

An
Bord
Pleanála

Board Direction
BD-014963-24
ABP-311614-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/01/2024.

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 National Planning Framework – Ireland 2040,
- the Climate Action Plan 2023,
- the Regional Spatial & Economic Strategy for the Northern & Western Region (2020),
- the Roscommon County Development Plan 2022 to 2028, which recognises that quarrying and the extractive industry has an important role in the economy of the county and that it is an important source of employment,
- The established history of quarrying at the site and the Board also noted the planning history on the site including Reg. Ref. No. 21/668 granted by Roscommon County Council on 28 January 2022 for the retention of the installation and operation of an asphalt plant replacing that previously permitted under Reg. Ref. No. 08/474,
- The location of the quarry in a rural area and the location of the extension areas at a distance from sensitive receptors,

- The nature, scale and design of the proposed development which comprises the lateral extensions of the quarry and the utilisation of existing infrastructure and site development works associated with the existing quarry,
- The documentation on file submitted with the application and appeal, and
- The report of the Inspector,

It is considered that, subject to the conditions set out below, that the proposed development would not seriously injure the residential or visual amenities of the area or property in the vicinity of the site, or be prejudicial to public health or biodiversity and would be acceptable in terms of traffic safety. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Annaghmore Lough SAC, No. 001626 (pollution of groundwater, air pollution); Lough Forbes Complex SAC, no. 001818 (air pollution); Ballykenny-Fishertown Bog SPA, No. 004101 (air pollution, habitat loss/fragmentation and disturbance); Mullygollan Turlough SAC (air pollution) and Clooneen Bog SAC (air pollution) are European sites for which there is a possibility of significant effects and must therefore be subject to Appropriate Assessment.

The Board considered the Natura Impact Statement and all other relevant documentation and submissions and carried out an appropriate assessment of the implications of the proposed development for European Sites in view of the site's Conservation Objectives Lough Forbes Complex SAC, Ballykenny-Fishertown Bog SPA, Annaghmore Lough SAC, Mullygollan Turlough SAC and Clooneen Bog SAC. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites conservation objectives using the best available scientific knowledge in the field. In completing the assessment the Board considered, in particular, the following

- Site Specific Conservation Objectives for these European Sites,
- Current conservation status, threats and pressures of the qualifying interest features

(iii) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,

(iv) mitigation measures which are included as part of the current proposal,

In completing the AA, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the implications of the proposed development on the integrity of the aforementioned European Sites, 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 European site(s) in view of the site's Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

Environmental Impact Assessment

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

- (a) the nature, scale, location, and extent of the proposed development comprising extensions to an existing quarry, the pattern of development in the area and the planning history on the site;
- (b) the Environmental Impact Assessment Report (EIAR) and revised Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application and appeal,
- (c) the submissions received from the prescribed bodies and observers, and reports from the planning authority
- (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 during the application. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- **Population and human health** – Medium term positive direct and indirect effects on the local economy. Significant adverse effects on users of the L1410, nearby residents and sensitive receptors (including Kiltrustan national school) with on-going substantial HGV movements arising from the site and facilitated by the extraction extension areas. These effects will be mitigated by measures to reduce dust and dirt on the public road and stagger HGVs leaving the site in busy periods.
- **Biodiversity** – No significant negative effects with long term positive effects on biodiversity arising, with the implementation of recommended conditions relating to the restoration of the site to beneficial ecological after-use.
- **Land, soils, water, air and climate** – On going significant effects on the public road network arising from HGV traffic, in particular with emissions to air (dust, noise and greenhouse gases). These effects can be mitigated by measures to manage HGV movements on the local road, the environmental effects of traffic on the road and conditions which require the applicant to adopt a climate change action plan for the site with measures to reduce energy use and GHG emissions.
- **Material Assets, cultural heritage and the landscape** – As stated, for the duration of the development, the proposed development will contribute ongoing high levels of HGV movements on the L1410. The extension areas have potential to give rise to significant landscape and visual effects. These can be mitigated by contextual topography, working at depth, existing and proposed bunding and conditions requiring a landscape plan which provides details of arrangements for temporary storage of soils, planting and progressive restoration.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

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 on the 1st day of July 2021, 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 grant of permission shall be for a period of 24 years from the date of this Order. At the end of this period, the quarry use shall then cease and all related structures removed and remedial works including restoration works, in accordance with the general principles set out in the application, shall be carried out, unless, before the end of that period, planning permission shall have been granted for the continuance of quarrying for a further period. The site restoration works described in the application shall be completed within two years of the cessation of quarrying on the site.

Reason: In the interest of visual amenity.

3. Extraction depth shall not exceed -50mOD as per Drawing No. PL-1623-01-010 Rev D Proposed Land Sections and at all times extraction shall take place above the water table.

Reason: In the interest of clarity.

4. Prior to the commencement of development, a site layout plan shall be submitted to the planning authority indicating the location of all existing structures on the subject site.

Reason: In the interest of clarity.

5. Prior to the commencement of development, detailed arrangements shall be submitted for written agreement regarding the site's internal surface water management system and means to direct surface water flows away from the groundwater sump at all times.

Reason: In the interest of public health and biodiversity.

6. Prior to the commencement of development, the applicant shall submit detailed arrangements for written agreement with the planning authority in respect of:

- (a) The removal of soils from the extraction area and the arrangements for the storage of these soils, berms to be created and associated planting,
- (b) The phased restoration of the site, as it is worked, to beneficial ecological after uses. This phased restoration shall be set out in a Site Restoration Plan.

Reason: In the interest of biodiversity.

7.
 - a) Mitigation and monitoring measures outlined in the Environmental Impact Assessment Report as revised, the Natura Impact Statement, Hydrological and Hydrogeological Assessment and associated documents submitted with this application, shall be compiled into a single Schedule of Monitoring and Mitigation Measures and submitted to the planning authority. These measures shall be carried out in full, except where otherwise required by conditions attached to this permission.
 - b) The Schedule shall be included in an updated Environmental Management System (EMS) and an updated Site Specific Environmental Monitoring Plan (EMP) which shall be submitted to and

agreed in writing with the planning authority prior to re-commencement of the development.

- c) The EMS and EMP shall be integrated with the discharge licence for the facility (WP-04-01) and Air Pollution Licence (AP 01-18) and any subsequent amendments to these, and shall include arrangements for monitoring emissions to water, air, noise, dust, HGV movements, and phased restoration. It shall specifically include details of the internal water management system and arrangements.
- d) The development shall be operated and managed in accordance with the agreed EMS required under (a) above.

Reason: In the interest of protecting the environment and the residential amenities of property in the vicinity and in the interest of public health

- 8. a) The developer shall monitor and record groundwater, surface water flow, noise, ground vibration, 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 agreed intervals for groundwater, surface water, noise and ground vibration. This shall include at least dust monitoring on a monthly basis, groundborne vibration and air overpressure for each blast and noise surveys on a quarterly basis.
- 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. A written record derived from the on-site weighbridge of the quantity of material entering and leaving the site for all operations. This quantity

shall be specified in tonnes. The information shall be submitted to the planning authority as part of the annual environmental audit and shall be made available for future planning applications in respect of the site.

ii. 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, depth of excavation, those areas being actively managed for biodiversity gain and restored.

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

- c) All incidents where levels of noise, dust or emissions to water exceed the levels specified in this permission shall be notified to the planning authority within two working days.
- 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 to further develop the quarry.

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

- 9. The quarry, and all activities occurring therein, shall only operate between 0700 hours and 1900 hours, Monday to Friday and between 0700 hours and 1400 hours on Saturdays. No activity (e.g. loading, movement of machinery or material etc.) shall take place outside these hours or on Sundays or public holidays.

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

- 10. 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:
 - an LArT value of 55 dB(A) during 0800 and 2000 hours. The T value shall be one hour, and

- an LAeqT value of 45 dB(A) at any other time. The T value shall be 5 minutes.

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

11. 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 re-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.

Reason: To control dust emissions arising from the development and in the interest of the amenity of the area.

12. (a) Blasting operations shall take place only between 1000 hours and 1700 hour, 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 interest of public safety and residential amenity.

13. All Heavy Goods Vehicles entering and departing the site shall do so via the wheel-wash/s adjacent to the site entrance.

Reason: In the interest of ensuring that a clean road surface is maintained and in the interest of traffic safety.

14. 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 and Development

Act 2000, as amended. The contribution shall be paid prior to re-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 to further develop the quarry.

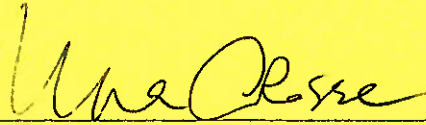
15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. 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.

Reason: To ensure the satisfactory restoration of the site in the interest of visual amenity.

Note

The Board noted the Inspectors recommendation that the grant of permission would be for a period of 15 years but did not share the view of the Inspector that this would be an appropriate period of time having regard to the assessments undertaken in respect of the Environmental Impact Assessment which were based on the removal of material from the site over 24 years as proposed by the applicant in the documentation. In this regard the Board considered that the 24 years proposed by the applicant would be a more appropriate period.

Board Member



Date: 05/01/2024

Una Crosse

