

Planning and Development Acts 2000 to 2022

Planning Authority: Sligo County Council

Planning Register Reference Number: 21/236

Appeal by Lagan Materials Limited care of SLR Consulting Ireland of 7 Dundrum Business Park, Windy Arbour, Dublin against the decision made on the 12th day of April, 2022 by Sligo County Council to refuse permission for the proposed development.

Proposed Development: Recommencement of quarry operations within the previously permitted quarry extraction area (circa 10.9 hectares), deepening of the previously permitted quarry area by two number extractive benches from circa – 21 metres OD to -50 metres OD, recommencement of aggregate processing (crushing and screening) within the existing processing area, located to the east of the local road that bisects the site, provision of a settlement lagoon (circa 2,830 square metres), provision of two number wheel washes, provision of a double-stacked portacabin office; provision of a wastewater treatment system, additional stockproof/trespass proof boundary fencing, all within an application area of circa 22.5 hectares at Aghamore Near, Aghamore Far and Carrownamaddoo townlands, County Sligo, as revised by the further public notices received by the planning authority on the 22nd day of February, 2022.

Decision

GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to:

- (a) the policy context for the proposed development, including the strategic growth planned for Sligo Town in the National Planning Framework (2018) and the zoning of the site for NR – natural/mineral resource reservation in the current Sligo County Development Plan 2017-2023,
- (b) the proximity of the site to Sligo Town,
- (c) the nature, scale and design of the proposed development, which comprises the deepening of an existing quarry void and the utilisation of a previous processing area,
- (d) the location of the site in a rural area with limited residential development, and largely screened from the public road network,
- (e) the detailed survey work which has been carried out in respect of the site and the conceptual model of the water environment,
- (f) the proposed means to mitigate potential impacts and the arrangements for monitoring,
- (g) the conditions of the permission which require measures to increase the biodiversity of the site over the duration of the permission and shared real time monitoring of environmental effects, and
- (h) the acceptability of environmental impacts and the lack of adverse effects on Natura 2000 Sites,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be prejudicial to public health or to biodiversity 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.

Appropriate Assessment

The Board completed an Appropriate Assessment and concurred with the conclusion of the Inspector.

Appropriate Assessment Screening

The Board concurred that the project may have a significant effect on two European sites, Lough Gill Special Areas of Conservation (SAC) and Sligo/Leitrim Uplands Special Protection Areas (SPA). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the site, in light of their conservation objectives.

Appropriate Assessment

Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site or any other European site, in view of the site's Conservation Objectives. This conclusion is based on a full and detailed assessment of all aspects of the proposed development including mitigation measures and monitoring in respect of environmental effects (notably in respect of water and Peregrine Falcon) and there is no reasonable doubt as to the absence of adverse effects.

Conditions

1. The proposed 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 3rd day of February, 2022, 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 proposed 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 10 years from the date of this Order. At the end of this period, the quarry use shall then cease, and all related structures removed and remedial works, including restoration works, in accordance with the general principles set out in the planning application shall be carried out unless, before the end of that period, planning permission shall have been granted for the continuance of quarrying for a further period. The site restoration works described in the planning application shall be completed within two years of the cessation of quarrying on the site.

Reason: In the interest of visual amenity.

3. No more than 300,000 tonnes of quarried material shall be extracted from the subject quarry within any one year. Extraction depth from the area indicated in drawing number 4, Proposed Site Layout, shall not exceed -50mOD.

Reason: In the interest of clarity and having regard to the fact that this extraction rate was used for the analysis set out in the submitted Environmental Impact Assessment Report submitted with the application.

4. Prior to commencement of development, the developer shall:
 - (a) Agree in writing with Irish Water and the planning authority, detailed arrangements for on-going Drinking Water Monitoring and an Emergency Response Plan for the construction, operation and restoration phases of the proposed development. This shall include real time monitoring of surface water discharges to Aghamore Stream and a protocol for communication in respect of unforeseen events, to the satisfaction of Irish Water.

- (b) Notify Irish Water in advance of site works.

Reason: In the interest of protecting a public water supply.

5. Prior to commencement of development, the developer shall submit to the planning authority for written agreement arrangements for the provision and management of compensatory habitat within the landholding, for the lifetime of the quarry, as per 'Biodiversity Net Gain Good Practice Principles for Development – A Practical Guide, CIEEM'.

Reason: In the interest of biodiversity.

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6. (a) Mitigation and monitoring measures outlined in the Environmental Impact Assessment Report, the Natura Impact Statement and associated documents submitted with the planning application shall be compiled into a single Schedule of Monitoring and Mitigation Measures and submitted to the planning authority. These measures shall be carried out in full, except where otherwise required by conditions attached to this permission.
- (b) The Schedule shall be included in an updated Environmental Management System (EMS) and an updated Site Specific Environmental Monitoring Plan (EMP) which shall be submitted to, and agreed in writing with, the planning authority prior to re-commencement of the development.
- (c) The EMS and EMP shall be integrated with the discharge licence for the facility (DL(W)151) and shall include:
- (i) The Drinking Water Monitoring and an Emergency Response Plan required under condition number 4.
 - (ii) Proposals for the monitoring of each blast event at the nearest sensitive receptors.
 - (iii) Measures to address invasive species within the site.
 - (iv) Means of public access to monitoring data.
- (d) The proposed development shall be operated and managed in accordance with the agreed EMS required under (a) above.

Reason: In the interest of protecting the environment and the residential amenities of property in the vicinity and in the interest of public health.

7. (a) Prior to commencement of development, the developer shall agree in writing with the planning authority arrangements for planting behind sightlines (drawing number P20-114-GD-004) and treatment and maintenance of sightlines for the duration of the development.
- (b) No development shall commence on site prior to the implementation of the sightlines (drawing number P20-114-GD-004) to the written satisfaction of the planning authority.

Reason: In the interest of visual amenity and traffic safety.

8. (a) The developer shall monitor and record groundwater, surface water flow, noise, ground vibration and dust deposition levels at monitoring and recording stations, the location of which shall be agreed in writing with the planning authority prior to commencement of development. Monitoring results shall be submitted to the planning authority at agreed intervals for groundwater, surface water, noise and ground vibration.
- (b) On an annual basis, for the lifetime of the facility (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 of 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 planning authority. This report shall contain:

- (j) A written record derived from the on-site weighbridge of the quantity of material leaving the site, to ensure compliance with the limits set out in condition number 3 of this permission, and the associated HGV vehicle movements per day indicated in the Environmental Impact Assessment Report (maximum of 50 HGV loads of limestone/day from 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, depth of excavation, those areas being actively managed for biodiversity gain and restored.
 - (iii) A written record of all complaints, including actions taken in response to each complaint.
- (c) All incidents where levels of noise or dust exceed the levels specified in this permission 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 Irish Water and the planning authority to comply with condition number 4 of this permission.
- (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 to further develop the quarry.

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

9. The quarry, and all activities occurring therein, shall only operate between 0700 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays. No activity (for example loading, movement of machinery or material) shall take place outside these hours or on Sundays or public holidays.

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

10. During the operational phase of the proposed development, the noise level from within the boundaries of the site, when measured at noise sensitive locations in the vicinity, shall not exceed:
 - (a) an LArT value of 55 dB(A) during 0800 and 2000 hours. The T value shall be one hour, and
 - (b) 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.

11. 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 development. Details to be submitted shall include monitoring locations, commencement date and the frequency of monitoring results, and details of all dust suppression measures.

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

12. (a) All Heavy Goods Vehicles departing the site (quarry void and processing area) shall do so via a wheel-wash adjacent to the public road.
- (b) Prior to commencement of development the following details shall be submitted to and agreed in writing with the planning authority:
- (i) technical details of the wheel-wash design and operation and its location,
 - (ii) arrangements for cleaning, as required, of the public road at the junction of the haul road and site entrance, and
 - (iii) haul roads to be used by HGV traffic accessing the site.

Reason: In the interest of ensuring that a clean road surface is maintained and in the interest of traffic safety.

13. (a) Prior to commencement of development, a detailed design of the proposed wastewater treatment system shall be submitted to the planning authority for written agreement.
- (b) The proposed wastewater treatment system shall be designed, constructed and operated in accordance with the requirements of the planning authority.

Reason: In the interest of public water supply.

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14. Bird surveys carried out during the construction, operation and restoration phases of the development shall be submitted to the planning authority and the National Parks and Wildlife Service.

Reason: In the interest of biodiversity.

15. The developer shall facilitate the archaeological appraisal of the area of ground works in the area of the settlement lagoon. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operations (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the planning authority considers appropriate to remove. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

16. Prior to commencement of development, details for a phased restoration plan, generally in accordance with the principles as set out in the planning application, shall be submitted to, and agreed in writing with, the planning authority. The plan, which shall be based on best practice, shall include, inter alia, removal of all plant and equipment from the site within six months of cessation of operation, existing and proposed finished ground levels, landscaping proposals, proposals for the enhancement of the biodiversity of the area post-closure, safety measures proposed for steep faces and areas of deep water and a timescale for implementation. Phased restoration of the site shall be carried out in accordance with this plan.


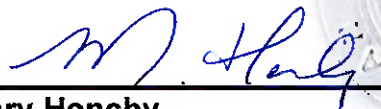
Reason: To ensure the satisfactory restoration of the site and in the interest of visual amenity.

17. 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 the Board for determination.

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

18. 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 and Development Act 2000, as amended. The contribution shall be paid prior to re-commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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 to further develop the quarry.



Mary Henchy

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this 17th day of January 2024.