



An
Bord
Pleanála

Board Direction
PL88.249114

The submissions on this file and the Inspector's report were considered at a Board meeting held on August 20th 2018.

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

Reasons and Considerations

Having regard to the planning history of sand & gravel extraction at this site, the limited extended period for which permission is sought to process existing stockpiles of gravel, and having regard to the separation distance of the washing & screening plant from the closest houses, and the closed nature of the water handling on the site, it is considered that, subject to compliance with the conditions set out below, the development for which retention and continuation is sought would not seriously injure the residential amenities of the area, would not be prejudicial to public health, would not be harmful to the ecology of the area, and would be acceptable in terms of pedestrian and traffic safety. The development for which retention and continuation is sought would not, therefore, be contrary to the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as

amended by further plans and particulars submitted to Cork County Council on the 13th day of July 2107, 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, the developer shall agree such details in writing with the planning authority within the time limit set out in such conditions, and the development shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Processing and despatch of existing stockpiles of aggregate shall be completed on or before the 31st day of March 2020. After this date no aggregate shall be exported from the site, and any remaining stockpiled material shall be used solely for restoration of the site. Final restoration works, in accordance with the restoration plan submitted as part of this application, shall be completed on or before the 31st day of January 2021.

Reason: To allow for the timely completion of this development, in the interests of visual amenity and of the proper planning and sustainable development of the area.

3. No excavation work shall be undertaken within 15m of the ringfort (CO108-047) on the western boundary of the site. Restoration works in the vicinity of this National Monument shall be undertaken in such a manner so as not to cause any subsidence at this part of the site. The buffer zone shall be delimited by a stout fence to prevent access.

Reason: In the interest of preserving the archaeological heritage of the area.

4. The hedgerows flanking the recessed entrance to the site shall be trimmed back and maintained, so as to provide for 130 metre sight distance in either direction for vehicles exiting the site onto the R637 (as measured from a

point set back 3 metres from the edge of the carriageway).

Reason: In the interest of traffic safety.

5. Within one month of the date of this permission, at all locations where oil has leaked from generators or tanks/drums, the contaminated ground shall be excavated and removed from the site for disposal at a suitably licenced waste facility.

Reason: In the interest of public health and to avoid contamination of ground water in the area.

6. The effluent treatment facilities shall be decommissioned and removed entirely from this site on or before the 31st day of January 2021, and the waste disposed of to an appropriately licensed facility.

Reason: In the interest of public health and to avoid contamination of ground water in the area.

7. Any over-ground tanks containing liquid fuels shall be contained in a waterproof bunded area, sufficient to contain 110% of the value of the largest tank. In particular, the open shed within which oil drums are stored shall be fully bunded within one month of the date of this permission, or else all fuel/lubricants stored within this shed shall be permanently removed to a bunded area within the site, or removed from the site altogether.

Reason: In the interest of public health and to avoid contamination of ground water in the area.

8. All HGVs exiting the site shall do so via the wheel-wash facility. No mud or debris from the site shall be carried out onto the R637. Any such deposition on the roadway shall be immediately cleaned up and removed by the developer, in accordance with the requirements of the planning

authority and at the developer's expense.

Reason: In the interest of traffic safety.

9. The sand & gravel pit operation, and all activities occurring therein, shall only operate between 07.00 and 18.00 hours Monday to Friday. No activity shall take place outside these hours or on Saturdays, Sundays or public holidays.

Reason: In order to protect the residential amenities of the area.

10. Advance road warning signs of the pit operation shall be erected on the approaches along the R637. The design, location and wording of the warning signs shall be submitted to, and agreed in writing with, the planning authority. These signs shall be erected within one month of the date of the planning authority's written agreement.

Reason: In the interest of traffic safety.

11. All waste (including machinery, plant, tanks, metal containers, tyres, spent machinery or parts, rubber conveyor belts etc.) shall be removed permanently from the site, as part of the restoration process.

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

12. During the remaining 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 $L_{A,T}$ value of 55 dB(A) during the period 0700-1800 hours. The T value shall be one hour.

(b) an $L_{Aeq,T}$ value of 45 dB(A) at any other time. The T value shall be 15 minutes.

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

13. This permission relates only to the processing of aggregate stockpiled on the site. No aggregate shall be imported to this site for processing of any kind, or for storage/dispatch.

Reason: To limit the extent of the development in the interest of the amenities of the area.

Note 1: The Board noted the request by the agent for the applicant for a dismissal of the third party appeal, but considered that no evidence had been provided to support any claim that the appeal was vexatious, and was of opinion that the appeal raised legitimate planning issues, and therefore decided not to dismiss the appeal.

Note 2: In arriving at its decision, the Board had regard to the lengthy planning process of the file, and considered it appropriate that the time limits recommended by the Inspector, for both the processing and for the restoration, should be increased by one year.

[Please issue a copy of this Direction with the Board Order.]

Board Member

Date: 20th August 2018

Philip Jones