

---

**Planning and Development Acts 2000 to 2021**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 20/06446**

**Appeal** by Abaigéal Smyth of 114 Westbury, Stillorgan, County Dublin against the decision made on the 28<sup>th</sup> day of April, 2021 by Cork County Council to grant subject to conditions a permission to Mallow Contacts Limited care of Keohane Geological and Environmental Consultancy of Ivy House, Clash, Carrigrohane, County Cork in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Development of a small-scale quarry with the extraction of rock using ripping and rock breaker and the on-site crushing and screening with mobile plant, and open storage of crushed rock. The installation and use of a mobile wheel wash and the continued use of the site access road, facility entrance from regional road R618, continued use of the existing weighbridge office, welfare facilities and existing septic tank and percolation area. The extraction of rock will extend to an area of 2.15 hectares. Following extraction, the site will be restored using stripped overburden. An eight-year quarry lifespan is sought, all at the former O'Regan Precast Quarry, Carhoo Lower and Coolnagearagh townlands, Coachford, County Cork.

## **Decision**

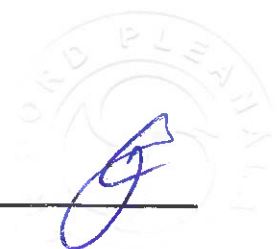
**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **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 the planning history of the site, the resource based nature of the proposed development, the pattern of development in the area, and the provisions of the Cork County Development Plan 2014 in respect of the extractive industry, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience and 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 10<sup>th</sup> day of December, 2020 and the 1<sup>st</sup> day of April, 2021, 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 permission shall cease to have effect eight years from the date of commencement of development. Full restoration of the site shall be carried out by that date unless, prior to the end of the period, planning permission shall have been granted for a further period.

**Reason:** To limit the impact of the development on the amenities of the area and to ensure appropriate restoration of the site.

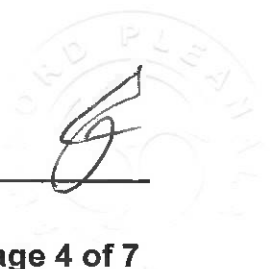
3. The quarry, and all activities occurring therein, shall only operate between 0700 hours and 1800 hours, Monday to Friday and between 0700 hours and 1400 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays. No rock-breaking activity shall be undertaken within any part of the site before 0800 hours on any day.

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

4. Mitigation and monitoring measures outlined in the Environmental Report submitted with the planning application shall be carried out in full, except where otherwise required by condition attached to this permission.

**Reason:** In the interest of protecting the environment and in the interest of public health.

5. (a) The developer shall monitor and record groundwater, surface water flow, noise, and dust deposition levels at monitoring and recording stations, the locations of which shall be submitted to and agreed in writing with the planning authority within three months of the date of this Order. Monitoring results shall be submitted to the planning authority at monthly intervals for groundwater, surface water, and noise.
- (b) On an annual basis, for the lifetime of the facility and within two months of each year end, the developer shall submit to the planning authority five copies of an environmental audit. Independent environmental auditors approved in writing by the planning authority shall carry out this audit. This audit shall be carried out at the expense of the developer and shall be made available for public inspection at the offices of the planning authority and at such other locations as may be agreed in writing with the authority. This report shall contain:



- (i) A written record derived from the on-site weighbridge of the quantity of material leaving the site. This quantity shall be specified in tonnes.
  - (ii) An annual topographical survey carried out by an independent qualified surveyor approved in writing by the planning authority. This survey shall show all areas excavated and restored. On the basis of this, a full materials balance shall be provided to the planning authority.
  - (iii) A record of groundwater levels measured at monthly intervals.
  - (iv) A written record of all complaints, including actions taken in response to each complaint.
- (c) In addition to this annual audit, the developer shall submit quarterly reports with full records of dust monitoring, noise monitoring, surface water quality monitoring, and groundwater monitoring. Details of such information shall be agreed in writing with the planning authority. Notwithstanding this requirement, all incidents where levels of noise or dust exceed specified levels shall be notified to the planning authority within two working days. Incidents of surface or groundwater pollution or incidents that may result in groundwater pollution, shall be notified to the planning authority without delay.



- (d) Following submission of the audit or of such reports, or where such incidents occur, the developer shall comply with any requirements that the planning authority may impose in writing in order to bring the development in compliance with the conditions of this permission.

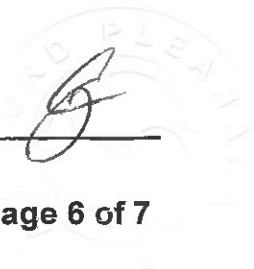
**Reason:** In the interest of protecting residential amenities and ensuring a sustainable use of non-renewable resources.

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-
- (a) an  $L_{A,T}$  value of 55 dB(A) between 0700 to 1800 hours. The T value shall be one hour.
- (b) an  $L_{AeqT}$  value of 45 dB(A) at any other time. The T value shall be 15 minutes.

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

7. 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).

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



8. Restoration shall be carried out in accordance with a restoration plan, which shall include existing and proposed finished ground levels, landscaping proposals and a timescale for implementation. Prior to commencement of development, this plan shall be prepared by the developer, and shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** To ensure the satisfactory restoration of the site, in the interest of visual amenity.

9. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory restoration of the site, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory restoration of the site. 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



---

**John Connolly**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this *18<sup>th</sup>* day of *JANUARY* 2022.

