crushing and screening and a wet and dry concrete batching plant), the lower area accommodates the active quarry area where quartzite is being excavated. This part of the quarry is located at a lower elevation. The southwestern portion of the quarry is separated by what appears to be a former quarry area which has been recolonized by vegetation. An area of riparian woodland runs along the northern boundary of the site. There are a number of internal access roads crisscrossing the site and linking the extraction area to the northwest and the manufacturing area to the southeast. Two separate access points are located along the road which runs to the south of the site. A number of agricultural fields are located on the north side of the

Carrownamaddy River. A northwest access road is located approximately 250-300 metres to the north of the quarry area and a number of dwellinghouses front onto this access road.

The access road which serves the quarry to the south of the site accommodates more sporadic housing development along its alignment. There are 4-5 dwellinghouses along this road within the vicinity of the quarry. Lands between the local access road to the south and the southern boundary of the quarry appear to be of poor agricultural quality than the lands to the north of the quarry. An area of woodland is located on lands to the south of the access road. The EIS states that the land immediately surrounding the quarry comprises in the main of unimproved agricultural land. The land is used for rough grazing of livestock.

### **3.0 EXISTING OPERATIONS ON SITE**

The lower part of the site in the northeast is exclusively used for extracting quartzite material. This area has been excavated to a depth of approximately 10-15 metres from existing ground levels. The excavated area is elongated and is approximately 80 metres in width and 400 metres in length. Blasting periodically takes place in this area.

This area is joined via two access roads to the main processing area to the southwest which is located adjacent to the access road. The processing area incorporates a large concrete block yard and an area of hard standing which accommodates the processed blocks. The area also accommodates a concrete plant mixing area, a mobile crusher and screener, a car parking area, a weighbridge, existing office and toilets and various ancillary sheds and silos etc. A designated wash bay area is also located to the north of the concrete mixing area. It is evident from the contours on site together with the large settlement ponds (see below) that this area was the subject of excavation in the past. It is also apparent from the information in the EIS that the quarry in question was a predominantly a sand and gravel quarry. Soft rock is excavated on site using excavators and this rock is crushed and screened into various grades. This rock is used as dimension stone, decorative stone and for infill or for building works.

In the mid-1970s ready mixed concrete and a concrete block manufacture were added to the quarrying activity on site. Currently there are two ready mixed concrete plants on site with associated holding

bins, hoppers and silos. One ready mixed concrete plant produces a dry batch for mixing within delivery lorries and a second ready mixed concrete plant produces a wet batch for immediate use for the making of concrete blocks. It is stated that high quality sand suitable for ready mixed concrete and block manufacturer has now to be imported into the site as high quality sand has been exhausted.

Until recently the output figures associated with the site are

- 9,000 tonnes of stone
- 5,000 cubic metres of ready mixed concrete and
- 250,000 concrete blocks.

However this has been reduced due to the economic downturn. Customers include Donegal County Council, builders and farmers. The vast majority of product serves an area within a 30 mile radius of the quarry.

In terms of water supply and usage, it is stated that water is required for the production of the wet batch ready mixed concrete and for the screening and washing activities on site. Clean water is abstracted from the nearby Carrownamaddy River on occasion (a maximum of 12,000 m<sup>3</sup> annually) but much of the water is recycled from the settlement ponds. Wastewater generated during the stone processing and ancillary activities is directed through a series of settlement lagoons before being discharged into the Carrownamaddy River.

The water that is used in the crushing and screening operation in the upper part of the quarry flows into a collection gully which is discharged into a culvert to settlement lagoon No.1. Water is then discharged via a reed bed system (settlement lagoon no. 2) and then sequentially into settlement ponds 3 and 4 before discharging into the Carrownamaddy River. My on-site observations noted that the water still had a high level of suspended solids. However on leaving settlement pond no. 4 the water appears to pass through a natural sand berm which results in the extensive removal of much of the suspended solids, this is evidenced in the clarity of water discharging into the Carrownamaddy River. The quarry workings do not extend beneath the watertable so no dewatering is necessary.

The lower portion of the quarry is currently being actively extracted and has a separate surface water discharge to the River downstream. Some water ingress was noted within the quarry faces. This water is collected in man-made excavated shallow channels and discharged into a

single settlement pond (settlement pond no. 5) prior to discharging into the Carrownamaddy River. Because of the topography of the quarry floor all surface water collected gravitates towards the settlement pond before discharging off site. It was note during my site inspection that the rock has a high Iron content, which when oxidised, is precipitated out of the water on meeting the air leading to a reddish colour in the exposed rock in the channel substrate. I also noticed a glassy sheen/scum on the surface water. Initially this was thought perhaps to be hydrocarbon pollution, however the ubiquitous nature of the glassy film in upland areas of the quarry where no machinery was or had been operating, lead me to conclude that this a natural material being precipitated out of the water.

There are no hazardous chemicals in use in the quarry. It is proposed to move the fuel tanks to a purpose built bunded area.

In terms of waste management it is stated that a septic tank has been installed to serve the office block on site and this was constructed in 2005 (planning register 04/3277). All topsoil and overburden removed from site is currently stored in preparation for reinstatement and those areas of the quarry become exhausted.

The quarry operations are confined between 8 and 5 Monday to Saturday and the quarry is shut on public holidays. There are currently seven persons directly employed at the site.

#### **4.0 PLANNING HISTORY**

The Planning Report prepared by Donegal County Council states that the quarry has the benefit of pre-1964 commencement. It is stated that the current operators acquired the sandpit in the early 1970s. It is stated that originally gravel was the main focus of production and seams of high quality deposits were chased out and were dry-screened for production work. According to the rEIS submitted, there was only one planning application relating to the site. This concerned the provision of a septic tank and percolation area under Reg. Ref. 04/32/77. Donegal County Council granted planning permission for the wastewater treatment system subject to two conditions.

## **5.0 DETERMINATION OF PLANNING AUTHORITY UNDER THE PROVISIONS OF SECTION 261A(2)(a)**

The Planning Authority determined that works commenced on site prior to 1964 and it is stated that the operation successfully fulfilled the requirements of Section 261 but notes that an EIA was never carried out. No evidence had been submitted as to what level of tonnage has taken place on site. It is considered that the subject development may cause deterioration in the water quality in the nearby Carrownamaddy River. It is not possible to state whether the post 1990 development breached a mandatory EIA threshold of 5 hectares. The site is located within a kilometre of an SPA (Muckish Mountain) Special Area of Conservation (Site Code 001179) and the Derryveagh and Glendowan Mountains Special Protection Area (Site Code 004039).

It is considered that the quarry

- has had a significant impact on the visual and scenic amenities of the area
- is likely to have a significant negative impact on nearby Natura 2000 sites
- is likely to have a significant negative impact on nearby flora and fauna
- is likely to have a significant negative impact on humans in the immediate vicinity as a result of noise and dust
- is likely to have a significant negative impact on traffic flows on the local narrow road network and
- has had a significant impact on the soil, geology and ecology of the subject site.

On the above basis it was considered that a sub-threshold EIA was required in relation to the development.

In relation to impact on Natura 2000 sites, it was considered that development was carried out after 26<sup>th</sup> February 1997 which was not authorised by a permission and there is a likelihood of significant negative impacts on nearby Natura 2000 sites as a result of un-buffered settlements discharging into the nearby Carrownamaddy River which discharges into Sheephaven SAC. It is considered that an Appropriate Assessment was required in relation to the subject development.

## **6.0 APPLICATION FOR SUBSTITUTE CONSENT TO THE BOARD**

An application for substitute consent together with documentation including a remedial EIS and a remedial NIS was submitted to the Board on 26<sup>th</sup> April 2013.

In response to Question 7 of the application form, it is stated that the development consists of

- (a) existing quarry with all associated site works and ancillary development
- (b) the site office/canteen toilet with septic tank system
- (c) weighbridge
- (d) bunded fuel tanks
- (e) stone crusher/screener
- (f) wet batching plant
- (g) dry batching plant
- (h) plant repair shed and wash bay
- (i) plant room generator

The gross floor area of existing buildings on site is stated as being just less than 272 metres. (It is not proposed to summarise the remedial Environmental Impact Statement or the remedial Natura Impact Statement. The contents in both of these documents will be evaluated as part of my assessment of the substitute consent application).

## **6.1 Submissions**

An Bord Pleanála circulated the application in electronic form for comments under the provisions of Section 131 of the Act. The following prescribed bodies were included

- Development Applications Unit of Department of Arts, Heritage and the Gaeltacht
- An Taisce
- Fáilte Ireland
- The Heritage Council
- The Arts Council
- Inland Fisheries
- The Department of Communication, Energy and Natural Resources
- The National Roads Authority

### 6.1.1 *NRA Submission*

A submission from the NRA stated that it has no specific comment to make in relation to the subject development.

### 6.1.2 *Inland Fisheries Ireland*

It is stated that the above quarry has significant exposed surface area which during rainfall events would generate large volumes of potentially contaminated surface water flows. It is therefore important that the mitigation measures set out in Sections 6.38 of the remedial EIS be implemented in full.

There should be no drain for a bunded fuel storage area as indicated in the EIS. The provision of interceptors as indicated in Section 6.4 appears to be a practical approach and this will require regular inspection and maintenance as appropriate.

### 6.1.3 *Submission from An Taisce*

It is considered that the information in the remedial EIS is significantly deficient. The site is in an area of significant environmental sensitivity on a landscape extending over 21 hectares with wide visibility. There is also deficient information outlining the quarry history. The status of the quarry is not addressed. No planning reference number is given for the ready mixed concrete manufacturer and no reference is given for the use of blasting post 1988. The location poses a significant pollution risk to the Carrownamaddy River. There is clear incompatibility with provision of houses and the operation of the quarry.

## 6.2 **Report from Planning Authority**

The Planning Authority has submitted a report in accordance with its obligations under Section 177(l)(1) of the Planning and Development (Amendment) Act 2010. This report is summarised below.

The report sets out background information in relation to the location of the works, the operator and nature of operations on the quarry as well as the relevant planning history associated with the quarry.

In terms of Development Plan provision, the County Development Plan of 2012-2018 applies. The quarry is not affected by any special amenity designations, views or prospects. It is however located in close proximity

to Natura 2000 sites the closest being Muckish Mountain SAC and the Derryveagh/Glendowan Mountain SPA. It is noted that Sheephaven SAC is located approximately 3 kilometres northeast of the site. It is also noted that the quarry is located within the visual zone of influence of an adjoining area of especially high scenic amenity 0.7 kilometres to the south of the quarry.

In terms of transportation, it is stated that all traffic from the quarry runs along the local access road to the south of the L1282-4. Thus traffic does not directly access on the national and strategic road network. There are no planned transport schemes in the area nor does the quarry have any impact on the delivery of optimum accessibility or ease of movement within the county. There was no evidence of any wheel wash or dust controls during previous site inspections on the site. This should be conditioned.

Various policies contained in the Development Plan seek to protect the environment in terms of water quality and this includes ground and surface water. The site is located within the Sheephaven Water Management Unit and the underlying aquifer is designated as "*not being of risk*". The remedial EIS notes that the quarrying operation could have a negative impact on Sheephaven SAC qualifying interest "*mud flats and sand flats not covered at seawater by low tide*". A number of mitigation measures are proposed including the requirement to obtain a discharge licence from Donegal County Council for any discharge into the Carrownamaddy River. It is also noted that several small watercourses drain through the quarry and flow into the Carrownamaddy River. It is recommended that bunded fuel tanks are incorporated into the design layout and located within a purpose built concrete bunded area. It is noted that chemical analysis of the treated effluent leaving outflows 1 and 2 are within EPA guidelines. The onsite settlement ponds are not purpose built but are old working pits or excavated areas that contain surface runoff. No formal system is evident in the treatment of the water throughout these settlement ponds before discharges into the stream to the northwest. Details of the composition and size of each settlement pond and a surface water management system should be conditions should a favourable decision be made.

In respect of groundwater it is stated that the excavation of the quarry has not gone below the watertable. A single groundwater spring is noted in the remedial EIS. As site contaminants effect groundwater and surface water the quarry operator should be conditioned to carry out or

put in place those mitigation measures identified in the Surface Water Section if it is decided to grant permission for substitute consent.

In relation to noise, air, dust and landscape, the quarry operator should be conditioned to carry out or put in place the necessary mitigation measures set out in the EIS in relation to these issues.

In terms of flooding it is noted that the site is not located within a flood plain, a flood risk area and does not give rise to any flooding concerns.

With regard to the natural and built environment, it is reiterated that the site is located in close proximity to a number of Natura 2000 sites and the site is located within the visual zone of influence of the adjoining area of especially high scenic amenity. Reference again is made to the qualifying interests and the mitigation measures set out in the NIS in order to counteract any potential adverse impact on the qualifying interests of the Natura 2000 sites. It is noted that the subject site is not located within or adjoining any designated shellfish waters or freshwater pearl mussel areas. In terms of visual impact it is noted that the site is located within the visual influence of an adjoining especially high scenic amenity area. However it is argued that no significant impact arises. Boundary treatment and general landscaping should be conditioned along all boundaries should a favourable decision be forthcoming.

The site is not located in close proximity to any protected structures. There are two features within 500 metres of the quarry. But the subject site is not located within or adjoining any of the above sites.

In terms of the natural and built environment, it is again reiterated that the site is located within the visual influence of an area of especially high scenic amenity but is not located within this designation.

It is noted that the habitat of the subject site comprises of a mixture of wet heath and semi-mature woodland adjacent to the river. This habitat was examined as part of the remedial EIS and no negative impact was identified. Within the quarry four areas of significant ecological interest have been identified. These include

- A sand martin bank.
- Artificially created ponds which host ducks and other wildlife.
- A reed bed used as a settlement pond where ducks are also evident.

- And a dormant quarry located in the northeastern corner where positive re-colonisation has taken place and this area may be a nesting site for the peregrine falcon.

Within these areas of ecological interest no works are proposed and it is recommended that these areas are maintained in their present condition.

There are no features of particular geological interest and while the impact on geology can be considered negative, it is not significant.

Potential impacts on the Carrownamaddy River and Sheephaven Bay have been identified and a discharge licence will stipulate emission limit values (ELV's) for any discharge off-site in order to ensure that the Carrownamaddy River is not adversely impacted upon.

It is noted that the application for substitute consent has not been accompanied by an integrated phased development or restoration plan for the entire quarry. It is noted however that the general do-nothing approach is advocated for the reinstatement of the dormant quarry faces. Further information however should be sought for the entire quarry in this regard. Or should be conditioned should a favourable decision be forthcoming.

The application has not been accompanied by evidence of the suitability of the road network in terms of width, alignment, and carrying capacity. Given the proximity of the subject site to the adjoining national primary road network further information should be sought or a condition should be attached requiring such information to be submitted.

In terms of impact on tourism, it is stated that no significant impact arises. However appropriate boundary treatment and landscaping should be incorporated in order to minimise the visual impact.

Once mitigation measures set out in the EIS are implemented, it is anticipated that the proposed development will have no adverse impact on the marine resource or coastal zone management associated with Sheephaven Bay.

Should the Board consider it appropriate to grant permission, conditions dealing with landscaping, buffers and screening together with suitable storage for all waste material and separate collection and disposal of all

runoff from bunded areas/discharge points should be attached by way of condition to any grant of substitute consent.

In conclusion therefore it is stated that the Planning Authority has no objection in principle to An Bord Pleanála approving the current application for substitute consent subject to 15 conditions which are set out in the report.

A separate submission from Donegal County Council dated 15<sup>th</sup> July 2013 was made in response to the submissions by An Taisce and Inland Fisheries. It is reiterated that the Planning Authority is satisfied that the application can be approved subject to conditions and mitigation measures set out in both the remedial NIS and EIS.

### **6.3 Submissions on Behalf of the Applicant**

A submission was received on 1<sup>st</sup> August 2013 by Michael Friel on behalf of the applicant specifically relating to the report prepared by Donegal County Council on the application for substitute consent. In relation to condition no. 4 which states

*“Quarrying and associated operations shall be confined to the hours of 0800 hours to 1800 hours Monday to Friday and 0800 hours to 1400 hours on Saturday and no operations can be carried out outside these hours or on Sunday”.*

The applicant wishes to state that he has no difficulty with the hours of operation imposed with regard to crushing, washing, screening and block making. However loading of materials from stockpiles and batching of ready mixed concrete is required outside these hours. Customers including the local authority require delivery of products on site at 0800 hours as is common practice in the construction industry throughout the country.

A submission on behalf of the applicant by Michael Friel received by the Board on 24<sup>th</sup> July 2013 states that with regard to the submission from Inland Fisheries, it is stated that the mitigation measures set out in Section 6.38 of the remedial EIS is now being implemented in full. The drain referred to in Section 6.39 is located outside the existing bunded tank. The concrete apron adjacent to the bunded tank where refuelling takes place is the origin of the drain. No spillage from within the fuel area can escape since it is in a sealed compartment.

## 7.0 DEVELOPMENT PLAN PROVISION

The quarry in question is governed by the policies and provisions contained in the County Donegal Development Plan 2012-2018.

Chapter 7 of the Development Plan specifically relates to the extractive industry.

The objectives in relation to the extractive industry are as follows.

*“To conserve and protect the environment including in particular the archaeological and natural heritage in conservation and protection of European designated sites and any other sites which are prescribed”.*

*“To preserve the character of the landscape where and to the extent that, the proper planning and sustainable development of the area requires it including the preservation of views and prospects, cultural features and the amenities of places and features of natural beauty or interest”.*

*“To identify those sites with the highest mineral/aggregate extractive potential within the life of the plan, and which do not reside within high amenity areas or adversely impact on environmental designations”.*

*“To protect and preserve quality of the environment including the prevention limitation, elimination, abatement or reduction or environment pollution and the protection of waters, groundwater, the seashore and the atmosphere”.*

In terms of policies the following policies are relevant.

**EX-P-1:** *It is the policy of the Council not to normally permit new extractive industry proposals in area of especially high scenic amenity or why they would adversely impact upon any Natura 2000 site, Natural Heritage Area, nature reserve, groundwater protection area, freshwater pearl mussel catchment or other areas of importance for the protection of flora and fauna or areas of significant archaeological potential, unless it can be clearly demonstrated that such extractive industries would not have significant adverse impacts on the amenities or the environment, and comply with Article 6 of the Habitats Directive.*

*All extractive industry proposals in designated freshwater pearl mussel catchments will be subject to a Habitats Directive Assessment and will comply with the objectives and practices set out in the relevant freshwater pearl mussel subbasement management plan and any relevant codes of practice.*

**EX-P-2:** *It is the policy of the Council not to permit development proposals for quarry and ancillary facilities unless it has been evidenced that the development shall not result in a significant threat of pollution to the environment including siltation and sedimentation of receiving downstream surface waters, having regard to vulnerabilities identified in the river basin management plan and any relevant freshwater pearl mussel sub-basement plan and to ensure that extractive industry proposals do not adversely impact upon the environment including surface water and groundwater aquifers, quality and quantity, river corridors, associated wetlands and River Basin Management Districts.*

**EX-P-3:** *It is the policy of the Council to require all applications for extractive industry proposals to be accompanied by an integrated phased development and restoration plan for aftercare/reuse of the site. Any restoration plan must comply with Article 6 of the Habitats Directive having regard to the relevant conservation objectives, qualifying interests and threats to the integrity of a Natura 2000 site. Restoration Plans should comply with policies set out in EX-P-1 and EX-P-2 and Objectives EX-O-1 and EX-O-2 and EX-O-4.*

**EX-P-4:** *It is the policy of the Council to require that, where an extractive industry development is proposed within 300 metres of a recorded monument/archaeological site or is likely to have a material impact on the visual amenities of the monument/site. The applicants and operators shall engage the services of an archaeologist or suitably qualified person to undertake an archaeological assessment of the site.*

**EX-P-5:** *It is the policy of the Council to require that development proposals are accompanied by evidence of the suitability of the road network in terms of width, alignment and carrying capacity to require that any identified deficiencies can be addressed at the applicant's expense. Any mitigation works required to upgrade or align the road infrastructure must comply with Article 6 of the Habitats Directive.*

## 8.0 PLANNING ASSESSMENT

Under the provisions of Section 177K(1) the Planning and Development Act 2000 as amended, it is stated that where an application is made to the Board for substitute consent in accordance with the relevant provisions of the Act, and any regulations made thereunder, the Board when making a decision in relation to the application shall consider the proper planning and sustainable development of the area and have regard to the following matters.

- The provision of the Development Plan or any Local Area Plan for the area.
- The provisions of any Special Amenity Area Order relating to the area (there is no special amenity area order relating to the site in question).
- The remedial Environmental Impact Statement and remedial Natura Impact Statement submitted with the application.
- The significant effects on the environment or on a European Site.
- The report and opinion of the Planning Authority under Section 177(I).
- Any submissions or observations made in accordance with the Regulations.
- Conditions that may be imposed in relation to the grant of permission under Section 34(4).
- The matters referred to in Section 143 of the Act.

Having regard to the provisions of Section 177K(1), I consider that the determination of the application for substitute consent should have specific regard for the following issues.

- Development plan policy
- Environmental impacts
- Visual impacts
- Traffic
- Archaeology
- Tourism and amenity
- An impact on European sites

## **8.1 Development Plan Policy**

As a preliminary matter it is considered that the Board consider the principle of the development in the context of the general objectives and policies set out in the Development Plan in relation to quarrying activity in Donegal. Donegal County Council will only permit the development or the continuation of quarrying activity where it can be demonstrated that the quarry does not impact adversely on views or prospects, the integrity of qualifying interests associated with European sites, protects the character of the landscape and does not impact on any areas of significant archaeological potential. There is also a requirement for the extractive industry to incorporate restoration plans when operations have ceased and to ensure that the road network serving the development is suitable and has sufficient carrying capacity for trip generation.

An examination of these issues will be dealt with in more detail under separate headings below. However it is important to state at this stage that there appears to be nothing in the Development Plan which would preclude the operation of a quarry at this particular location subject to satisfying the various policy objectives set out above. The Development Plan does not incorporate any policies which prohibit quarrying activities in specific areas of the county and thus each application for either planning permission (or in this case substitute consent) will be evaluated on its merits and in accordance with the proper planning and sustainable development of the area. Thus the principle of development at this location is deemed to be acceptable subject to satisfying the criteria set out in the Development Plan and this will be analysed in the context of the information submitted with the substitute consent application namely the remedial EIS and remedial NIS.

## **8.2 Environmental Impact**

### **8.2.1 *Impact on Flora and Fauna***

Section 4 of the EIS specifically relates to flora and fauna. The evaluation of flora and fauna is augmented by the remedial Natura Impact Statement which has also been prepared in conjunction with the remedial EIS. It is stated that baseline ecological data was collated through field visits to the subject site. The EIS states that baseline ecological data was collected through a series of field visits between January and April 2013 and this was augmented by desk based research. The habitat survey which was conducted as part of the

application found that dominant habitat fell within and adjacent to the subject site was wet heath, active quarry and semi natural woodland along the riverbank. In the wet heath area the dominant species of ground cover was *Ling Heather*, *Bog Asphodel* and *Black Bog Rush* together with sedges and mosses which were also evident in the area.

The semi-mature woodland along the river is a very important buffer between the river and the quarrying activity.

It is noted that the active quarry takes up a significant portion of the site and there are four areas of significant ecological interest directly or indirectly associated with the active quarry. These include:

- A sand martin bank
- A duck pond
- A reed bed and
- A dormant quarry face.

It is noted that the main settlement pond has developed into a valuable habitat for ducks and other wildlife (including frogs etc.).

The reed bed is now used as a settlement pond and has evolved from old quarry workings. It is suggested that this reed bed may be used for possible nesting activity and the pond is now acting as a natural filtration system.

The dormant quarry in the northeastern area of the site has not been worked in a number of years and may host appropriate nesting sites for peregrine falcons. It is noted that there are three recording pairs nesting in the nearby Muckish Mountain SAC.

It appears therefore that in terms of flora and fauna the site prior to excavation was dominated by wet heath and the lands surrounding the quarry area also incorporate this habitat. While the Habitats Directive list northern Atlantic wet heaths with *Erica Tetralix* as an Annex I habitat, it appears from the information contained in the EIS that this particular species was apparent on site but only covered 5% of the ground cover. I can only assume that for this reason, the site and the area surrounding the site was not designated as an SAC under the Habitats Directive. It would appear therefore that the quarrying activity carried out post 1990 or 1997 on site may have removed wet heath habitat, and that while being of ecological interest, the site or the areas around the site, did not contain a designated ecological habitat in sufficient populations to

warrant its designation as a Natura 2000 site. Having inspected and compared the aerial photographs, from 1995 and the present day Google Earth Map, it appears that very little spatial expansion took place which would have resulted in the large-scale removal of wet heath at the quarry. It is worth re-iterating for the purposes of the assessment, that while the site is likely to have accommodated wet heath including an annex 1 species prior to excavation, the presence of such a species did not warrant any of the site or the areas surrounding the site to be designated as a Natura 2000 site, notwithstanding the presence of this species.

It also appears from the information contained on file, that the natural re-colonisation in obsolete areas of the quarry is providing, according to the information on file a very positive mix of habitats accommodating diverse flora and fauna and it is recommended that these habitat features be maintained on site. In the case of the sand martin bank, the duck pond and the reed bed it is recommended that a do-nothing approach be followed in order to maintain these habitats. In the case of the dormant quarry it is recommended that a reinstatement programme in the form of re-vegetation of the quarry benches be encouraged to facilitate the ecological diversity. It is noted that the quarry face may also be an attractive habitat for the peregrine falcon.

The EIS suggests that the existing quarrying activities on site are not adversely affecting the ecological habitats to any significant extent and that the re-colonisation of the quarry is having a positive impact in attracting a diverse mix of ecological habitats. I note that the flora and fauna section of the EIS does not attempt to evaluate the historical impact of the works undertaken on site. The EIS makes no attempt to assess the environmental impact of the removal of the historical ecological habitat which would have occupied the site and would have subsequently been removed since 1990. The EIS merely evaluates the ecology of the site as it currently exists. The Board however could come to the conclusion based on the information contained on file that the wet heath which exists in the undisturbed grounds surrounding the quarry was the dominant habitat prior to any excavation taking place on site.

### *8.2.2 Water Quality Issues*

The Carrownamaddy River runs along the northern boundary of the site. The lower part of the quarry in the northeastern section of the site incorporates a number of surface water streams which all flow into the Carrownamaddy River via a settlement pond.

Likewise in the upper portion of the quarry, all water appears to flow through successive settlement ponds, before discharging at a single point into the Carrownamaddy River by way of a settlement pond (settlement pond 4). The EIS indicates that there has never been a recorded incident of flooding on the Carrownamaddy River. The main environmental impacts which are likely to arise (or could have arisen) as a result of the water management system on site include

- Reduction of water in the Carrownamaddy River due to abstraction.
- Potential adverse impacts arising from discharges from the quarry into the Carrownamaddy River.

#### *8.2.2.1 Abstraction Issues*

In relation to abstraction, the EIS states that the annual total extracted water is approximately 12,000 cubic metres per year. I note from the OPW hydro data website that there are no river flows available for the Carrownamaddy River. However the EIS incorporates crude calculations in terms of river flow in the Carrownamaddy River. It estimates the flow to be approximately 0.74 cubic metres per second. This would equate to approximately 23,336,000m<sup>3</sup> per annum. The abstraction therefore represents 0.05% of the annual river flow according to the information contained in the remedial EIS. The EIS states that the flow rate in the river represented a crude calculation and therefore no information can be ascertained as to whether or not a flow of 0.7 cubic metres per second represents a 95 percentile flow or whether it represents an average flow. The 95 percentile flow as a proportion of the average flow can vary considerably from river to river. However having inspected the site the river appears to be of a sufficient depth and width that the average annual water use at the quarry is unlikely to exceed a very small proportion of the annual average 95 percentile flow.

The abstraction however is likely to occur during periods of dry weather when river flows are naturally low and aquatic ecology is most likely to be most stressed. For this reason it might be appropriate to attach a

condition prohibiting the abstraction of water during dry periods, for example during a period where there has been less than 0.25 mm of rainfall during the previous 7 days or that the abstraction should not exceed 25% of the available flow in the river at any one time.

If the Board consider it appropriate to grant substitute consent in this instance it would also be appropriate to restrict the annual total of extracted water to 12,000 cubic metres per year.

#### *8.2.2.2 Potential Pollution of the Carrownamaddy River*

The Carrownamaddy River runs along the northern boundary of the site. As referenced earlier, no details are available in relation to the current status of the waters from the EPA website in terms of the rivers Q values. The North-western River Basin Management Plan designates the Carrownamaddy River as being of good ecological status. The plan also notes that there is an abstraction point along the Carrownamaddy River. This could possibly be associated with the quarry in question. There is no specific references in the River Basin Management Plan to problems arising from quarrying activities in terms of surface water pollution. Notwithstanding this, it is appropriate that mitigation measures be undertaken to ensure that the quarry does not contribute to pollution problems in the Carrownamaddy River. The potential threats arriving from quarrying activity on the Carrownamaddy River are derived from excessive levels of siltation from silt laden surface water runoff from the quarry floor and the potential for chemical pollution derived from accidental spillages of hydrocarbons and other pollutants which may be stored at the quarry. The Mulroy Bay/Sheephaven Water Management Unit Action Plan sets out more details in relation to potential sources of pollution. In relation to quarries, mines and landfills, it is stated that the quarries within the Water Management Unit have not been assessed as a risk to water quality.

The EIA states that water from the crushing and washing facility is piped underneath the main concrete yard to settlement pond 1. Washings from the ready mixed concrete plant and vehicle washing area are piped to settlement pond 3 while septic tank effluent is piped to settlement pond 2. Overland flow from the hard surfaced areas in the southern half of the quarry is captured by either settlement pond 1, 3 or 4 and released to the Carrownamaddy River via an outflow pipe which is located between the upper and lower portion of the quarry. The EIS states that over the course of the quarry development the current sequence of settlement ponds has evolved as an efficient and effective

treatment of effluent. Effluent is sequentially piped through four settlement ponds before being discharged into the Carrownamaddy River. Overland flow from the northern section of the quarry is directed towards settlement pond 5 and outflow to the Carrownamaddy River.

It appears from the surface water analysis contained in Table 6.1 of the EIS that the sequential settlement ponds are providing efficient attenuation in terms of reducing suspended solid loads into the Carrownamaddy River. The outflow point from the upper portion of the quarry recorded suspended solid levels of 1mg/L while the suspended solid content in outflow 2 in the lower portion of the quarry indicated a suspended solid level of 8mg/L. Typical values for suspended solids in discharge licences range from 25 to 35mg/l. It would appear from the information contained in the EIS that the suspended solid content in both outfalls from the quarry area discharging into the Carrownamaddy River is considerably less than typical limits attached to planning permission or discharge licences. Typical values for phosphorus, iron, hydrocarbons, ammonia and nitrate are also very low and would not in my view give rise to any pollution concerns in the Carrownamaddy River.

It would appear from the information contained in the River Basin Management Plan, and from the Mulroy Bay/Sheephaven Water Management Action Plan that the quarrying activity has not been identified as a major source of pollution in the area. The figures contained in Table 6.1 of the EIS would support the conclusion that the quarry is not giving rise to elevated levels of suspended solids or other pollutants in the Carrownamaddy River. The designation of the river status as being of "Good Ecological Status" in the River Basin Management Plan would also support the view that there is not a significant pollution problem along this section of the river. Notwithstanding this it would be appropriate in my view that the applicant be required to apply for a discharge licence for both outfalls into the Carrownamaddy River. Under a discharge licence both the hydraulic discharge and organic discharge from the quarry can be monitored in a more systematic way. I therefore recommend that if the Board are minded to grant substitute consent that the requirement for the applicant to apply for a discharge licence be stipulated as a condition in the decision.

With regard to other forms of pollution the main threat arises from accidental spillages. The EIS states that a concrete bunded area has been constructed on site and a new 7,500 litre bunded fuel tank has

been purchased. It should be a condition in the grant of any substitute consent that all fuel and chemicals stored on site together with all refuelling on site should take place within a bunded area so as any potential spillage will be trapped. It is also proposed to install two hydrocarbon interceptors prior to discharge in outflows 1 and 2 from the quarry. Again I consider that this issue can be adequately addressed by condition.

#### 8.2.2.3 Groundwater Pollution

In terms of potential groundwater pollution, it is stated that the underlying aquifer is classed as a poor aquifer with only locally productive zones. The nearest recorded groundwater well to the site is approximately 3 kilometres to the northwest. The nearest source protection area is within 10 kilometres of the site. The groundwater table has not been breached. Although one groundwater spring was encountered in the quarry face this is likely to be due to the channelling of surface water in the upper bedrock horizon as opposed to any breaching of the aquifer. There was no evidence of groundwater being breached on the quarry floor. I do not consider that the quarry poses any significant threat to groundwater provided mitigation measures are put in place such as the bunding of storage areas etc. to ensure that groundwater is not adversely impacted upon.

#### 8.2.3 Flooding

The EIS states that although response times to rainfall events are likely to be slightly quicker as a result of the removal of the soil and overburden, the impact is not likely to be significant. It is also stated that any decrease in response time from the hard surface areas of the quarry will be offset by the buffering nature of the settlement ponds. The OPW's national flood hazard mapping website has indicated that there has been no instances of flooding of a pluvial or fluvial nature on the site or the area surrounding the site.

#### 8.2.4 Dust

The EIS states that there have been no dust nuisance complaints associated with the quarry over the previous 20 years prior to compiling the EIS. No dust monitoring has historically taken place at the quarry. A dust survey was undertaken at 8 separate stations within the confines of the quarry. Dust deposition rates at the various monitoring stations range between 25.81mg/m<sup>2</sup>/day and 64.52mg/m<sup>2</sup>/day. All eight locations

were comfortably within the guideline level of 350mg/m<sup>2</sup>/day as indicated in the EPA Guidelines for environmental management in the extractive industry. The EIS also sets out a number of mitigation measures (routine wetting of hard standing areas, stockpiling away from boundaries and residential areas, temporary covering of stock etc.) in order to further reduce dust deposition levels.

Having inspected the site and having regard to the information contained in the EIS, I do not consider that levels of dust generation by the proposed development is likely to give rise to amenity or health issues for dwellings in the vicinity. The dust levels recorded were all located with inside the confines of the quarry with the exception of dust monitoring location 8 which was located on the western boundary of the quarry. All dwellings are located at least 100 metres from the confines of the quarry and with the exception of two dwellings other dwellings are located 300 to 500 metres away from the quarry. I therefore do not consider that air pollution issues are significant in terms of dust deposition arising from quarrying works to such an extent that they will impact on surrounding residential amenity. The mitigation measures to be employed as set out in the EIS is likely to reduce dust levels within and within the immediate vicinity of the quarry.

### **8.2.5 Noise and Vibration**

I note that the assessment carried out as part of the EIS specifically related to noise only and did not assess vibration. Having regard to the nature of the works on site which primarily relate to processing and the removal of gravel and soft rock it is unlikely that vibration will occur other than that associated with blasting. Blasting occurs infrequently on site and can be addressed by way of condition by stipulating number of blasts per year and limits on L peak values and air over pressure levels resulting from blasts.

In terms of noise the EIS indicates that a noise survey was undertaken at four separate locations at the entrance to the quarry (NSL1), at the northeastern edge of the quarry (NSL2), at a dwellinghouse along the local road to the north of the quarry (NSL3) and a dwellinghouse on the access road leading to the quarry to the southeast of the lower quarry. Noise measurements were carried out for approximately 1 hour duration. The noise levels recorded for L<sub>Aeq</sub>, L<sub>Amax</sub> and L<sub>A90</sub> are perhaps the most important, and these are set out in Table 2 of the EIS. Only in the case of noise sensitive location 1 and noise sensitive location 3 (which recorded L<sub>eq</sub> levels of 56.6 and 55.4 respectively, were the limits

set out in the EPA Guidelines (55dBA) breached. The EPA guidance document NG4 suggests a 55 dB(A)  $L_{Aeq}$  1 hour as being a typical ELV daytime target level. An  $L_{Aeq}$  recording of 56.6 and 55.4 are only marginally above this level and this breach in the limit would be deemed to be imperceptible at the noise sensitive locations.

The EIS also evaluated the noise in terms of tonal noise frequency. It was found that no tonal frequency is likely to be experienced at any of the noise sensitive locations.

The EIS sets out a number of noise mitigation measures which can help ensure that noise levels are maintained to within an acceptable recommended limit of 55dB(A). With the implementation of these mitigation measures, it is very likely that noise levels at the nearest noise sensitive locations will be within the specified limits set out in the EPA Guidelines. The works to date on site therefore in my view are acceptable and are unlikely to give rise to noise complaints.

### **8.3 Landscape**

The surrounding area is predominantly agricultural with sporadic housing. Muckish Mountain to the west of the site is the major topographical/geomorphological feature of the landscape in the vicinity of the site. The quarry is not readily visible from the approach road leading to the entrance of the quarry. The processing area including the silos associated with the ready mixed batching plant and the crushing and screening facilities are visible from the roadside nearer the quarry entrance. Stockpiles of aggregate are also visible. The quarrying area at the lower end of the site (i.e. the north eastern part of the site which is currently the subject of excavation) is not readily visible from the access road.

The entirety of the quarry however is visible from various vantage points on the upper road to the immediate north of the quarry and this is indicated in the photographs attached. In terms of Development Plan policy, the Donegal Development Plan designates specific areas of the county as areas of “Especially High Scenic Amenity” (see map 8 of Development Plan). An area of especially high scenic amenity is located to the immediate west of the quarry site and includes Muckish Mountain and the general area to the southwest of the site. It appears however that this designation does not extend to the quarry area itself.

The EIS attempts to determine the zone of visual influence and this is indicated in figure 9.1. The EIS notes that views along the local roads in the vicinity of the quarry and to the west of the N56 tend to be sporadic and partially obscured. I would agree with this view. The EIS acknowledges however that the quarry is visually prominent from vantage points along the local road to the north of the site. Views along this section of the roadway are described in the EIS as “moderately negative” while other views from dwellinghouses in the vicinity are deemed to be either slightly negative or negligible.

It is stated with the reinstatement plan that it is proposed to bring exhausted areas within the quarry back to a sustainable habitat and this in turn will have significant positive impacts from an amenity point of view. Some of the other mitigation measures proposed in the EIS include the planting of trees along the western boundary of the site in order to help obscure the Readymix concrete plant. Tree screens are also proposed along the northern boundary of the site to reduce the visual impact along the local access road to the north. It is argued that the visual impact will therefore be significantly reduced within a 10-15 year period.

The An Taisce submission has expressed concerns in relation to the visual impact. However in my view and having regard to the legislation, the visual to be assessed should only related to the period post 1990. I have already argued above that the aerial photos indicate that significant development had taken place on site by 1995, and therefore quite possibly much of this development may have occurred prior to 1990. The visual impact of works carried out post 1990 may not have been that significant for the purposes of EIA. In fact the central portion of the site has been substantially recolonized since 1995 and this is evident in the aerial photographs.

It appears that the quarry is not located within an area of especially high scenic amenity. I would concur that the landscape character in the Carrownamaddy Valley while picturesque, is not of a significantly high scenic amenity. The visual impact from the quarry is most profound along local road to the north of the Carrownamaddy River. Views of the quarry from public vantage points along other roads in the vicinity are sporadic and intermittent. While the quarry does have a significant visual impact along sections of the local road to the north of the site, I do not consider that this in itself would justify a reason to cease operations on site having regard to the fact that the quarry is not located in a designated scenic area and much of the works could have been carried

out prior to the implementation of the EIA Directive. Furthermore it is considered that strategic planting around the perimeter of the quarry will in the medium to long term result in a diminution of the visual impact. There is a significant amount of conifer planting in the wider area within the Carrownamaddy Valley and along the Carrownamaddy River. Further tree planting of this nature would therefore not look out of character in the context of the wider area. I am satisfied therefore that the quarry is acceptable from a visual point of view.

#### **8.4 Archaeology**

The EIS indicates that there are no recorded monuments or sites of special archaeological interest in or immediately adjoining the quarry. The nearest archaeological monuments are located adjacent to the N56 circa 2 kilometres away. One archaeological monument is located approximately 1 kilometre north of adjacent to the Kildarragh River. This monument is a burial ground. The EIS gives no indication as to whether or not there were previous archaeological materials at the quarry site which may have been disturbed as a result of the quarrying activity. The EIS acknowledges that there is potential to unearth archaeological artefacts/sites when breaking new ground. However it is not considered that there is a need to break new ground in the short to medium term and approval will be required for new areas to be excavated.

#### **8.5 Traffic**

Figures in the EIS indicate that approximately five lorry loads of material leave the quarry today. Details of trip generation and trip assignments as set out in table 11.2 of the EIS. Having inspected the site I noted that the access road leading to and from the quarry was generally in good condition and generally of sufficient width to accommodate traffic between the N56 and the quarry. The local access road to the west of the quarry deteriorates somewhat particularly in relation to width. Having regard to the traffic volumes as indicated in a 24 hour survey and set out in Table 11.2, I do not consider that the traffic generated by the quarry together with background traffic on the local road network gives rise to any significant traffic issues. I consider the road network is suitable to accommodate traffic generated by the quarry particularly to and from the N56. No figures are provided historically in relation to traffic generation particularly during the economic boom. However having regard to the fact that the existing traffic density on the road is low (an average of approximately one journey every 8 minutes) I would

conclude that even during the period of greater activity at the quarry the road network would have been suitable to cater for increased traffic volumes. The quarry therefore does not give rise and was unlikely to give rise in the past to any significant issues regarding traffic.

### **8.11 Impact on European Sites**

The Planning Authority determined under the provisions of Section 261A 2(a) that works were carried out subsequent to the 26<sup>th</sup> February 1997 which would have required, having regard to the Habitats Directive, an Appropriate Assessment and that such an assessment was not carried out. In response to this the applicants have produced and submitted a remedial Natura Impact Statement. The NIS identifies two designated Natura 2000 sites, the qualifying interests of which could potentially be affected by the quarrying activity carried out on site. These are Muckish Mountain SAC (site no. 001179) and Sheephaven SAC (site no. 001190). At its closest point Muckish Mountain SAC is circa 500 metres to the south of the quarry. At its closest point Sheephaven Bay is approximately 3 kilometres to the east of the eastern boundary of the quarry.

Derryveagh and Glendowan Mountains SPA is located approximately 2 kilometres to the west of the site. There are a number of other designated sites within a 15 kilometre radius of the quarry. These include various SPAs and coastal SACs which appear to have no hydrological connection with the Carrownamaddy River or the quarry in question. Therefore they are unlikely to be in any way affected by the quarrying activities undertaken.

Muckish Mountain SAC (site code 001179) has the following qualifying interests.

- Oligotrophic waters containing very few minerals of sandy plains.
- Northern Atlantic wet heaths with Erica Tetralix.
- European dry heaths.
- Alpine and boreal heaths.
- Blanket bog.
- Siliceous scree
- Siliceous rocky slopes with chasmophytic vegetation.

The NIS sets out the general threats to the qualifying interests listed. These include turf cutting, overgrazing of sheep and mechanical damage caused by hill walkers. It is noted that the existing quarry and

associated activities are located outside the designated area and as such do not pose a significant threat to the qualifying interests set out.

The Sheephaven SAC site no. 001190 has the following qualifying interests.

- Mudflats and sandflats not covered by seawater at low tide.
- Atlantic salt meadows.
- Petal worth
- Mediterranean salt meadows
- Shifting dunes along the shoreline with *ammophila arenaria*.
- Fixed coastal dunes with herbacious vegetation.
- Machairs
- Old sessile oak woods with ilex and bechnum in British aisles.

Again the only potential threat arising from the quarrying activity is associated with the hydrological connection between the Carrownamaddy River and the Sheephaven SAC. As outlined earlier in the report, the existing quarrying activity and in particular discharges into the Carrownamaddy River, do not pose a significant threat to the water quality of the river. This is evidenced by the river's Good Status and also from the water samples taken at the point of discharge into the river which indicate that these discharges do not contain any elevated pollutant matter particularly in the form of elevated suspended solids. As the water quality of the Carrownamaddy River is not adversely affected by the proposed development it can be reasonably concluded that the qualifying interests and conservation objectives associated with Sheephaven SAC further downstream will not be adversely affected by the quarrying activities which have been undertaken on site.

## **8.12 Other Issues**

The operators of the quarry have requested that the Board reassess the stipulations of condition no. 4 referred to in Donegal County Council's report under section 177(I). This condition requests that quarrying and associated operations shall be confined to the hours of 0800 hours to 1800 hours Monday to Friday and 0800 hours to 1400 hours on Saturday and that no operations should be carried out outside these hours or on Sunday. The applicant requests that the loading of materials from stock pile and from the batching of ready mix concrete, be allowed to take place outside these hours as customers including the local authority require delivery of product on site at 0800 hours. It is reasonable in my view to restrict the hours of operation from 0800 hours

to 1800 hours for all activities on site in order to protect residential amenity. I therefore recommend that if the Board are minded to grant substitute consent that this condition be retained in its current format. Loading of materials from stockpiles into trucks can give rise to significant noise issues and therefore should not be allowed commence prior to 0800 hours in the morning.

## **9.0 CONCLUSIONS AND RECOMMENDATIONS**

It is concluded based on my assessment above that the quarry has not given rise to significant adverse effects on the environment and that ongoing impacts are limited in terms of scale and significance. I therefore recommend that the application for substitute consent be granted for the reasons and considerations subject to conditions set out below.

### **REASONS AND CONSIDERATIONS**

#### **Board Decision**

The Board in accordance with section 177K of the Planning and Development Act 2000 (as amended) and based on the reasons and considerations set out below decided to grant substitute consent in accordance with the following conditions.

#### **Matters Considered**

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

### **REASONS AND CONSIDERATIONS**

The Board had regard inter alia to the following:

- The provisions of the Planning and Development Acts 2000-2011 as amended and in particular part XA.

- The Quarry and Ancillary Activities, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government to 2004.
- The provisions of the Donegal County Council Development Plan 2012-2018.
- The remedial Environmental Impact Statement submitted with the application for substitute consent.
- The remedial Natura Impact Statement submitted with the application for substitute consent.
- The report on the opinion of the Planning Authority under Section 177(I) of the Planning and Development Act as amended.
- The submissions made in accordance with the regulations made under Section 177(N) of the said Act.
- The report of the Board's Inspector including the assessment on the potential effects on the environment.
- The pattern of development in the area.
- The nature and scale of the development, the subject of this application for substitute consent.

The Board considered the remedial Environmental Impact Statement and concluded that the statement identified and described adequately the direct and indirect effects on the environment of the development. The Board also considered the remedial Natura Impact Statement and it considered that the statement adequately assess the potential impact of the proposed development on the conservation objectives and qualifying interests of designated Natura 2000 sites in the vicinity. The Board considered that the development in question would not be likely to have a significant effect on a European site.

Having regard to the acceptability of the environmental impacts as set out above, it is considered that the development, subject to compliance with conditions set out below, is not contrary to the proper planning and sustainable development of the area.

### **CONDITIONS**

1. The grant of substitute consent shall be in accordance with the plans and particulars submitted to An Bord Pleanála with the application on the 26<sup>th</sup> April 2013. This grant of substitute consent relates to only works undertaken to date and does not authorise any future development on the subject site.

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

2. A detailed restoration screen for the site shall be submitted to the Planning Authority for written agreement within three months of the date of this order. The following shall apply in relation to the design and implementation of the plan:
  - (a) Site restoration provided for the immediate revegetation of the site where suitable.
  - (b) The incorporation of planting as indicated in section 9 of the remedial EIS.

**Reason:** In the interest of ecology and visual amenity

3. A further survey of the site by an ecologist shall take place to establish in particular the presence of flora and fauna which may have recently taken up occupancy in the site. The restoration plan shall have regard to the results of this survey.

**Reason:** To protect the flora and fauna on site

4. Details of site safety measures shall be provided. A timescale for the implementation and proposals for aftercare programme of five years shall be agreed with the Planning Authority.

**Reason:** In the interest of pollution control, to enhance the visual amenities of the area and to enhance the ecological value and ensure public safety.

4. The developer shall arrange the immediate removal of potentially polluting material from the site including disused machinery.

**Reason:** To reduce the visual impacts of the area and to reduce the potential for groundwater or surface water pollution.

5. The developer shall apply to the local authority for a discharge licence for all discharge of surface waters into the Carrownamaddy River.

**Reason:** To reduce the potential for surface water pollution.

6. Within three months of the date of this order details of the surface and groundwater management system for the entire site,

including a timeframe for implementation, which incorporates the mitigation measures of water management proposals set out in the remedial Environmental Impact Statement shall be submitted to and agreed in writing with the Planning Authority.

**Reason:** To ensure the protection of groundwater quality and to provide for the satisfactory disposal of surface water.

7. Water abstraction from the Carrownamaddy River shall not exceed 12,000 cubic metres per annum or 3,000 cubic metres in any one month. Water abstraction shall not exceed 25% of the flow of the Carrownamaddy River at the time of abstraction.

**Reason:** To protect the ecological quality of the Carrownamaddy River.

8. Within two months of the date of this order proposals for the erection of traffic signs including traffic directional signs to be erected at critical road junctions shall be submitted to the Planning Authority for written agreement.

**Reason:** In the interest of traffic safety.

9. Quarrying and associated operations shall be confined to the hours of 0800 hours to 1800 hours Monday to Friday and 0800 hours to 1400 hours on Saturday. Quarrying activities shall not take place on Sundays or public holidays.

**Reason:** To protect the amenities of property in the vicinity.

10. A stock and trespass proof fence shall be erected and maintained around the full perimeter of the site and the existing lockable gate shall be maintained at the site entrance.

**Reason:** In the interest of orderly development.

11. Noise levels emanating from the quarry shall not exceed 55dBA at the boundary of the site. A noise survey should be carried out on an annual basis in accordance with details to be agreed with the Planning Authority.

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

12. Dust deposition shall not exceed  $350\text{mg}/\text{m}^2/\text{d}$  when measured at the site boundary and averaged over 30 days. Three dust monitoring facilities shall be provided at locations to be agreed with the Planning Authority and the results of the monitoring shall be submitted to the Planning Authority twice yearly within a period of two months from the date of this decision.

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

13. Blasting operations shall take place only between 1000 hours and 1700 hours, Monday to Friday, and shall not take place on Saturdays, Sundays or public holidays. Monitoring of the noise and vibration arising from blasting and the frequency of such blasting shall be carried out at the developer's expense by an independent contractor who shall be agreed in writing with the authority.

Prior to the firing of any blast, the developer shall give notice of his intention to the occupiers of all dwellings within 500 metres of the site. An audible alarm for a minimum period of one minute shall be sounded. This alarm shall be of sufficient power to be heard at all such dwellings.

**Reason:** In the interests of public safety and residential amenity.

14. Vibration levels from blasting shall not exceed a peak particle velocity of 12 mm/second, when measured in any three mutually orthogonal directions at any sensitive location. The peak particle velocity relates to low frequency vibration of less than 40 hertz where blasting occurs no more than once in seven continuous days. Where blasting operations are more frequent, the peak particle velocity limit is reduced to 8 millimetres per second. Blasting shall not give rise to air overpressure values at sensitive locations which are in excess of  $125\text{ dB (Lin)}_{\text{max peak}}$  with a 95% confidence limit. No individual air overpressure value shall exceed the limit value by more than 5 dB (Lin).

A monitoring programme, which shall include reviews to be undertaken at annual intervals, shall be developed to assess the impact of quarry blasts. Details of this programme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any quarrying works on the site. This programme shall be undertaken by a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority following this annual review.

**Reason:** To protect the [residential] amenity of property in the vicinity.

- 15 All vehicles exiting the facility shall pass through a wheelwash and water sprinkle system details of which shall be agreed in writing with the Planning Authority within two months of the date of this decision.

**Reason:** In the interests of residential amenity.

- 16 All oils, chemicals and hydro carbons shall be stored within bunded areas and such substances shall not be discharged or allowed to be discharged into surface or ground waters on site. Oil interception traps shall be provided where appropriate. Details of which shall be agreed with the Planning Authority.

**Reason:** In the interest of protecting receiving waters.

- 17 Within three months of the date of this order the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company or other such security as maybe 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 an agreement shall be referred to the Board for determination.

**Reason:** To ensure the satisfactory restoration of the site in the interests of visual 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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**Paul Caprani,  
Senior Planning Inspector.**

**18th November, 2013.  
Cr / ym**