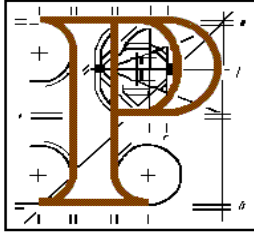


An Bord Pleanála



Board Direction

Ref: 07.QD0023

The submissions on this file and the Inspector's report were considered at a Board meeting held on November 18th 2016.

The file was considered at the same meeting as 07.SU0091, and 07.SU0092, which were substitute consent applications in respect of part of the same quarry operation.

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

REASONS AND CONSIDERATIONS

In making its decision the Board had regard, inter alia, to the following:

- (a) the provisions of the Planning and Development Act, 2000, 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 Galway County Development Plan 2015 - 2021,
- (d) the Environmental Impact Statement submitted with the application to further develop the quarry,
- (e) the Appropriate Assessment Screening report submitted with the application to further develop the quarry
- (f) the opinion of the planning authority under section 37L(12)(a),

(g) the submissions made in accordance with regulations made under Article 270 of the Planning and Development (Amendment) (No. 2) Regulations 2015,

(h) the report of the Board's Inspector, including in relation to potential significant effects on the environment, and potential effects on European sites,

(i) the planning history of the site, and the pattern of development in the area,

(j) the nature and scale of the development the subject of this application to further develop the quarry, and

(k) the decision of the Board to grant substitute consent in respect of parts of the subject quarry under Ref. 07.SU0091 and Ref. 07.SU0092.

Appropriate Assessment

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' Conservation Objectives. The Board was satisfied that, subject to compliance with the mitigation measures submitted and subject to compliance with the conditions of this order, the proposed development, either individually or in combination with other plans or projects, would not be likely to have significant effects on the Connemara Bog Complex Special Area of Conservation (site code 002034) and the Connemara Bog Complex Special Protection Area (site code 004181), or any other European site, in view of the Conservation Objectives of those sites.

Environmental Impact Assessment

The Board considered that the Environmental Impact Statement submitted with the application, which it noted encompassed a cumulative analysis of the impact of the overall quarry on the environment. The Board also noted that 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 his assessment of the likely significant effects of the proposed development, and agreed with his 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 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.

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 Galway County Development Plan 2015 – 2021, would not seriously injure the amenities of the area or of residential property in the vicinity, would not result in a risk of pollution, and would be acceptable in terms of traffic safety and convenience. The further development of this quarry would, therefore be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. (a) The development shall be carried out in accordance with the plans and particulars lodged with the application submitted to An Bord Pleanála on the 21st day of January 2016, including the proposed mitigation measures, except as may otherwise be required in order to comply with the following conditions.

(b) This permission relates solely to the lateral expansion of the existing quarry, and does not authorise any further deepening of the quarry below a level of 16.5 metres AOD. The permission does not authorise the proposed importation into the site of rock or soil for the purpose of temporary storage and processing on-site, and for onward transfer and re-use in construction projects (as proposed). Only materials won on site may be processed within this quarry. This permission to further develop the quarry does not authorise any quarrying outside the area outlined in red on submitted drawings.

Reason: In the interest of clarity, and to delimit the extent of the development hereby permitted.

2. This grant of permission shall be for a period of 20 years from the date of this order. The site restoration works described in the EIS shall be completed within 2 years of the cessation of quarrying on the site.

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 obtaining.

3. Prior to the re-commencement of quarrying on the subject site, details of a surface water management system for the entire site shall be submitted to, and agreed in writing with, the planning authority.

This shall include the following:

- a. A detailed layout plan of the surface water features on site;
- b. Details of the capacity of the sump area on site;
- c. Calculations on the predicted surface water flow into the sump area;
- d. Predicted retention time of the proposed sump area;
- e. Time frame for implementation of any changes which may be required;
- f. Management measures to cater for extreme rainfall events.

No discharge shall take place from the proposed sump until the appropriate Discharge Licence shall have been granted.

Reason: To ensure protection of groundwater quality and to provide for the satisfactory disposal of surface water.

4. 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 the re-commencement of quarrying on the subject site. 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 dust on site;
- d. Details of safety measures around the perimeter of the quarry face, to include warning signs and stock proof fencing;
- e. Management of all landscaping;
- 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.

5. The quarry, and all activities occurring therein, shall operate only between 0600 hours and 2000 hours, Monday to Friday and between 0600 hours and 1400 hours on Saturdays. No activity shall take place outside these hours or on

Sundays or public holidays. No rock breaking activity shall be undertaken within any part of the site before 0800 hours on any day.

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

6. 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
 - 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.

7. (a) Blasting operations shall take place only between 1000 hours and 1700 hours, 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

8. (a) Vibration levels from blasting shall not exceed a peak particle velocity of 12 millimetres/second, when measured in any three mutually orthogonal directions at any sensitive location. 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 eight millimetres per second. Blasting shall not give rise to air overpressure values at sensitive locations which are in excess of 125 dB (Lin) max peak with a 95% confidence limit. No individual air overpressure value shall exceed the limit value by more than 5 dB (Lin).

(b) A monitoring programme, which shall include reviews to be undertaken at annual intervals, shall be developed to assess the impact of quarry blasts. Details of this programme shall be submitted to, and agreed in writing with, the planning authority prior to re-commencement of quarrying works on the site. This programme shall 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: In order to protect the amenities of property in the vicinity.

9. (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 re-commencement of quarrying on the subject site. 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 entire quarry complex, shall be submitted to, and agreed in writing with, the planning authority prior to the re-commencement of any quarrying works on the subject 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.

10. 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 include scrapped trucks, other scrapped vehicles, empty oil barrels, broken or otherwise unusable truck bodies, worn out conveyor belts/chains, worn out batteries, unusable tyres and worn out conveyor/roller shafts.

Reason: To protect the amenities of the area.

11. A detailed restoration scheme for the site shall be submitted to, and shall be agreed in writing with, the planning authority prior to the re-commencement of any further quarrying on the site. The following details shall be provided in relation to the design and timing of the restoration plan:
 - a) the types of excavation procedure proposed; finished gradients of the cliff faces; the progressive and final restoration to be carried out;
 - b) measures to ensure safety during site restoration;
 - c) landscaping proposals including planting and mounding; and
 - d) an implementation plan including phasing timescale and proposals for an aftercare programme of five years.

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

12. Prior to re-commencement of quarrying on the subject site, the developer shall provide a wheelwash facility, to the written satisfaction of the planning authority, to ensure that no material is deposited on the public road by heavy vehicles exiting the quarry.

Reason: In the interest of traffic safety.

13. Prior to re-commencement of quarrying on the subject site, 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.

14. 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 improvement works to the local road network, including strengthening. 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 re-commencement of quarrying on the subject site 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 will be incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Note 1. In imposing condition 1 (b), the Board considered that it had not been adequately demonstrated to its satisfaction that the deepening of the quarry below the level of 16.5 metres AOD might not intersect with the water table and thereby have adverse impacts on groundwater, which impacts had not been identified and described in the submitted Environmental Impact Statement and therefore were not evaluated as part of the Environmental Impact Assessment and Appropriate Assessment Screening. Furthermore, the Board considered that permission to further develop a quarry as a quarry, within the meaning of Section 37L of the Act, does not allow for the importation of materials, not won within the confines of that quarry, for processing. Any such proposal for importation and processing would, therefore, have to be the subject of a separate application for planning permission to the planning authority.

Note 2. The Board concurred with the Inspector's view that it would not have been appropriate to dismiss the submission received from Mr Walsh, and therefore considered this submission in reaching its decision.

[Please issue a copy of this Direction with the Board Order.]

Board Member: _____ Date: 30th December 2016
Philip Jones