



## Board Direction

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**Ref: PL16.245417**

The submissions on this file and the Inspector's report were considered at a further Board meeting held on 27<sup>h</sup> April 2016.

The Board decided to grant permission 3:3 on the casting vote of the Chair generally in accordance with the Inspector's recommendation, subject to the amendments shown below.

### REASONS AND CONSIDERATIONS

In coming to its decision the Board had regard to:

- (a) the provisions of *the Guidelines for Planning Authorities on Quarries and Ancillary Activities* issued by the Department of the Environment, Heritage and Local Government in 2004;
- (b) the policies set out in the Mayo County Development Plan 2014-2020 relating to the extractive industry, in particular policies EI-01 and EI-02;
- (c) the location of the site within an area identified as landscape policy area 4 (wherein quarrying is regarded as having a medium potential to cause adverse landscape effects – the potential being higher in all other landscape policy areas);
- (d) the pattern of development in the area and the location of the proposed development relative to dwellings;
- (e) the range of mitigation measures set out in the documentation received, including the EIS, NIS and Further Information;
- (f) the planning history of the site and surrounds;

(g) the submissions made in connection with the planning application and appeal; and

(h) the report of the Inspector.

### *Appropriate Assessment*

The Board agreed with the screening assessment carried out and conclusion reached in the Inspector's report that the European site for which there is a likelihood of significant effects is the River Moy SAC (site code 002298).

The Board considered the Natura impact statement and all other relevant submissions, including from appellant and observers, and carried out an appropriate assessment of the implications of the proposed development for this European site in view of the site's Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the assessment the Board considered, in particular, the:

- i) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects in the area;
- ii) mitigation measures which are included as part of the current proposal;
- iii) Conservation Objectives for the European site set out above;
- iv) view of the Department of Arts, Heritage and the Gaeltacht.

In completing the AA, 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 European site, having regard to the site's Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European site in view of the site's Conservation Objectives.

### *Environmental Impact Assessment*

The Board considered 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, including the appellant and observers. The Board considered that this information 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.

### *Conclusion*

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the character of the area or the amenities of property in the vicinity, would not have unacceptable impacts on ecology, water quality or the landscape and would be acceptable in terms of traffic safety and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

## **CONDITIONS**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted to the planning authority as further information on the 11<sup>th</sup> June 2015, 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. All of the environmental, construction and ecological mitigation measures set out in the EIS, the NIS and other particulars submitted with the application and as amended in the FI submitted on 11<sup>th</sup> June 2015 shall be implemented by the developer in conjunction with the

timelines set out in the foregoing, except as may be otherwise required in order to comply with the conditions of this order.

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

3. Prior to commencement of excavation in the area that is the subject of this application, the developer shall obtain a discharge licence from Mayo County Council for the discharge of surface water from the quarry floor under the provisions of the Local Government (Water Pollution) Acts, 1977-2007.

**Reason:** In the interest of public health and to protect the groundwater resources and the surface water resources of the area and the amenities of property along the receiving stream.

4. This permission authorises the quarrying of material from the site until 27<sup>th</sup> October 2031. The site shall be fully restored within two years of this date unless a fresh grant of planning permission has been made for continued operation.

**Reason:** To limit the impact of the development on the amenities of the area and to ensure coordination with the adjoining quarry (approved under PL16.236961) through which access is afforded to the present site.

5. The total output from the extension to the quarry herein authorised, measured cumulatively with the output from the existing quarry or any other works on the landholding outlined in blue on the site location map submitted with the application, shall not exceed 500,000 tonnes of crushed stone per annum and 50,000 cubic metres of concrete per annum.

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

6. (a) Excavation shall be limited to minus 20 metres OD.  
(b) Prior to the commencement of development a benchmark shall be established on site as a reference point from which all levels shall be taken. Details of the location and construction of the benchmark to be referenced to Ordnance Datum shall be agreed in writing with the planning authority.

- (c) On an annual basis before the end of June, a topographical survey shall be submitted to the planning authority.

**Reason:** In the interest of public health and to protect groundwater quality.

7. The developer shall keep a record on site of all materials extracted from the site and concrete exported from the site, commencing one month from the date of this order. These records shall be made available to the planning authority on request.

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

8. Operating hours for the development shall be restricted to between 0700 hours and 1800 Monday to Friday and between 0800 and 1600 hours on Saturday. The facility shall not operate outside these hours or on Sundays or Bank Holidays.

**Reason:** In the interest of proper planning and sustainable development of the area and the protection of the amenity of the area.

9. Details of all blasting, including blast design and implementation and the hours under which blasting will be permitted shall be agreed in writing with the planning authority at least 1 month prior to the commencement of development. Blasting shall take place between 1000 and 1600 hours Monday to Friday only. The frequency of the blasting operation on the entire landholding outlined in blue on the site location map submitted with the application shall be limited to not more than four production blasts a month. Monitoring of the noise and vibration arising from the blasting shall be carried out at the developer's expense by an independent contractor and shall be agreed with the planning authority.

Prior to the firing of any blast, the developer shall give notice of its intention to occupiers of all dwellings within 600 metres of the site. An audible alarm for a minimum period of one minute shall be sounded. The alarm should be of sufficient power to be heard at all dwellings adjacent to the quarry.

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

10. The vibration levels from blasting operations shall not exceed a peak particle velocity of 12 millimetres per second when measured at any three mutually orthogonal directions. 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 eight millimetres per second. The air over-pressure from any blast will not exceed a value of 125 dB(lin) maximum peak.

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

11. During the operational phase of the proposed development, the noise level from the development as measured at the noise sensitive locations in the vicinity identified in the EIS, shall not exceed:
  - (a) an  $L_{A,T}$  value of 55 dB(A) during 0800 hours to 1800 hours. The T value shall be one hour; and
  - (b) an  $L_{AeqT}$  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.

12. Total dust emission arising from the on-site operations shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days when measured as deposition of insoluble and soluble particulate matter and at any position on the boundary of the facility. An adequate hose capacity shall be maintained in the quarry area to dampen down stockpiles, waste piles, and equipment during periods of dry windy weather to prevent emissions of fugitive dust.

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

13. The wheels and undersides of all vehicles transporting aggregate from the site onto the public road, shall prior to the exit of such vehicles onto the public road, be washed in a wheel washing facility which shall be constructed, installed and operated in accordance with the requirements of the planning authority.

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

14. All over-ground tanks containing liquids other than water shall be contained in a waterproof bunded area, which shall be of sufficient volume to hold 110% of the volume of the tanks within the bund. All water contaminated with hydrocarbons, including stormwater shall be discharged via grit trap and three-way oil interceptor with sump to the watercourse. The sump shall be provided with an inspection chamber and shall be installed and operated in accordance with the requirements of the planning authority.

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

15. Prior to the commencement of development a drainage management plan incorporating a monitoring programme relating to control and management of liquids on site shall be submitted to and agreed in writing with the planning authority.

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

16. No surface water, contaminated water, dust or other matter shall be discharged/deposited on the public road.

**Reason:** In the interest of public health and visual amenity.

17. 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 the commencement of development. This shall include, inter alia, 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 and on the access road.
- (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/grassland on the bunds and buffer areas.
- (g) Monitoring of ground and surface water quality, levels and discharges, noise and air emissions.
- (h) Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.

**Reason:** In order to safeguard local amenities.

18. Prior to the commencement of development details of road improvement works at the site entrance shall be submitted to and agreed in writing with the planning authority. Such works shall be carried out at the developer's expense.

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

19. Details of all car parking and truck parking arrangements shall be agreed in writing with the planning authority within three months from the date of this order. Car parking spaces shall be provided on a durable permanent surface with each parking space clearly demarcated on the ground. Details of the marking of the parking spaces shall be agreed in writing with the planning authority.

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

20. Prior to the commencement of development, a stock-proof security fence shall be erected around the entire perimeter of the site.

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

21. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with the landscaping scheme submitted to the planning authority on 11<sup>th</sup> June, 2015.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the



development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

22. Prior to the commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit or other security to ensure the restoration and making safe of the site as required. The agreement shall empower the planning authority to apply such security or part thereof to the satisfactory completion of restoration and making safe of the site. 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 An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory restoration and making safe of the site.

23. 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.

24. The developer shall pay 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 the N5 junction road

improvement works. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board for determination. 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 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.

Board Member: \_\_\_\_\_ Date: 28<sup>th</sup> April 2016  
G.J. Dennison