



Board Direction

Ref: 17.245257

The submissions on this file and the Inspector's report were considered at a further Board meeting held on 7th December 2016.

The Board examined:

- the applicant's response to the Board's s.132 notice, received by ABP on 30th August 2016,
- the further planning authority submission
- the further submission from the appellant.

In relation to the issues identified by the s132 notice, the following were the considerations of the board:

1. It was noted that the on-site boreholes revealed a higher water table than originally set out in the EIS. The revised proposed extraction depths, whereby excavation is proposed to stay 1m above the winter water table, are considered acceptable in terms of groundwater protection and enabling the proposed agricultural land restoration. It was not considered that any further investigation or analysis of hydrogeology, as suggested by the appellant, is necessary.
2. The Board noted the proposed phased approach to site development and restoration in this proposed extension area, and found this to be a significant improvement, and generally acceptable. Regarding the appellant's comments in relation to negative impacts on local ecological conditions, these were not considered so serious as to merit refusal. It was considered that, subject faithful implementation of the phased restoration approach, the impact on local amenities would be acceptable.
3. The Board noted the applicant's overview of site restoration across the overall quarry area. The appellant raised doubts over the accuracy of some of the information provided (for example, whether some of the areas claimed to be restored were ever quarried), but the Board did not consider it necessary to resolve this matter as it relates to areas of the site that are in a good condition from an ecological view point. The Board noted the recent progress in active site

restoration in some parts of the overall landholding including previously quarried parts of the site. Adherence to the conditions set out in the substitute consent (ABP file ref. SU0079) is pertinent and should any concerns arise as to implementation, these matters can be addressed by the local authority. The Board came to the view that the continued restoration efforts on previously quarried area, coupled with the phasing set out under heading 2 above, would lead to an acceptable situation.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, in accordance with the following reasons, considerations and conditions.

Reasons and Considerations

Having regard to

- the established quarry land use at this location and the proposed integrated nature of the associated processing uses that will serve this proposed extension,
- the contained nature of the site which limit impacts on visual amenities and other receptors,
- the separation of the proposed working areas from existing residences and other sensitive lands in the vicinity,

it is considered that, subject to compliance with the conditions set out below, including the employment of a phased approach to site development and restoration, the proposed extension of the established would not seriously injure the amenities of the area, would not have unacceptable impacts on the environment, would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health, and would otherwise 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 and the Environmental Impact Statement submitted to the planning authority on 17th December, 2014, as amended by the further plans and particulars submitted on the 6th day of May 2015 and on the 3rd day of July 2015, and with the further information submitted to An Bord Pleanála on 30th August 2016,

except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This permission is for a period of twenty years. At the end of this period, works shall cease and the site shall be decommissioned, unless before the end of that period, permission for the continuance of the use beyond that date shall have been granted.

In addition, the developer shall submit annually for the lifetime of the permission:

- an aerial photograph, and
- a 3-d topographic survey

which adequately enables the planning authority to assess the progress of the phases of extraction and restoration.

Reason: To enable the effect of the development on the amenities of the area to be reviewed, having regard to the circumstances then prevailing, and to enable satisfactory monitoring.

3. Excavation shall proceed no deeper than shown in the plans and particulars submitted to ABP on 30th August 2016, and shall be carried out such that excavation does not proceed below the winter water table. In this regard:

- at least 3 No. groundwater monitoring boreholes shall be maintained in the extension area, and
- Bench-marks shall be established in the extension area to facilitate compliance monitoring.

Reason: To protect groundwater in the area and in the interests of clarity.

4. Excavation and restoration (including replanting of hedgerows) shall be carried out in a phased manner, as set out in the plans and particulars submitted to ABP on 30th August 2016 (Drawings ABP-RFI 2 to ABP-RFI 4). The right of way indicated crossing the site shall be protected as per the design proposals during all phases of work.

Reason : to protect the amenities of the area.

5. All topsoil shall be stripped and stored separately from overburden, and shall be used in phased site restoration.

Reason: In order to facilitate effective site restoration

6. During the operational phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed

(a) an LArT value of 55 dB(A) during the period 0800 to 2000 hours. The T value shall be one hour,

(b) an LAeqT value of 45 dB(A) at any other time. The T value shall be 15 minutes. Night time emissions shall have no tonal component.

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

7.

(a) Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details to be submitted shall include monitoring locations, commencement date and the frequency of monitoring results, and details of all dust suppression measures.

(b) A monthly survey and monitoring programme of dust and particulate emissions shall be undertaken to provide for compliance with these limits. Details of this programme, including the location of dust monitoring stations, and details of dust suppression measures to be carried out within the site, 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 include an annual review of all dust monitoring data, to 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 control dust emissions arising from the development and in the interest of the amenity of the area.

8. (a) The developer shall monitor and record groundwater, surface water flow, noise, and dust deposition levels at monitoring and recording stations, the location of which shall be agreed in writing with the planning authority prior to commencement of development. Monitoring results shall

be submitted to the planning authority at quarterly intervals for groundwater, surface water, and noise.

(b) On an annual basis, for the lifetime of the facility (within two months of each year end), the developer shall submit to the planning authority five copies of an environmental audit. Independent environmental auditors approved of in writing by the planning authority shall carry out this audit. This audit shall be carried out at the expense of the developer and shall be made available for public inspection at the offices of the planning authority and at such other locations as may be agreed in writing with the authority. This report shall contain:

(i) An annual topographical survey carried out by an independent qualified surveyor approved in writing by the planning authority. This survey shall show all areas excavated and restored. On the basis of this a full materials balance shall be provided to the planning authority.

(ii) A record of groundwater levels measured at monthly intervals.

(iii) A written record of all complaints, including actions taken in response to each complaint.

(c) Notwithstanding this requirement, all incidents where levels of noise or dust exceed specified levels shall be notified to the planning authority within two working days. Incidents of surface or groundwater pollution or incidents that may result in groundwater pollution, shall be notified to the planning authority without delay.

(d) Following submission of the audit or of such reports, or where such incidents occur, the developer shall comply with any requirements that the planning authority may impose in writing in order to bring the development in compliance with the conditions of this permission.

Reason: In the interest of protecting residential amenities and ensuring a sustainable use of non-renewable resources.

9. Prior to the commencement of development, details of the height, specification and exact location of all perimeter security fencing and site boundary treatment shall be agreed in writing with the planning authority:

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

10. 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 on-going monitoring of sound emissions at dwellings in the vicinity.
- (c) Proposals for the suppression of dust on site.
- (d) Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.
- (e) Details of safety measures for the land above the quarry, to include warning signs and stock proof fencing.
- (f) Management of all landscaping, with particular reference to enhancing the ecological value of the woodland and hedgerow on buffer areas.
- (g) Monitoring of ground and surface water quality, levels and discharges.
- (h) Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.

The EMS shall include all of the monitoring requirements of this permission.

Reason: In order to safeguard local amenities.

11. The developer shall facilitate the planning authority in the archaeological appraisal of the site and in preserving and recording or otherwise protecting archaeological materials or features, which may exist within the site. In this regard, the developer shall:-

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any stripping of top-soil, and
- (b) employ a suitably-qualified archaeologist to assess the site and monitor all site development works.

The assessment shall address the following issues:-

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

Arising from this assessment, the developer shall agree with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation).

In default of agreement on any of these requirements, the matter shall be referred to the Board for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation of any remains which may exist within the site.

12. 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 phased reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The deposit/ bond amount can be refunded/ reduced on a phased basis subject to successful implementation of the phasing programme set out in the submission received by ABP on 30th August 2016. The form and amount of the security (and any phasing) 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 phased restoration of the site in the interest of visual amenity.

13. 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.

Board Member: _____ Date: 13th December 2016

Conall Boland