



An
Bord
Pleanála

Board Order
ABP-308748-20

Planning and Development Acts 2000 to 2020

Planning Authority: Mayo County Council

Planning Register Reference Number: P20/77

Appeal by Emily Brophy of 90 Handel House, Loretto Abbey, Rathfarnham, Dublin and by McGraths Limestone Works Limited care of Earth Science Partnership (Ireland) Limited of Tonranny, Westport, County Mayo against the decision made on the 27th day of October, 2020 by Mayo County Council to grant subject to conditions a permission to McGraths Limestone Works Limited in accordance with plans and particulars lodged with the said Council:

Proposed Development: A 25 year permission for the removal of vegetation and overburden, extraction of rock by blasting and rock breaking means, landscaping and restoration of site, all associated ancillary facilities/works on a site of 8.4 hectares at Cregaree, Cong, County Mayo.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to:

- (a) the location of the site within the landholding of an established working quarry and the nature and scale of the proposed development,
- (b) the proposals to protect the environment and control emissions from the site,
- (c) the proposals to restore the site in a progressive manner,
- (d) the resource-based nature of the proposed development and the provisions of the Mayo County Development Plan 2014–2020, and
- (e) the provisions of the 'Quarries and Ancillary Activities, Guidelines for Planning Authorities' issued by the Department of Environment, Heritage and Local Government, April 2004,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the geological environment, landscape character or visual amenity of the area, would not seriously injure the residential amenity of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Environmental Impact Assessment

In compliance with Section 172 of the Planning and Development Act 2000, as amended, the Board completed an Environmental Impact Assessment of the proposed development, taking into account the nature, scale, location, and extent of the proposed development, the Environmental Impact Assessment Report and associated documentation submitted with the application, the submissions on file, and the Planning Inspector's report.

The Board considered that the Environmental Impact Assessment Report (EIAR), supported by the information submitted by the applicant, identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the EIAR 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 is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation (including environmental conditions) and are incorporated into the Board's decision.

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 herein, the effects on the environment of the proposed development, by itself and cumulatively with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting Inspector.

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Reasoned Conclusion on the Significant Effects

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated, as follows:

- (a) Ongoing positive impact on the community with regard to employment levels.
- (b) Direct and cumulative loss of habitat, flora and fauna, which will be mitigated by the retention and planting of overburden on site and the ultimate restoration of the quarry.
- (c) Indirect and cumulative effects on habitat, flora and fauna relating to noise, water, dust and air, which will be mitigated by ongoing measures including an Environmental Management System and ongoing monitoring.
- (d) Direct and cumulative loss of geological resources, which will be mitigated by controlled extraction methods to avoid any further damage to the geological environment, as well as the ongoing and final restoration of the quarry.
- (e) Direct and cumulative noise, vibration and dust impacts associated with blasting and other quarrying activities, which will be mitigated by operational methods and the ongoing monitoring of effects.
- (f) Direct and cumulative impacts on the landscape as a result of the loss of land and vegetation, which will be mitigated by ongoing landscaping and the final restoration of the quarry.

The Board is satisfied that this reasoned conclusion is up to date at the time of taking this decision.



Appropriate Assessment Screening

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that:

- Lough Carra/Mask Complex Special Area of Conservation (Site Code: 001774),
- Lough Corrib Special Area of Conservation (Site Code: 000297),
- Lough Corrib Special Protection Area (Site Code: 004042),
- Ballymaglancy Cave, Cong Special Area of Conservation (Site Code: 000474), and
- Kildun Souterrain Special Area of Conservation (Site Code: 002320)

are European sites for which there is a possibility of significant effects and must therefore be subject to Appropriate Assessment.

Appropriate Assessment

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for the following European Sites in view of the sites' Conservation Objectives:

- Lough Carra/Mask Complex Special Area of Conservation (Site Code: 001774),
- Lough Corrib Special Area of Conservation (Site Code: 000297),
- Lough Corrib Special Protection Area (Site Code: 004042),
- Ballymaglancy Cave, Cong Special Area of Conservation (Site Code: 000474),and
- Kildun Souterrain Special Area of Conservation (Site Code: 002320).

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:

- (i) Site Specific Conservation Objectives for these European Sites,
- (ii) 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) View of the Department of Environment, Climate and Communications,
- (v) Mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, 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 sites' Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the following European Sites:

- Lough Carra/Mask Complex Special Area of Conservation (Site Code: 001774),
- Lough Corrib Special Area of Conservation (Site Code: 000297),
- Lough Corrib Special Protection Area (Site Code: 004042),
- Ballymaglancy Cave, Cong Special Area of Conservation (Site Code: 000474), and
- Kildun Souterrain Special Area of Conservation (Site Code: 002320)

in view of the site's Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

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 received by the planning authority on the 23rd day of July, 2020, and further information received by the planning authority on the 1st day of October, 2020, 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. This grant of permission shall be 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 and its environmentally sensitive location, 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. The developer shall comply with the following:
 - (a) Prior to 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.
 - (b) A topographical survey shall be submitted to the planning authority on a three-yearly basis before the end of June.

Reason: To allow for the appropriate monitoring of activity.

4. The developer shall ensure that all mitigation measures set out in the Environmental Impact Assessment Report and Natura Impact Statement submitted with the application, together with other mitigation measures submitted with the original application and the further information received by the planning authority on the 23rd day of July, 2020, and on the 1st day of October, 2020, shall be implemented in full, except as may otherwise be required in order to comply with the following conditions.

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

5. The quarry, and all activities occurring therein, shall operate only between 0700 hours to 1800 hours, Mondays to Saturdays inclusive. 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 planning authority.

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

6. The details of all blasting, including blast design and implementation, and the hours under which blasting will be permitted shall be agreed in writing with the planning authority at least one month prior to 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 hours and 1600 hours from Monday to Friday only 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 commencement of development.

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

7. 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 overpressure 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.



8. 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 LArT value of 55 dB(A) during 0700 to 1800 hours. The T value shall be one hour.
 - (b) An LAeqT 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.

9. 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 (Bergerhoff Gauge) when measured as deposition of insoluble and insoluble particulate matter 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.

10. 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 dust on site and on the access road.
 - (d) Proposals for the ongoing 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 above the quarry, to include warning signs and stock-proof fencing.
 - (g) Management of all landscaping with particular reference to enhancing the ecological value of the woodland/grassland on the bunds and buffer areas.
 - (h) Monitoring of ground and surface water quality, levels and discharges.
 - (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.



11. 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 13 of the Environmental Impact Assessment Report and the following shall apply in relation to the design and timing of the restoration plan:
- (a) The site restoration shall provide for the immediate re-vegetation of the site where suitable. In accordance with recommendations of the Natura Impact Statement, blasted side slopes shall be left exposed.
 - (b) Features shall be provided to control sediments which could result in surface water pollution.
 - (c) The scheme shall incorporate tree planting to screen the quarry from key vantage points along the local road network.
 - (d) Details of site safety measures shall be provided.
 - (e) A timescale for implementation and proposals for an aftercare programme of five years shall be agreed in writing 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.



12. 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.



John Connolly

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 21st day of May 2021.