



The submissions on this file and the Inspector's report were considered at a Board meeting held on 17th November, 2017.

The file relating to substitute consent at this quarry under ABP Ref. No. QD16.SU0132 was considered at the same meeting.

Generally in accordance with the Inspector's recommendation, the Board decided to grant permission for the draft reasons, considerations and conditions set out below.

REASONS AND CONSIDERATIONS

The Board had regard to, *inter alia*, the following-

- (a) the provisions of the Planning and Development Acts, 2000 to 2015, as amended, and in particular Section 37L,
- (b) the 'Quarry and Ancillary Activities, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2004,
- (c) the provisions of the Mayo County Development Plan 2014 to 2020,
- (e) the Environmental Impact Statement submitted with the application,
- (f) the Natura Impact Statement submitted with the application,

- (g) the report and the opinion of the planning authority under section 37L (12) (a),
- (h) the submissions/observations made in accordance with regulations made under Article 270(1) of the Planning and Development (Amendment) (No. 2) Regulations 2015,
- (i) the planning history of the site, including the extensive environmental monitoring carried,
- (j) the pattern of development in the area,
- (k) the details contained within application for substitute consent on the site ref. SU16.SU0132,
- (l) the nature and scale of the proposed further quarrying works, and
- (m) the Inspector's Report.

Appropriate Assessment (Screening)

The Board adopted the Screening Assessment carried out by the Inspector which concluded that the following European Sites are those for which a Stage II appropriate assessment is required, and that significant effects on any other European Sites can be ruled out:

Lough Carra/Mask SAC (Site Code 001774),
Lough Carra/Mask SPA (Site Code 004062),
Lough Corrib SAC (Site Code 000297),
Lough Corrib SPA (Site Code 004042),
Ballymaglancy Cave (Site Code 000474),
Kildun Souterrain (Site Code 002320),

Appropriate Assessment (Stage II)

The Board noted that the development was not directly connected with or necessary to the management of a European Site. Having regard to the nature, scale and extent of the subject development, the Natura Impact Statement submitted with the application and the mitigation measures contained therein, the applicant's further information submission, the other submissions on file and the Inspector's assessment, the Board completed a remedial Appropriate Assessment of the effects of the development on the aforementioned Natura 2000 sites. The Board concluded that, on the basis of the information available, the subject development, either individually or in combination with other plans or projects, would not adversely affected the integrity of the listed European Sites or any other European site, in view of the sites' Conservation Objectives. In reaching this conclusion the Board adopted the Inspector's report.

Environmental Impact Assessment

The Board considered that the Environmental Impact Statement submitted with the application, together with the applicant's further information submission to An Bord Pleanála, the report, assessment and conclusions of the Inspector with regard to this file and other submissions on file, was adequate in identifying and describing the direct and indirect effects of the proposed development. The Board completed an environmental impact assessment, and agreed with the Inspector in her assessment of the likely significant effects of the development, and agreed with her conclusions on the acceptability of the mitigation measures proposed and residual effects. The Board adopted the report of the Inspector. The Board concluded that, subject to the implementation of the mitigation measures proposed, and subject to the following conditions, the effects of the proposed development on the environment would be acceptable and would be in accordance with the proper planning and sustainable development of the area.

Proper Planning and Sustainable Development

Having regard to the positive outcome of the appropriate assessment, 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 (including a restriction on the

depth of excavation and the duration of the permission), the proposed further development of this quarry would be in accordance with the provisions of the current County Development Plan, would not seriously injure the visual or residential amenities of the area, 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 grant of permission relates to further quarry development on a 10.58 hectare area, and shall be carried out in accordance with the plans and particulars, including the mitigation measures contained in the Environmental Impact Statement and Natura Impact Statement, submitted with the application on the 18th day of December 2015 and the further information that was received by the Board on 14th day of February 2017, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. This permission is for a period of 25 years from the date of this Order. Restoration shall be completed within a further two years, unless a permission for further quarrying has been received prior to the expiry of this permission.

Reason: having regard to the scale of the quarry, the environmentally sensitive location of the site, and the provisions of the quarry guidelines (title), it is considered reasonable to require the acceptability of continued quarrying to be reconsidered at this time having regard to the circumstances then pertaining.

3. This grant of permission for further development of the quarry relates to Stage 1 only, and the developer shall comply with the following:

- a. The depth of excavation in the quarry shall be limited to 5m above Ordnance Datum.
- b. Prior to the commencement of development, a benchmark shall be established on site as a reference point from which all levels shall be taken. Details of the location and construction of the benchmark shall be agreed in writing with the planning authority.
- c. A topographical survey shall be submitted to the planning authority on a three yearly basis before the end of June.

Reason: Having regard to the levels of excavation already carried out elsewhere on the site, the likely time period required to complete phase 1 as applied for, the desirability of reviewing the performance of environmental management measures on the site at appropriate intervals (in particular management of groundwater and surface water), it is considered appropriate that the continued deepening of the quarry beyond phase 1 be re-assessed having regard to the circumstances then prevailing and taking into consideration all environmental monitoring information that will be available at that time.

4. The quarry, and all activities occurring therein, shall only operate between 0700 hours and 1800 hours, Monday to Friday and between 0700 hours and 1800 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays. Where market conditions or the nature of particular ancillary processes require greater flexibility of working hours these times may be adjusted following the written agreement of the Council.

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

5. The details of all blasting, including blast design and implementation, the hours under which blasting will be permitted shall be agreed in writing with the planning authority at least one month prior to the commencement of development. The frequency of the blasting operation on the entire quarry shall be limited to not more than four production blasts per month. Blasting shall take place between 1000 and 1600 hours from Monday to Friday only. but not before sunrise or after sunset and The blasting scheme shall incorporate measures to minimise potential impacts on Peregrine Falcon and Ringed Plover, particularly during the breeding season. Monitoring of the noise and vibration arising from the blasting shall be carried out at the developer's

expense by an independent contractor to be agreed in writing with the planning authority. A protocol for alerting neighbouring residents of each blast shall be agreed in writing with the planning authority at least one month prior to the commencement of development

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

6. Vibration levels from blasting operations shall not exceed a peak particle velocity of 12 millimetres per second when measured at any three mutually orthogonal directions. The peak particle velocity relates to low frequency vibration of less than 40 hertz where blasting occurs no more than once in seven continuous days. Where blasting operations are more frequent, the peak particle velocity limit is reduced to 8 millimetres per second. The air over-pressure from any blast shall not exceed a value of 125 dB (lin) maximum peak.

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

7. 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-

(a) An $L_{A,T}$ value of 55 dB(A) during 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: To protect the residential amenities of property in the vicinity.

8. The total dust emissions arising from on-site operations shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days when measured as deposition of insoluble and soluble particulate matter and at any position on the boundary of the quarry. An adequate hose capacity shall be maintained to dampen down stockpiles, waste piles and equipment during periods of dry windy weather to prevent emissions of fugitive dust. **Reason:** To protect the residential amenities of property in the vicinity.

9. The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer 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 sound emissions at dwellings in the vicinity.
- (c) Proposals for the suppression of on-site dust.
- (d) Proposals for the on-going monitoring of dust emissions at dwellings in the vicinity.
- (e) Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.
- (f) Details of safety measures for the land around the quarry, to include warning signs and stock proof fencing.
- (g) Monitoring of ground and surface water quality, levels and discharges.
- (h) Managing of all landscaping with particular reference to enhancing the ecological value of woodland/grassland on the berms and buffer areas.
- (i) 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. Implementation-stage details of the restoration of the quarry shall be submitted to and agreed in writing with the planning authority within six months of the date of this order. The scheme shall be generally in accordance with the approach proposed in section 12 of the EIS, but shall be revised to take into account the restrictions imposed by conditions 2 and 3 above. The following shall apply in relation to the design and timing of the restoration plan:

The site restoration shall provide for the immediate re-vegetation of the site where suitable and/or the provision of features to control sediments which could result in surface water pollution.

The scheme shall incorporate tree planting to screen the quarry from key vantage points along the local road network.

Details of site safety measures shall be provided.

A timescale for implementation and proposals for an aftercare programme of five years shall be agreed with the planning authority.

Reason: In the interest of the visual amenities of the area, to ensure public safety and to ensure that the quarry restoration protects water quality.

11. Prior to recommencement of any works on foot of this permission, 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. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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. Prior to recommencement of any works on foot of this permission, the developer shall pay to the planning authority a special financial contribution in respect of road improvement works to the R345 in the vicinity of the quarry in accordance with the terms of the Development Contribution Scheme made under section 48 (2) (c) of the Planning and Development Act 2000. 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 the Board to determine the proper application of the terms of the Scheme.

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

13. Prior to recommencement of any works on foot of this permission, 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 was satisfied that: recommended condition 8 and 9 (infrastructure) were not necessary given that the proposed extraction activities will use existing facilities elsewhere on the quarry, and that recommended condition 4 (archaeological monitoring) was not necessary given that the development will proceed over ground that is already excavated.

Board Member

Conall Boland

Date: 30th November 2017