

An
Bord
Pleanála

Board Order ABP-317680-23

Planning and Development Acts 2000 to 2022

Planning Authority: Roscommon County Council

Planning Register Reference Number: PD/22/493

Appeal by Mannok Cement Limited care of Quarryplan Limited of 10 Saintfield Road, Crossgar, Downpatrick, County Down against the decision made on the 4th day of July, 2023 by Roscommon County Council to refuse permission for the proposed development.

Proposed Development: Quarrying operations including the extraction of minerals (shale) over an area of 3.49 hectares to include a northerly lateral extension and a deepening of existing quarry floor levels, resulting in a final quarry floor level of 135 metres Above Ordnance Datum; the loading of materials, the transportation of materials from the quarry to the applicant's cement works at Ballyconnell and all related ancillary works related to the same, with restoration to waterbody and other biodiverse habitats. Planning permission is sought for a period of up to 20 years on lands at Arigna Shale Quarry, Timpaun, Arigna, County Roscommon as revised by the further public notices received by the planning authority on the 10th day of May 2023.

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.

Reasons and Considerations

Having regard to:

- (a) the provisions of the Roscommon County Development Plan 2022-2028 in respect of extractive industries,
- (b) the "Quarries and Ancillary Activities Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government (2004),
- (c) the Environmental Impact Screening Report submitted to the planning authority on the 6th day of April, 2023,
- (d) the appropriate assessment screening report submitted to the planning authority on the 6th day of April, 2023,
- (e) the nature of the proposed development that comprises the extension of an existing shale extraction facility, and the planning history of the site,
- (f) the proposed phased extraction and proposals for the restoration of the site,
- (g) the separation distance from the site of the proposed development to sites designated as part of the Natura 2000 network and the nature of the connections between them,

- (h) the topography and character of the landscape of the area and the character of the landscape in which the proposed expanded extraction area would be located,
- (i) the submissions made in connection with the planning application and the appeal, and
- (j) the report and recommendation of the planning inspector,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the development plan policies, would not seriously injure the visual or residential amenities of the area, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience and would not be likely to have a significant detrimental effect on ecology or protected species. The proposed development 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 to the planning authority on the 6th day of April, 2023 and the particulars received by An Bord Pleanála on the 28th day of July, 2023, 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. Except where modifications to the proposed development are required by the conditions set out below, the proposed development shall be carried out and operated in accordance with the plans and particulars of the extant permissions granted by the planning authority.

Reason: In the interest of clarity and orderly development.

3. (a) The total volume of extracted material from the site shall not exceed 98,700 tonnes per annum.
- (b) No extraction shall take place below a level of 135 metres Above Ordnance Datum (AOD).

Reason: In the interest of clarity and to ensure the overall development is carried out on a phased basis.

4. (a) This grant of planning permission for further extraction of shale, relates only to the areas outlined on the drawings submitted to the planning authority on the 6th day of April, 2023. All extraction and loading operations on site shall cease 20 years from the date of this Order. All plant and machinery shall cease operation and shall be removed from the site within 20 years of the date of this Order.
- (b) Restoration of the site shall be in accordance with the restoration plan submitted to the planning authority on the 6th day of April, 2023 and shall be completed within 20 years of the date of this Order unless, prior to the end of that period, planning permission is granted for the continuance of use.

- (c) The developer shall submit annually, for the lifetime of the permission, a map and aerial photograph of the progression of the phased development of the quarry and of the quarry perimeter, surveyed against established perimeter beacons, the form and location of which shall be agreed in writing with the planning authority prior to commencement of quarrying works.

Reason: In the interest of orderly development and to ensure the appropriate restoration of the site.

5. All mitigation measures and environmental monitoring requirements identified in the Ecological Impact Assessment (ECIA), and in all other plans and particulars submitted with the application shall be complied with, in the development.

Reason: In the interest of clarity and the protection of the environment.

6. (a) The total number of Heavy Goods Vehicle (HGV) traffic movements serving the site each week shall not exceed 70 number (two-way movements).
- (b) Vehicles transporting material from the site, and accessing the site, shall use the Haul Route detailed on drawing number Figure 1.0 (Proposed Haul Route only) submitted to the planning authority on the 6th day of April, 2023.
- (c) A traffic counter shall be installed at the quarry and records from the counter shall be made available to the public to view. Records of traffic movements shall be maintained on site. Prior to commencement of development, the counter shall be installed and details in relation to the traffic counter and viewing shall be submitted for the written agreement of the planning authority.

- (d) Mitigation measures with respect to traffic movements along the country road and as set out in the report prepared by AONA Environmental, dated the 21st day of July 2023, shall be implemented in full.

Reason: To limit the volume of Heavy Goods Vehicle (HGV) traffic to and from the site in the interest of traffic safety, having regard to the rural nature of the access road.

7. (a) Before extraction commences, surface water drainage arrangements and settlement facilities shall be constructed as illustrated on drawings submitted to the planning authority on the 6th day of April, 2023.
- (b) The site shall be so graded that all surface water within the working area shall drain into a quarry sump.
- (c) All wastewater arising from the processes of dust suppression, wheel or vehicle washing, shall be directed into a settlement tank and before being discharged from the site shall pass through an oil and petrol interceptor.
- (d) The floor of the quarry area shall be graded so that all surface water is directed into the quarry sump at the lowest point in the excavation. The water shall then be pumped into the proposed settlement lagoon, and before being discharged from the site shall pass through an oil and petrol interceptor.
- (e) Details in relation to the construction methodology for the settlement/pumping ponds shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of surface water drainage and to reduce the risk of water pollution.

8. No extraction of aggregates shall take place below the level of the water table and shall be confined to a minimum of five metres above the winter water table level as specified.

Reason: To protect groundwater in the area.

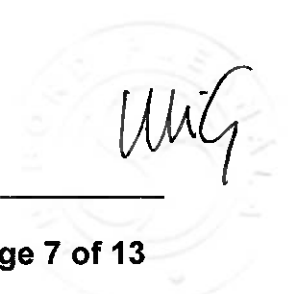
9. Upon completion of restoration, the applicant shall submit to the planning authority for written agreement, a digital topographical survey of the final restored contours.

Reason: To ensure full restoration of the landscape.

10. The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. This shall include proposals for the following:

- (a) suppression of on-site noise,
- (b) on-going monitoring of sound emissions at dwellings in the vicinity,
- (c) suppression of on-site dust,
- (d) safety measures for the land above the extended quarry void, to include warning signs and stock-proof fencing/hedgerows,
- (e) management of all landscaping,
- (f) monitoring of ground and surface water quality, levels and discharges, and
- (g) details of site manager, contact numbers (including out-of-hours) and public information signs at the entrance to the site.

Reason: In order to the amenities of the area.

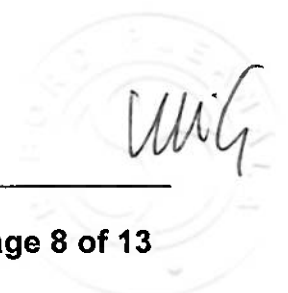


11. On-site operations shall be carried out between the hours of 0800 and 1800 only, Monday to Friday inclusive.

Reason: To protect the amenities of properties in the vicinity of the site.

12. (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).
- (b) 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
- (c) 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 commencement of any quarrying works on the 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.



13. (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 on an annual basis 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:
- (i) a written record derived from the on-site traffic counts of the quantity of material leaving the site. This quantity shall be specified in vehicle movements and an estimate of 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, and
 - (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.

14. The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works, topsoil stripping and site clearance. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record (archaeological excavation) and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation works shall be carried out on site until the archaeologist's report has been submitted to and

approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest..

15. The developer shall provide all landowners within 500 metres of the site with appropriate contact details which may be used in the event that any such landowner wishes to inform the developer of any incident, or otherwise to make a complaint in respect of an aspect of quarry operation.

Reason: In the interest of the protection of residential amenity and planning control.

16. 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 amenity.



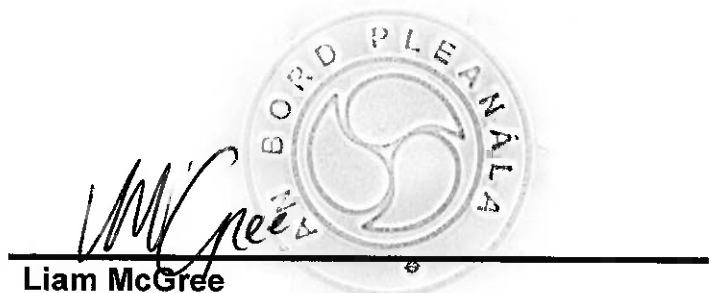
17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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.

18. The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of road maintenance and resurfacing works of the country road in the vicinity of the quarry, which benefits the proposed development. 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 commencement of development or in such phased payments as may be agreed prior to the commencement of the development and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.



Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.

The image shows a handwritten signature in black ink, which appears to read 'Liam McGree', written over a horizontal line. To the right of the signature is the official seal of An Bord Pleanála. The seal is circular with a double-lined border. Inside the border, the words 'AN BORD PLEANÁLA' are written in a circular path. In the center of the seal is a stylized logo consisting of three interlocking loops.

Liam McGree

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

Dated this 02 day of OCTOBER 2024