

An
Bord
Pleanála

Board Order
ABP-317704-23

Planning and Development Acts 2000 to 2022

Planning Authority: Roscommon County Council

Planning Register Reference Number: PD/22/526

Appeal by Pat McManus of Rooskey, Bealnamulla, Athlone, County Roscommon and by Sarah Jane Mackin of Sorrento, Creagh., Bealnamulla, Athlone, County Roscommon against the decision made on the 6th day of July, 2023 by Roscommon County Council to grant subject to conditions a permission to Eamon Harney care of Collins Boyd Engineering Limited of Galway Road, Roscommon, County Roscommon in accordance with plans and particulars lodged with the said Council:

Proposed Development: Extraction of sand, stone and gravel (site area 6.938 hectares). The development will involve the extraction of sand, stone and gravel over an extraction area of 4.90 hectares (volume to be extracted = 466.766 cubic metres approximately) over a 10 year period, screening/processing of stone, sand and gravel from the site using mobile plant, construction of offices (33 square metres), welfare facilities (nine square metres), well, water settlement pond (area 2,020 square metres), weighbridge, wheel wash, entrance, set down area, car parking, truck parking, refuelling pad, petrol oil interceptor, fencing, landscaping/screening, signage, lighting, wastewater storage, tank for site offices, and all other ancillary works. The land will be restored to agricultural lands on the completion of the

extraction of sand, stone and gravel, all at Rooskagh Townland, Bellanamullia (Bealnamulla), Athlone, County Roscommon. The proposed development was revised by further public notices received by the planning authority on the 22nd day of December, 2022 and the 12th 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

The Board had regard to:

- (a) European legislation including, of particular relevance, Directive 2014/52/EU amending Directive 2011/92/EU (EIA Directive) on the assessment of the effects of certain public and private projects on the environment,
- (b) National planning and related policy, including:
 - Project Ireland 2040 - National Planning Framework which provides that aggregates and minerals extraction will continue to be enabled where this is compatible with the protection of the environment in terms of air and water quality, natural and cultural heritage, the quality of life of residents in the vicinity, and provides for appropriate site rehabilitation,
 - the 'Quarry and Ancillary Activities, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2004,

- the Environmental Management Guidelines, Environmental Management in the Extractive Industry (Non-Scheduled Minerals), Environmental Protection Agency, 2006,

(c) Local planning policy, including:

- the provisions of the Roscommon County Development Plan 2022 - 2028,

(d) the following matters:

- the pattern of development in the area,
- the location and nature of the site,
- the Environmental Impact Assessment Report, and all other information received in connection with the application and the appeal,
- the proposals submitted to widen the private access road connecting to the L-2025,
- the contents of the appeal(s) and the responses to the appeal(s),
- the nature and scale of the development proposed, including the phased extraction, and restoration of the site, and

(e) the report of the Planning Inspector,



Appropriate Assessment Screening

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, the Board concluded that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on:

- The nature and extent of the proposed development.
- Distance from European Sites.
- The weakness of connectivity between the development site and European Sites.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

In completing the Appropriate Assessment screening, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's Report.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment of the proposed development taking account of:

- (a) the nature, scale, location and extent of the proposed development on the site,

- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,
- (c) the third-party appeals, and
- (d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board agreed with the 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.

Having regard to the examination of environmental information set out above, to the Environmental Impact Assessment Report and other information provided by the applicant, and to the submissions on the file, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- **Population and Human Health:** The overall impact on population and human health would be neutral/imperceptible due to the location of the proposed development in a rural area, remote from population centres and the proposed mitigation measures. Positive impacts to the local economy during the construction and operational phase of the proposed quarry. The potential for significant effects on human health from noise and vibration, air quality (dust) during the construction and operational phases can be avoided, managed and mitigated by measures that form part of the proposed scheme.

- **Biodiversity:** Having regard to the low ecological value of habitats on the site, the absence of species of conservation importance on the site (flora and fauna), the impact of the loss of habitat and disturbance of species during the construction and operational phase is not significant. The potential for effects on biodiversity during the construction and operational phases can be avoided, managed and mitigated by measures that form part of the proposed scheme.
- **Land, Soils, Water, Air and Climate:** The decrease in the depth of overburden will increase the vulnerability of groundwater to contamination. Mitigation measures will prevent the pollution of ground water and surface water and will prevent negative impacts on the water quality from the operation of the site.

Noise and dust emissions will have a short-term negative impact on adjoining residential properties. Mitigation measures will control of release of dust and reduce noise emissions to within acceptable limits.

- **Material Assets, Cultural Heritage and the Landscape:** The removal of landform will be negative initially but overtime and with the implementation of mitigation measures the quality of the landscape will be improved and the visual impact of the proposed quarry reduced. The planting of trees and hedgerows will result in a positive impact and will provide for the creation of new habitats.

The Environmental Impact Assessment Report has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The assessments provided in the individual Environmental Impact Assessment Report chapters are satisfactory to enable the likely significant direct environmental effects arising as a consequence of

the proposed development to be satisfactorily identified, described and assessed. The Board was satisfied that the Environmental Impact Assessment Report has adequately addressed the indirect effects of the proposed development on the receiving environment. The Board adopted the report and conclusions of the Inspector.

Proper Planning and Sustainable Development

The Board 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 would not be likely to have a significant detrimental effect on ecology or protected species, or significant effects on the environment. 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 received by the planning authority on the 12th day of December 2022 and on the 27th of April 2023. 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. (a) This grant of planning permission relates only to the area outlined on the drawings submitted to the planning authority on the 27th day of September 2022. All extraction and loading operations on site shall cease 10 years from the date of this Order. All plant and machinery shall cease operation and shall be removed from site within 10 years of the date of this Order.
- (b) Restoration of the site shall be completed within 10 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 to the planning authority 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.

3. The developer shall ensure that all mitigation and monitoring measures set out in the Environmental Impact Assessment Report submitted with the application, shall be implemented in full, except as may otherwise be required in order to comply with the following conditions. A single schedule of Monitoring and Mitigation Measures shall be compiled and submitted to the planning authority within one month of the date of this Order.

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

4. (a) The total volume of extracted material from the site shall not exceed 90,000 tonnes per annum.
- (b) No extraction of aggregates shall take place below the level of the water table and shall be confined to a minimum of two metres above the winter water table level.

(c) There shall be no dewatering of groundwater at the site.

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

5. All perimeter berms shall be constructed within three months of commencement of extraction.

Reason: In the interest of visual amenity.

6. (a) 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. This plan shall be prepared by the developer, and shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, or, in default of agreement, shall be referred to An Bord Pleanála for determination. Restoration of the site may be carried out in a single or phased basis.
- (b) Upon completion of restoration, the developer shall submit to the planning authority for written agreement a digital topographical survey of the final restored contours.

- (c) This grant of permission does not authorise the importation of materials for the restoration of the site.

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

7. (a) The total number of Heavy Goods Vehicle (HVG) traffic movements serving the site each day shall not exceed 30 number (two-way movements).
- (b) 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 movement 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.
- (c) All HGVs departing the quarry shall do so via a wheel-wash.
- (d) All loads of dry fine materials shall be sprayed with water or covered prior to exiting the quarry.
- (e) During dry weather conditions, all roads within the site shall be sprayed with water at least three times a day.
- (f) Details of road signage, warning the public of the site entrance, shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: To limit the volume of Heavy Goods Vehicle (HGV) traffic to and from the site and in the interests of traffic safety.

8. (a) Before extraction commences, surface water drainage arrangements and settlement facilities shall be constructed as set out on drawings submitted to the planning authority on the 27th day of September 2022.
- (b) The settlement ponds shall be cleaned out at monthly intervals. Details of the proposed use, handling, and destination of the removed silt shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of surface water drainage, to reduce the risk of water pollution, and to ensure the efficient operation of the settlement ponds.

9. (a) 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 -
- (i) An LArT value of 55 dB(A) during 0700 to 1800 hours. The T value shall be one hour.
- (ii) An LAeqT value of 45 dB(A) at any other time. The T value shall be 15 minutes.

All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

- (b) No blasting shall take place on site.

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

10. During temporary site set up works, such as the construction of perimeter berms and stripping of soil, the noise level measured at noise sensitive locations in the vicinity shall not exceed a limit of 70dB(A) LAeq 1 hour up to a maximum period of eight weeks in any year. Details of the noise monitoring locations and methodology for recording noise levels and demonstrating compliance with the above limit values shall be agreed in writing with the planning authority prior to commencement of development.

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

11. 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.

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

12. (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 a monthly basis for groundwater, surface water flow, noise, ground vibration and dust deposition.

- (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 tonnage.
 - (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 where applicable). 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) 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.
- (e) An alternative water supply shall be made immediately available by the developer, at their own expense, if it becomes evident from the monitoring programme that the quality or quantity of water in the vicinity is being adversely affected.

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

13. 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 proposals for the following:
- (a) proposals for the suppression of on-site noise,
 - (b) proposals for the on-going monitoring of sound emissions at noise sensitive locations in the vicinity,
 - (c) proposals for the suppression and monitoring of dust at prior agreed locations and on the access road,
 - (d) all fuels and lubrication shall be stored in fully bunded storage areas and proposals to deal with accidental spillage shall be submitted to the planning authority,

- (e) details of safety measures for the land above the quarry, to include warning signs and stock-proof fencing,
- (f) management of all landscaping, with particular reference to enhancing the ecological value of the woodland/grassland in buffer areas,
- (g) monitoring of ground and surface water quality, levels and discharges,
- (h) details of site manager, contact numbers (including out-of-hours) and public information signs at the entrance to the site.

Reason: In order to safeguard local amenities.

14. Scrap metal and other waste material shall be removed to an appropriately licensed facility at least annually from the site in accordance with the written requirements of the planning authority. Such materials shall be deemed to include scrapped vehicles, worn out conveyor belts/chains, batteries, tyres and worn-out conveyor/roller shafts.

Reason: To protect the amenities of the area.

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 submit to, and agree in writing with, the planning authority details of the road widening of the private access road. The widening of this road shall be completed prior to any extraction of material from the site and shall be carried out at the developer's expense.

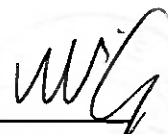
Reason: In the interest of traffic safety.

17. On-site operations are hereby permitted to be carried out between the hours of 0700 and 1800, Monday to Friday inclusive, and 0700 and 1400, Saturday. No activity shall take place outside these hours or on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

18. 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.



19. 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


Liam McGree

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this 20 day of December 2024.