



## Board Direction

Ref: PL88.245174

The submissions on this file and the Inspector's report were considered at a further Board meeting held on 11<sup>th</sup> May 2016.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, subject to the amendments shown below.

### REASONS AND CONSIDERATIONS

In making its decision the Board had regard, inter alia, to the following:

- (a) the Environmental Impact Statement prepared for the application,
- (b) the Natura Impact Statement prepared for the application
- (c) the character and nature of the application site,
- (d) the location, scale and form of the existing and proposed development,
- (e) the proposed means to control and mitigate emissions arising from the development,
- (f) the policies of the planning authority in respect of extractive industry, landscape character and heritage,
- (g) the planning history of the site, including that the existing quarry has been deemed, by virtue of section 261(10), to comprise unauthorised development by reason of the failure to register under section 261, that an enforcement notice has been served by the PA and that the PA is satisfied that the enforcement notice has been complied with;
- (h) the fact the application is not prohibited under section 34(12);
- (i) the pattern of development in the vicinity; and
- (j) the report of the Inspector.

### *Appropriate Assessment*

Having regard to the nature, scale and extent of the proposed development, the Natura impact statement submitted with the application as amended by further information and the mitigation measures contained therein, the submissions on file and the Inspector's assessment, the Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment and completed an appropriate assessment of the impacts of the proposed development on a nearby Natura 2000 site, specifically the River Bandon River SAC (site code 002171). In completing the appropriate assessment the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned Natura site, having regard to the site's conservation objectives.

The Board was satisfied that subject to the implementation of the identified mitigation measures and on the basis of the information available, the proposed development, either individually or in combination with other plans or projects, would not adversely affect the integrity of any Natura site, having regard to the conservation objectives of those sites.

### *Environmental Impact Assessment*

The Board considered that the Environmental Impact Statement submitted with the application, supported by the further information submitted to the planning authority, the report, assessment and conclusions of the Inspector with regard to this file and other submissions on file, was adequate in identifying and describing the direct and indirect effects of the proposed development. The Board completed an environmental impact assessment, and agreed with the Inspector in his assessment of the likely significant effects of the proposed development, and generally agreed with his conclusions on the acceptability of the mitigation measures proposed and residual effects. The Board generally adopted the report of the Inspector. The Board concluded that, subject to the implementation of the mitigation measures proposed, the proposed development would not be likely to have significant effects on the environment.

### *Conclusions*

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health or

would not pose an unacceptable risk of environmental pollution. The proposed development would, therefore, be in accord 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 further plans submitted on the 10<sup>th</sup> day of March 2015 and amended on 15<sup>th</sup> day of May 2015 and by unsolicited further information submitted on 5<sup>th</sup> day of June 2015 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. The duration of the permission shall be for 15 years from the date of this grant of permission and quarry output shall not exceed 150,000 tonnes of stone annually.

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

3. The quarry shall be operated between the hours of 07:30 and 17:30 hours, Monday to Friday, between 07:30 to 14:00 hours on Saturday and at no time on Sundays or bank holidays or other public holidays.

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

4. All of the environmental, construction and ecological mitigation measures set out in the EIS, NIS and other particulars submitted with the application and as amended in the FI, CFI and unsolicited FI submitted by the developer shall be implemented in conjunction timelines set out in the foregoing, except as may otherwise be required in order to comply with this order.

**Reason:** In the interest of clarity and the protection of the environment during the construction and operational phases of the proposed development.

5. The proposed operational and restoration plans shall be amended to incorporate stepped or sloping edges to the proposed excavated areas in Phase 1 and Phase 3 as shown in Drawing No. L100 submitted as FI to the PA on 10 March 2015. Appropriate documents and drawings suitably amended to incorporate this change shall be submitted for the written agreement of the PA prior to commencement of construction.

**Reason:** In the interest of public safety, visual amenity and ecological protection.

6. NOISE A

7. (a). Blasting operations shall take place only between 10:00 hours and 16:00 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 planning authority.

(b). 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.

8. Lighting shall be in accordance with a scheme, which shall be designed to minimize glare and light pollution, and which shall be submitted for the written agreement of the planning authority prior to commencement of development.

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

9. Dust deposition levels during the operation of the quarry shall not exceed 350 mg/m<sup>2</sup>/day when measured at the site boundaries and averaged over 30 days. Monitoring of dust deposition shall be carried out in accordance with the requirements of the Planning Authority.

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

10. (a). Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

(b). The penstock weir required to control water flow to Pond I and associated works shall be installed prior to the commencement of development and in accordance with the specifications set out in the further information documents submitted to the Planning Authority on the 10<sup>th</sup> March 2015.

**Reason:** In the interest of public health, to ensure a proper standard of development and in order to protect the Bandon River SAC.

11. Within three months from the date of this order and prior to the commencement of development, the developer shall submit to the planning authority for written agreement a proposal for an Environmental Management System (EMS) for the facility. The Environmental Management System shall include the following: -

- (a) Proposals for refuelling of plant/machinery including emergency action in the event of accidental spillage.
- (b) Monitoring of ground water.
- (c) Monitoring of dust and or noise at the application site boundaries.
- (d) Full details of site manager, contact numbers (including out of hours) and public information signs on the entrance to the facility.
- (e) Details of the implementation of all mitigation measures set out in the Environmental Impact Statement and NIS accompanying the planning application for the development, as amended by FI;
- (f) Monitoring and frequencies reports shall be in accordance with the requirements of the planning authority. An Annual Environmental Report showing detailed results of all monitoring shall be submitted to the planning authority each year.

**Reason:** In the interest of orderly development, public safety and to safeguard local amenities.

12. Storage tanks shall be inspected by a chartered engineer and certified as structurally sound for the purpose they were intended and at five year intervals thereafter.

**Reason:** In the interest of public health and to prevent water pollution.

13. Prior to commencement of development, a landscaping scheme shall be submitted to the planning authority for agreement. This scheme shall include details of all existing trees and hedgerows on the site, specifying those proposed for retention, together with measures for their protection during the period in which the development is carried out. The site shall be landscaped in accordance with the agreed scheme, which shall also include a timescale for implementation.

**Reason:** In the interest of visual amenity and protecting residential amenities.

14. Archaeological Monitoring shall consist of the following;

(a) The Developer shall engage the services of a suitably qualified Archaeologist licensed under the National Monuments (Amendment) Acts, 1930 – 2004, to monitor all topsoil stripping associated with the development.

(b) Should archaeological material be found during the course of monitoring, the Archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The Developer shall be prepared to be advised by the Local Authority with regard to any necessary mitigating action (e.g. preservation *in situ*, and/or excavation). The Developer shall facilitate the archaeologist in recording any material found.

(c) The Planning Authority shall be furnished with a report describing the results of the monitoring.

**Reason:** To ensure the continued preservation (either *in situ* or by record) of places, caves, sites, features or other objects of archaeological interest.

15. Habitat improvement works to the wetland area in the south west of the site shall be completed in accordance with a detailed plan to be submitted to the Planning Authority for written agreement. These works shall be completed prior to the commencement of quarrying.

**Reason:** In the interests of ensuring the protection of the River Bandon SAC.

16. Within three months of the date of grant of this permission, the Developer shall lodge with Cork County Council a cash deposit, a bond of an insurance company, or other security to secure the satisfactory completion of the and the associated on-going continued maintenance of the closed-out quarry, coupled with an agreement empowering the Council to apply such security or part thereof for the satisfactory rehabilitation, closure or maintenance of any part of the development. 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. The amount of the fund shall, at all times, be sufficient to meet the costs of rehabilitation of all works and the subsequent on-going maintenance of the property to the satisfaction

of the Planning Authority.

**Reason:** To ensure the satisfactory completion and the continued ongoing maintenance of the development.

17. The developer shall pay the sum of €147,760 to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000 in respect of works proposed to be carried out, for the provision of road improvements and maintenance, specifically overlay works for the Local Road L4621-9 and works at the junction with regional road R587. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be 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.

**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.

Note:

The Board amended the sum sought under section 48(2)(c) as it was considered that the length of road requiring improvement had been over-estimated.

Board Member: \_\_\_\_\_ Date: 11<sup>th</sup> May 2016  
G.J. Dennison