



Board Direction

Ref: 05E.QD0005

The submissions on this file and the Inspector's report were considered at a Board meeting held on 23rd February 2017.

Generally in accordance with the recommendation of the Inspector, the Board decided to grant permission in accordance with the draft reasons, considerations and conditions set out below. This case was determined in conjunction with the application for substitute consent under 07.SU0106, at the same Board meeting.

REASONS AND CONSIDERATIONS

In making its decision the Board had regard to the following:

- (a) the provisions of the Planning and Development Act, 2000, as amended, and Section 37L in particular,
- (b) the "Quarry and Ancillary Activities, Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government (2004),
- (c) the policies of the planning authority as set out in the Donegal County Development Plan 2012 – 2018,
- (d) the nature and scale of the proposed development, and its access to the N15 National road and the regional road network,
- (e) the pattern of development in the area, including the separation distances to houses, and the civic amenity site to the east, formerly a quarry,
- (f) the historical scale of the quarry,
- (g) the planning history of the quarry, including permission for a quarry and various manufacturing plant; the registration of the quarry and imposition of conditions under planning authority register reference number QY21, the quarry review under EUQY21 and 05E.QV0222, the water discharge licence, and the decision made to grant substitute consent under 05E.SU0106,
- (h) the environmental impact statement submitted with the application,
- (i) the report and opinion of the planning authority, and the documentation and submissions on file, and

- (j) the report of the Inspector, including the examination, analysis and evaluation undertaken in relation to environmental impact assessment and screening for Appropriate Assessment.

The Board was satisfied that the information before it was adequate to undertake environmental impact assessment and a screening for appropriate assessment in respect of the proposed development.

Appropriate Assessment Screening

In conducting a screening exercise for appropriate assessment, the Board considered the nature, scale and location of the proposed development, the Appropriate Assessment Stage 1 Screening Assessment submitted in support of the application, the documentation and submissions on file, the planning and development history of the site and in the vicinity, the separation distances to and limited potential for connectivity with European Sites, and the assessment of the Inspector in relation to the potential for effects on such Sites. In undertaking the screening exercise, the Board accepted the analysis and conclusions of the Inspector. The Board, therefore, concluded that, by itself and in combination with other development in the vicinity, the proposed development would not be likely to have significant effects on European Sites in view of their conservation objectives.

Environmental Impact Assessment

The Board considered the nature, scale and location of the proposed development, the environmental impact statement, the documentation and submissions on file generally, the planning and development history of the site and of neighbouring development, the submissions on file, and the report of the Inspector. It is considered that the environmental impact statement identifies and describes adequately the direct and indirect effects on the environment of the proposed development. The Board completed an environmental impact assessment in relation to the proposed development, by itself and in cumulation with other development in the vicinity. The Board concluded that, subject to compliance with the mitigation measures proposed and with the conditions set out below, the effects of the proposed development on the environment would be acceptable. In doing so, the Board adopted the report of the Inspector.

Conclusions on the Proper Planning and Sustainable Development of the Area

The Board is satisfied that, in itself and in conjunction with other development in the vicinity, and subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Donegal County Development Plan 2012 – 2018, would not seriously injure the amenities of the area or of residential property in the vicinity, would not result in a risk of pollution, would not affect known archaeological features or architectural heritage, and would be acceptable in terms of traffic safety and convenience. It is, therefore, considered that the proposed development would be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. PlansPartic
2. All environmental mitigation measures identified in the environmental impact statement shall be implemented in full.
Reason: In the interests of the conservation of the environment and of the amenities of the area.
3. This grant of permission shall be for a period of 20 years from the date of this order.
Reason: To enable the effects of the development to be reassessed in the light of the operation of the permission to further develop the quarry and the circumstances then pertaining.
4. No extraction shall take place below -3 m OD.
Reason: In the interest of clarity.
5. The proposed development shall only operate between 07:00 and 19:00 on Monday to Friday and between 07:00 and 14:00 on Saturdays. No activity shall take place outside of these hours or on Sundays or public holidays.
Reason: In the interest of the amenities of property in the vicinity and of clarity.
6. The development shall be operated and managed in accordance with an environmental management system, which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. This shall include the following:
 - (a) proposals for the suppression of on-site noise,
 - (b) proposals for the on-going monitoring of noise emissions at dwellings in the vicinity,
 - (c) management of landscaping,
 - (d) drawings and details illustrating the suitability of the wheelwash in proximity to the site entrance,
 - (e) a programme for the monitoring of ground and surface water quality and levels, including details of the water quality parameters to be monitored,
 - (f) proposals for the bunding of hydrocarbon storage areas and re-fuelling areas, details of a hydrocarbon interceptor to serve this area, and details of emergency action in the event of accidental spillage,

- (g) measures to protect water quality during refuelling, including the use of drip-trays,
- (h) details of site manager contact numbers (including out of hours) and public information signs at the entrance to the facility, and
- (i) details of reporting requirements to the planning authority.

Reason: To safeguard the amenities of the area, public safety and the environment.

7. Prior to commencement of development, construction-stage details of improvements to the surface water management and attenuation system, and a time frame for implementation, shall be submitted to and agreed in writing with the Planning Authority. These details shall address any ongoing requirement for the attenuation and discharge of waters from the entire quarry landholding to the satisfaction of the planning authority. The details submitted should demonstrate that the surface water management system would be capable of dealing with a storm event.

Reason: In the interests of orderly development and the protection of the environment.

8. Prior to commencement of development, it shall be demonstrated to the written satisfaction to the planning authority that suitable waste water treatment facilities are available to serve the site.

Reason: To protect water quality, and in the interest of public health.

9. The noise level shall not exceed 55 dB(A) (corrected by penalty for tonal and impulsive components) at dwellings in the vicinity. Procedures for determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the amenities of property in the vicinity of the site.

10. (a) Blasting operations shall take place only between 10:00 and 17:00 on Monday to Friday, and shall not take place at any other time. Monitoring of the noise and vibration arising from blasting, and the frequency of such blasting, shall be carried out in accordance with details that shall be submitted to and agreed in writing with the planning authority prior to commencement of development.
- (b) Prior to the firing of any blast, the developer shall give notice of this intention to the occupiers of all dwellings within 500 m of the site. An audible alarm shall be sounded, and shall be of sufficient duration and power to be heard at all such dwellings.

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

11. QuarryVibration

12. Dust levels at the site boundary shall not exceed 350 mg/m²/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, the frequency of monitoring results, details of all dust suppression measures for the entire quarry, and details of reporting requirements to the planning authority.

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

13. Prior to commencement of development, appropriate secure fencing shall be installed to safeguard the quarry boundaries to the satisfaction of the Planning Authority, in accordance with details that shall be submitted to and agreed in writing with the Planning Authority.

Reason: In the interests of public safety and of orderly development.

14. Scrap metal and other waste material shall be removed at least annually from the site in accordance with the written requirements of the planning authority. Such materials shall be deemed to include old vehicles or vehicle parts, empty oil barrels, and worn out equipment, batteries or tyres.

Reason: To protect the amenities of the area.

15. The developer shall submit survey drawings and an aerial photograph annually to the planning authority to enable the assessment of the progress of extraction.

Reason: To facilitate monitoring and control of the development by the planning authority.

16. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details, including a time schedule for completion, that shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These details shall include planting berms. Any plants that 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: To screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

17. Prior to commencement of development, implementation-stage details of the restoration of the entire quarry shall be submitted to and agreed in writing with the planning authority, in accordance with the approach set out in Drawings 6 and 7 and the measures set out in Sections 2.92 – 2.99 of the environmental impact statement, which details shall include the following:

- (a) details of safe finished gradients for the quarry faces,

- (b) details of landscaping, and measures for the control of invasive species,
- (c) measures for the control of dust emissions until such time as vegetation is established,
- (d) proposals for an aftercare programme of five years, and
- (e) a timeframe for implementation, incorporating progressive phasing and final restoration works.

These details shall make appropriate provision for recognition of the County Geological Site status of the quarry. No material shall be imported to the quarry without a prior grant of planning permission.

Reason: In the interest of protection of the environment, landscape and public safety.

18. This grant of planning permission does not authorise the importation of materials for the restoration of the site or otherwise.

Reason: In the interest of clarity.

- 19. Arch
- 20. Security unspecified (restoration of the quarry)
- 21. Section 48 Unspecified

Board Member: _____ Date: 20th April 2017
Fionna O' Regan