



An
Bord
Pleanála

Board Direction
BD-009075-21
ABP-309891-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/09/2021.

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

In coming to its decision, the Board had regard to:

- (a) the National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018, relating to the extractive industry including National Policy Objective 23;
- (b) 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;
- (c) the policies set out in the Cork County Development Plan 2014 relating to the extractive industry;
- (d) the pattern of development in the area;
- (e) the range of mitigation measures set out in the documentation received, including the Environmental Impact Assessment Report, Natura Impact Statement and Further Information;
- (f) the planning history of the site;

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

Appropriate Assessment: Stage 1:

The Board considered the Natura Impact Statement and all the other relevant submissions and carried out both an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European Sites. The Board agreed with and adopted the screening assessment carried out and conclusions reached in the Inspector's report that the Cork Harbour SPA (site code 004030) is the only European Site in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the aforementioned 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 Appropriate Assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal (including the detailed mitigation measure in relation to the discharge to the Brouen River), and
- iii. the Conservation Objectives for the European Sites.

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 European Site, having regard to the site's Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the site's Conservation Objectives.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale and extent of the proposed development;
- (b) the environmental impact assessment report and associated documentation submitted in support of the planning application;
- (c) the submissions from the planning authority, prescribed bodies, the appellants and the observers in the course of the application, and
- (d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application.

The Board considered, and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are as follows:

Population and Human Health - impacts arising from emissions of dust, noise and vibration during operation, with potential for nuisance to sensitive residential receptors proximate to the site. Such impacts are proposed to be mitigated by measures to reduce and control the emissions in the first instance and thereafter by

the adoption of specific measures, including those forming part of the operation of the development including monitoring proposals.

Biodiversity – impacts arising from extraction activities including blasting on breeding pair of Peregrine Falcon and colony of Sand Martin. Such impacts are proposed to be mitigated by measures to avoid habitat loss, disturbance/displacement, controls in terms of timing and location of blasting and monitoring proposals.

Water – impacts on water levels and quality of the River Brouen arising from continuing dewatering and discharge. Such impacts are proposed to be mitigated by specific measures to control the levels and quality of the discharge including a water management system with all water pumped out of the quarry passing through a water attenuation/settlement system prior to discharge. To avoid bank flooding in the Brouen River where flows exceed Q_{med} the quarry will stop pumping to ensure flood risk is not increased downstream of the site. Surface water monitoring of the discharge waters will continue as per the discharge licence and any possible future amendment. Groundwater monitoring is to continue with data loggers installed in the wells to allow for continuous monitoring.

In conclusion, having regard to the above identified significant effects, I am satisfied that the proposed development would not have any unacceptable direct or indirect impacts on the environment, subject to the implementation of the mitigation measures and any conditions recommended in section 12 of this report.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector. The Board is satisfied that this reasoned conclusion is up to date at the time of taking this decision.

Proper Planning and Sustainable Development:

Having regard to nature and extent of the development and to the acceptability of the environmental impacts as set out above, it is considered that, subject to compliance with the conditions set out below the proposed vertical extension of the existing extraction area would be in accordance with the provisions of the Cork County Development Plan (2014), would not seriously injure the visual or residential amenities of the area, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience of road users. 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 the 16th day of December 2020, 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. The proposed development shall comply with the terms and conditions of planning permission granted under planning reference number PL04.226347 (06/13499) except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

3. All mitigation and monitoring commitments identified in the Environmental Impact Assessment Report, the Natura Impact Statement and other particulars submitted with the application and as amended in the Further Information submitted on the 16th day of December 2020 shall be implemented in full as part of the proposed development, except as may otherwise be required in order to comply with the following conditions.

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

4. This permission authorises the quarrying of material from the site until the 23rd day of July, 2033. 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 overall quarry of which the site forms part (approved under PL04. 226347).

5. A Dust Minimisation Plan shall be submitted to and agreed in writing with the planning authority within 3 months from the date of this order.

Reason: In the interest of clarity and protection of amenities of adjoining property.

6. The following shall be carried out within 3 months from the date of this order:

- (a) The access closure on L6233 as delineated on drawing number 18100a-01 in Appendix 1a received by the planning authority on the 16th day of December, 2020.
- (b) Recommendations of the Road Safety Audit received by the planning authority on the 16th day of December, 2020.

(c) Installation of the additional wheel washes detailed in the documentation received by the planning authority on the 16th day of December, 2020.

Reason: In the interest of road safety.

7. Heavy Goods Vehicles (HGVs) associated with the quarry operation shall not be allowed to use Local Road L6233 except that to cross the public road at the eastern crossing point as delineated on the plans and particulars received by the planning authority on the 16th day of December, 2020.

Reason: In the interest of traffic safety.

8. Within three months of the date of this order the timescale for the construction and planting of the berms along the northern boundaries of the extraction area shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of clarity and visual amenities of the area.

9. The development shall be operated and managed in accordance with a revised Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority within three months of the date of this order. This shall include, inter alia, the following: Proposals for the suppression of on-site noise.

(a) Proposals for the on-going monitoring of sound emissions at dwellings in the vicinity.

(b) Proposals for the suppression of dust on site.

(c) Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.

(d) management of all landscaping

(e) Monitoring of ground and surface water quality, levels and discharges, noise and air emissions.

(f) 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.

10. Within three months of this order, details of a programme of monitoring of the vibration arising from the quarry blasting at Castlemore Tower House, Bawn and Limeclin (RMPS CO084-009 01, CO084-009 03 and CO084-009-02) shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of protection of cultural heritage.

11. 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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

12. 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, as amended, in respect of the proposed resurfacing works on regional road R585 between the N22 and Crookstown village and the upgrade of the junction at the R585 and N22. 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 An Bord Pleanála for determination. The contribution shall be paid prior to 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

Maria FitzGerald
Maria FitzGerald

Date: 13/09/2021

