

An
Bord
Pleanála

Board Direction
BD-012901-23
ABP-312510-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/07/2023.

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 2022-2028 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 immediate and wider area,

- (g) the submissions made in connection with the planning application and appeal, and
- (h) the report and recommendations of the Planning Inspector including the examination, analysis and evaluation undertaken in relation to the proper planning and sustainable development, appropriate assessment and environmental impact assessment.

Appropriate Assessment Screening

The Board considered the Screening Report for Appropriate Assessment, the Natura Impact Statement, the Inspector's Report and all other relevant submissions and carried out an appropriate assessment screening exercise in relation to the potential effects of the proposed development on the Cork Harbour Special Protection Area (Site Code: 004030), the Great Island Channel Special Area of Conservation (Site Code: 001058) and The Gearagh Special Protection Area (Site Code: 004109) and considered these sites to be the only European sites where there is potential for a significant effect in view of the sites' conservation objectives and for which Appropriate Assessment is required.

Appropriate Assessment

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, and
- (iii) the conservation objectives for the Cork Harbour Special Protection Area (Site Code: 004030), the Great Island Channel Special Area of Conservation (Site Code: 001058) and The Gearagh Special Protection Area (Site Code: 004109).

The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site and considered the nature, scale and location of the proposed development, as well as the report of the Inspector.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out by the Inspector and concluded that, by itself or in-combination with other plans and projects in the vicinity, the proposed development would not be likely to have an adverse effect on the integrity of the Cork Harbour Special Protection Area (Site Code: 004030), the Great Island Channel Special Area of Conservation (Site Code: 001058) or The Gearagh Special Protection Area (Site Code: 004109) or any European Site, in view of the sites' conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.

This conclusion is based on the following: a detailed assessment of the nature, scale and location of the proposed development; the application of the precautionary approach is carrying forward the three number European Sites referred to above into Stage 2 Appropriate Assessment, the separation distance between the application site and the designated European Sites subject of the Stage 2 Appropriate Assessment, the nature of the potential pathway between the development site and the European Sites, the conservation objectives of those European Sites, and the mitigation measures proposed to protect the said Sites.

Environmental Impact Assessment

The Board, in accordance with the requirements of Section 172 of the Planning and Development Act 2000, as amended, completed an environmental impact assessment of the proposed development taking account of:

- (a) the nature, scale, location and extent of the proposed development on the site,
- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,
- (c) the submissions received from the planning authority, appellants and prescribed bodies, 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 is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and 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 and appeal. 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, and would be mitigated, as follows:

- Impact on **population and human health** arising from dust and noise arising from the operational phase of the development affecting air quality. Mitigation measures are proposed. Having regard to the context of the site, being located within an area which has been subject to extensive quarrying, together with the indication that the development will not result in an increase of traffic, the impacts associated with these aspects are considered acceptable in the context of population and human health and residential amenity.
- In terms of **biodiversity**, the development will give rise to the loss of greenfield areas, hedgerows and trees. It is also noted that the existing exhausted quarry to the west of the subject site provides a water body which has the potential to be used by a number of waterfowl species. It is noted that noise levels at quarry sites may affect some birds and mammals, but no significant impacts were identified as no blasting will occur at this site. Mitigation measures are proposed to protect the bird species including the limiting of vegetation clearance to periods outside of nesting season, March to September. A bird platform will also be placed in the existing waterbody to the west of the Classis South Quarry causeway to provide suitable nesting and resting habitat for birds within the area. Should an active nest be detected, the Ecological Clerk of

Works will be consulted. Annual breeding bird monitoring will also be undertaken.

Other mitigation measures will be in place with regard to the protection of nocturnal species and bats. The rehabilitation plans for the site are noted, and the Board accepts that the plans would promote wider biodiversity at the site which may have a positive impact.

- Effects on the receiving **water, soil, geology** and **air** environments may arise during the operational and restoration phases of the quarry. Given that the site is located within an area with a number of quarries, both exhausted and active, consideration is given in terms of cumulative impacts. A Dust Management Plan will be prepared for the site, existing hedgerows around the site will be enhanced and dust suppression will be undertaken where required. The proposed restoration of the quarry as an ecological resource will not involve infilling of the pit void, rather, it will be allowed to flood and works will focus on the banks and berms and exposed surfaces will be planted with fast growing plants.
- In terms of **air** and traffic, plant and machinery operating at the quarry will give rise to emissions to air and climate. The development will not result in an increase in the levels of traffic on the local roads as the aggregate is to be moved from the site via the existing fixed conveyor and the installation of a new temporary conveyor. The sites dust management plan will be in line with industry guidelines and mitigation measures are presented and are standard for the prevention of dust nuisance.
- In terms of **noise** and **vibration**, noise monitoring was carried out at locations within and in the vicinity of the site. Potential noise sources on the site include a variety of mobile plant. There will be no increase in traffic and noise levels are not anticipated to increase. The Board considers that the development if permitted would not represent a significant impact on existing residential amenities of properties in the vicinity of the site by reason of noise.
As no blasting is proposed at the proposed sand and gravel quarry, the Board is generally satisfied that there are no issues arising in relation to vibration.

- In terms of **Visual and Landscape Impacts**, the proposed development will, if permitted, result in changes to the existing landscape, with the extension of the quarry to the west into a greenfield site. The rehabilitation plans for the site are noted, and the Board would accept that the plans would promote wider biodiversity at the site which may have a positive impact. The site is located within a landscape character area which has the capacity to absorb a development of this scale in landscape and visual terms subject to the implementation of the mitigation measures and landscaping plans. There will be limited impact arising at residential properties in the immediate vicinity of the site.
- In terms of **Roads and Traffic** impacts, the proposed development will result in the improvement of the existing entrance onto the Local Road but will not result in an increase in HGV traffic once the site is operational. The existing road is indicated as having capacity to accommodate the development and the Board notes no objections from the Council engineers in this regard. The Board would note that the proposed aggregate will be transported off site via the existing conveyor system which serves a number of other quarries in the area.
- In terms of **Cultural Heritage**, having regard to the information available, the Board is generally satisfied that the development would not have any significant adverse archaeological impacts and no significant residual impacts are likely to arise.

In conclusion, having regard to the above, the Board is generally satisfied that in principle, and subject to the mitigation measures proposed, the proposed project does not have any unacceptable direct or indirect impacts on the environment as it relates to a number of environmental aspects.

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 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 or 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 the decision.

Proper Planning and Sustainable Development

Having regard to the 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 lateral extension of the Classis South Quarry at this location would be in accordance with the provisions of the Cork County Development Plan 2022-2028, 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 on the 20th day of October 2021 and by the further plans and particulars received by An Bord Pleanála on the 19th day of January 2022, 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. (a) 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 20th day of October 2021, 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.
- (b) Proposals to deliver the mitigation to '*Maintain good communication with the local community*' as listed under section 7.5.2 'Construction and Operation Phase' of the Environmental Impact Assessment Report received by the planning authority on the 16th day of March, 2021 shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

3. A minimum of a 70-metre buffer zone shall be provided between the edge of existing third-party residential properties and the proposed extraction area as indicated in the drawing titled 'Proposed Site Layout (Separation Buffer From Third Party Residential Property)' (drawing number P612 Rev. P1 by Malone O'Regan Consulting Engineers) received by An Bord Pleanála on the 19th day of January, 2022.

Reason: In the interest of clarity, the protection of existing established residential amenities and to allow for the efficient and sustainable use of the sand and gravel resource.

4. Within three months of the date of this Order, the timescale for the construction and planting of the berms around all boundaries of the extraction area shall be submitted to the planning authority for written agreement prior to commencement of development. All proposed screening measures, including

the provision of any fencing and berms, shall be completed prior to commencement of extraction on site.

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

5. The development shall be operated and managed in accordance with an updated Environmental Management System (EMS), which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This shall include the following:
 - (a) Proposals for the suppression of on-site noise and for the on-going monitoring of noise impacts at the nearest noise sensitive receptors, the identification of those noise sensitive receptors shall be agreed in writing with the planning authority (having due regard to the requirements of condition number 8 hereunder).
 - (b) Proposals for the suppression of dust on site and on the local access road, the L-2208 (having due regard to the requirements of conditions numbers 6 and 7 hereunder).
 - (c) Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.
 - (d) Details of safety measures for the land above the quarry, to include warning signs and stock proof fencing.
 - (e) Management of all landscaping with particular reference to enhancing the ecological value of the grassland on the bunds and buffer areas.
 - (f) Proposals for a groundwater quality and level monitoring programme. These proposals shall include locations where samples shall be taken and levels measured and the proposed frequency for such testing, all of which shall be agreed in writing with the planning authority.
 - (g) Monitoring of surface water quality and discharges.
 - (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.

6. A Dust Minimisation Plan shall be submitted for the written agreement of the planning authority within three months from the date of this Order.

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

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. The noise levels generated during the operation of the sand and gravel quarry shall not exceed 55 dB(A) Leq,1hr when measured at the nearest occupied house. When measuring the specific noise, the time shall be any one-hour

period during which the sound emission from the quarry is at its maximum level.

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

9. The quarry, and all activities occurring therein, shall only operate between 0800 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays.

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

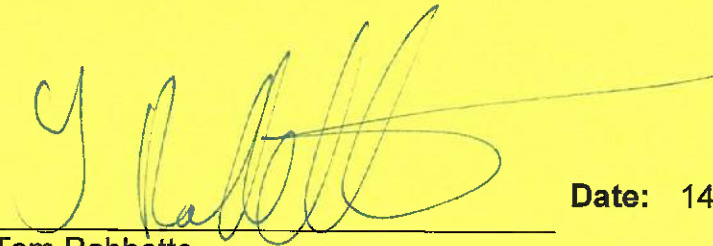
10. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering 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 An Bord Pleanála for determination.

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

11. 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 upgrading works on surfacing and drainage on local road L-2208. 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

A handwritten signature in blue ink, appearing to read 'Tom Rabbette', written over a horizontal line.

Date: 14/07/2023

Tom Rabbette