

An
Coimisiún
Pleanála

Commission Order
ABP-319143-24

Planning and Development Acts 2000 to 2022

Planning Authority: Longford County Council

Planning Register Reference Number: 2360023

Appeal by Damien Hetherton, Bernard Reilly and John Reilly care of Andrew Hersey Planning of 3 Atlantic View, West End, Kilkee, County Clare and by Lagan Materials Limited care of Quarryplan Limited of 10 Saintfield Road, Crossgar, Downpatrick, County Down against the decision made on the 1st day of February, 2024 by Longford County Council to grant subject to conditions a permission to the said Lagan Materials Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: Extraction of rock over an area of circa 14.2 hectares comprising a lateral southerly extension to, and deepening of, the existing quarry to a final depth of circa 114 metres AOD. Construction of internal haul roads, earthen screening bunds and storage landforms, the demolition of farm outbuildings (circa 126 square metres), the restoration of the site to biodiversity after uses primarily in the form of a waterbody and all ancillary works within an overall application area of circa 36.8 hectares at Aghamore Upper and Derreenavoggy Townlands, Aughnacliffe, County Longford.

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 National Biodiversity Action Plan 2023-2030,
- (b) the Regional Spatial and Economic Strategy of the Eastern and Midlands Regional Assembly 2019-2031,
- (c) the Longford County Development Plan 2021–2027, including specific objectives CPO 9.39 – CPO 9.44 relating to extraction activities,
- (d) the Quarries and Ancillary Activities Guidelines for Planning Authorities 2004,
- (e) the character of the landscape in the area of the site,
- (f) the pattern of the existing and permitted development in the area,
- (g) the separation distances of the extraction area to the nearest existing dwellings,
- (h) the Environmental Impact Assessment Report and supporting documents submitted,
- (i) the Appropriate Assessment Screening Report submitted,
- (j) the submissions and observations made in connection with the planning application and the appeal, and
- (k) 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 proper planning and sustainable development of the area.

The Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the relevant provisions of the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State).

Appropriate Assessment Screening

The Commission noted that the proposed development is not directly connected with, or necessary to the management of, any European Site. In completing the screening for Appropriate Assessment, the Commission accepted and adopted the screening assessment and conclusions reached in the inspector's report. This assessment identified the relevant European Sites that could potentially be affected by the proposed development and evaluated the potential for likely significant effects, either individually or in combination with other plans or projects, on these sites, in view of the sites' conservation objectives. The Commission is satisfied that the proposed development, either alone or in combination with other plans or projects, would not be likely to have a significant effect on any European Site, in view of the sites' conservation objectives.

Environmental Impact Assessment

The Commission completed an environmental impact assessment of the proposed development taking into account the following:

- the nature, scale, and extent of the proposed development, which includes the continuation and extension of an existing quarry,

- the Environmental Impact Assessment Report (EIAR), which comprehensively examines potential impacts on human health, biodiversity, air quality, water resources, and traffic,
- submission reports from prescribed bodies and the local authority, which provided relevant environmental and planning considerations, and
- the Inspector's report, which evaluated the environmental and operational impacts, ensuring that all significant issues were addressed.

The Commission considered that the Environmental Impact Assessment Report (EIAR), supported by the documentation submitted by the developer, adequately considers alternatives to the proposed development and identifies and adequately describes the direct, indirect, and cumulative impacts of the proposed development on the environment. The Commission 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 developer and submissions made during the course of the application and appeal.

Reasoned Conclusions on the Significant Effects

Having regard to the examination of environmental information available, and in particular to the EIAR and supplementary information provided by the developer, and the submission from the planning authority, prescribed bodies, appellants, and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment with the implementation of the proposed migration measures are as follows;

Population and Human Health:

- the impact of noise, vibration and dust on residential properties, which will not exceed the threshold limits set out in the Quarries and Ancillary Activities Guidelines for Planning Authorities with the mitigation

measures set out in the EIAR.

- the impact on the public road and other road users, which can be mitigated by road improvements and measures set out in the EIAR, and conditions relating to road usage.

Biodiversity:

- loss of biodiversity, including impact on protected species. The likelihood of unacceptable impact on bats, can be satisfactorily addressed by further recommended mitigation including the retention of derelict buildings. The negative impact on newts will be mitigated by the provision of replacement ponds and translocation, if necessary. Mitigation measures for birds will reduce the impact of the development.

The Commission is, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment.

The Commission completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the proposed mitigation measures including proposed monitoring as appropriate, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Commission adopted the report and conclusions set out in the Inspector's report. The Commission is satisfied that this reasoned conclusion is up to date at the time of making this decision.

Proper Planning and Sustainable Development

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would accord with European, national, regional and local planning policy, including strong policy support expressed in the Longford County Development Plan 2021-2027 for the support of extraction activities, including specific objectives CPO 9.39 - CPO 9.44. The proposed development would be acceptable in terms of impact on the visual amenities and landscape character of the area, would not adversely impact on existing amenities of residential properties and would not be prejudicial to public health, or to water quality and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Commission considered the first party appeal of the condition relating to the hours of operation of the quarry and has aligned the hours of operation with the recommended times in the Quarries and Ancillary Activities Guidelines for Planning Authorities 2004, in the conditions below. In considering the Special Development Contribution condition under appeal by the applicant, the Commission considered the information submitted by the planning authority in response to appeal included sufficient justification for the financial amounts included by the planning authority. The inclusion of the financial contribution was, therefore, deemed to be both necessary and appropriate by the Commission.

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 8th day of December 2023, and conditions attached to the parent application PL07/831 as they relate to the development, 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 permission shall be for a period of twenty-five years, from the date of the granting of permission, unless planning permission for continuation of extraction has been granted prior to the end of the period. The proposed site shall be full restored, in accordance with a restoration plan to be agreed with the planning authority, no later than year end of 2052.

Reason: In the interest of clarity.

3. The Local Road L-5081-0, between the entrance to the quarry site at Aughamore Upper and its junction with the L-1036 (Aughnaclyffe to Ennybegs Road) at Fostragh, shall not to be used by traffic accessing or exiting the quarry site. This shall be a condition in all haulage, transport or construction contracts.

Reason: In the interest of clarity.

4. Prior to commencement of development, the developer shall submit to the planning authority, for written agreement, a complete schedule of all mitigation measures. This shall identify who is responsible for the implementation of these measures and a timescale for implementation. The schedule of mitigation measures shall include the following additional requirements:

- (a) Detailed proposals, which include input from a licensed bat ecologist, to include proposed provision of berms, the timing of their provision and showing detailed protection for retained hedgerows; proposed hedge planting of berms in advance of the removal of any existing hedgerows or trees, used by foraging or commuting bats, in order that the planting shall be sufficiently well-established to constitute a meaningful replacement.
- (b) Proposed deposition of spoil material in proximity to the planted berms, such as to show that the location of the placement or the impact of continuous deposition would not negatively impact the biodiversity value of the planted berms.

Reason: To control and mitigate the impact of the proposed development.

5. Activities carried out on-site shall be restricted to the quarrying, processing, haulage and storage of quarry material, manufacture of asphalt and readymix concrete.

Reason: In the interest of clarity.

6. On an annual basis, for the lifetime of the facility, the developer shall submit an Environmental Audit to the planning authority. Independent environmental auditors, approved by the planning authority, shall carry out this audit. The audit shall be carried out at the expense of the developer and shall be made available to the public for inspection at all reasonable hours at a location to be agreed with the planning authority. This audit shall be required to provide evidence that environmental conditions are being complied with. The programme shall specify all of the environmental standards being monitored, such as noise, dust, blasting, traffic, the monitoring procedures/frequency, and results.

Reason: To control and mitigate the impact of the proposed development.

7. Prior to commencement of development, the developer shall submit to the planning authority for written agreement a proposal for an Environmental Management System (EMS). This shall include the following:
 - (a) Proposals for the on-going environmental monitoring of noise, dust and water quality.
 - (b) Proposals for the on-going monitoring of blast related vibration and air over pressure.

- (c) Proposals for the on-going monitoring of ground water levels and quality.
- (d) Proposals for the bunding of fuel and lubrication storage areas, and details of emergency action in the event of accidental spillage.
- (e) Details of site drainage, including the siltation lagoons and pump regime.
- (f) Details of safety measures for the land around the quarry, to include warning signs and stock proof fencing (works to be carried out within one month of the written agreement of the planning authority to these details).
- (g) Proposals for the giving of notice of blasting to residents of the area.
- (h) Full details of site management arrangements, contact numbers (including out of hours), and public information signs on the entrance to the facility.

The implementation of the above measures shall be as agreed between the planning authority and the developer. Details of the monitoring and the frequency of monitoring shall be agreed with the planning authority. All data obtained from the monitoring shall be made available to the planning authority. The planning authority shall be afforded the opportunity, at all times during working hours, to inspect and check all apparatus and equipment used or required to carry out monitoring and recording operations.

Reason: To control and mitigate the impact of the proposed development.

8. All existing topsoil removed in the course of works shall be separately retained, so that it can be readily re-used during the reinstatement of the site, and no such topsoil shall be sold or otherwise removed from the site.

Reason: In the interest of clarity.

9. Unsaleable extracted material (other than topsoil) accruing from the working of the site shall be stored within the existing excavated quarry floor area and shall be used for the future restoration of the quarry in a manner which shall be agreed in writing with the planning authority. No other waste material of any kind shall be deposited within the site.

Reason: In the interest of clarity.

10. Upon cessation of operations, all plant and surface equipment shall be removed from the site, and the land shall be restored in accordance with the restoration programme in the planning application. A timescale for implementation shall be submitted to the planning authority before the expiry of the 25-year operational period.

Reason: In the interest of clarity.

11. (a) Ground-borne vibration at sensitive locations shall not exceed peak particle velocity of 12 millimetres per second (when measured in any one of the three mutually orthogonal planes) for any blast when measured at the receiving location.
- (b) Blasting shall not give rise to air overpressure values at noise sensitive locations exceeding 125 dB (Lin) (linear maximum peak value) with a 95% confidence.

- (c) The blasting of rock shall not take place within the site more than once in any calendar month and shall only be carried out between the hours of 1030 and 1630 on working days, Mondays to Fridays inclusive, with no exceptions. Preparatory drilling shall not take place within the site on more than twice in any calendar month.
- (d) Advance warning of each proposed blasting shall consist of a minimum 24-hour pre-blast leaflet drop to all households within a 500-metre radius of the quarry face and one weeks' notice to all owners/occupiers within 200 metres of the blast site. The all-clear signal shall also be given, by means of sirens or other measures, when blasting has been completed.
- (e) Blasting shall be monitored by the developer for vibration and noise at all dwelling houses within 200 metres of the blast site.
- (f) The developer shall take adequate safety measures to the satisfaction of the planning authority to restrict blast generated flying debris to within the site boundaries.
- (g) All of the blasting mitigation measures, set out in the planning application, to offset environmental pollution, shall be implemented. On-going independent environmental monitoring shall be carried out to the satisfaction of the planning authority.

Reason: To control and mitigate the impact of the proposed development.

12. Equivalent sound levels attributable to all on-site operations associated with the proposed and existing development shall not exceed 55 dB LAeq 1 hour over a continuous one-hour period daytime (0800 to 2000 hours) or 45 dBA LAeq one hour at any other time, when measured at all noise sensitive locations in the vicinity of the site. Audible tonal or impulsive components in noise emissions should be minimised at any noise sensitive locations. Adequate noise control measures shall be implemented to ensure compliance. Stripping of topsoil and the creation of acoustic berms may result in raised noise levels for a temporary period. Maximum hourly Leq values of 61 dB (A) shall not be exceeded at any sensitive receptor. These higher noise level thresholds shall apply for not more than 25 days, in any year, at any dwelling.

Reason: To control and mitigate the impact of the proposed development.

13. Total dust depositions (soluble and insoluble) arising from the on-site operations shall not exceed 350 mg/m²/day averaged over a continuous period of thirty days at any position along the boundary of the development. A competent, independent, contractor shall carry out dust measurement on a bi-annual basis at locations to be agreed with the planning authority. One annual dust measurement event shall take place in the period May to September.

Reason: To control and mitigate the impact of the proposed development.

14. Measures to mitigate dust pollution shall include:

- (a) the provision of water sprays during periods of dry weather to control dust on the ground, on belts, stockpiles, screens and rock crushers, on the site access roadway and on vehicles transporting dust producing products,
- (b) the use of dust sheets on fine aggregates transported in lorries, and
- (c) that all vehicles transporting rock material from the site onto the public road shall, prior to the exiting the site, be washed in a wheel washing facility.
- (d) The developer shall take all necessary precautions to prevent damage being caused by wind-blown dust to neighbouring land and/or properties. A Complaints Register shall be maintained on-site. Should any complaints relating to dust emissions be submitted, they shall be immediately dealt with.
- (e) The location and number of dust gauges shall be agreed with the planning authority. In the event of concerns from the public or the planning authority, indicating levels in excess of the permitted background levels, the planning authority may, at its discretion, instruct additional monitoring at the expense of the developer. All dust mitigation measures shall be undertaken to offset air pollution.
- (f) Dust suppression equipment shall become operative before crushing or screening operations commence. All on-site machinery generating dust shall be provided with dust extraction facilities. Should the dust suppression equipment break down at any time, that portion of the development, which would be affected, shall be

shut down until such time as the dust suppression equipment is again working satisfactorily.

Reason: To control and mitigate the impact of the proposed development.

15. All public roads shall be maintained free of dust and other debris originating from the proposed development. Other than cars parked in the car park, prior to exiting, all vehicles leaving the site shall be washed in a wheel washing facility, which shall be provided with barriers and operated such that exiting vehicles cannot by-pass it.

Reason: To control and mitigate the impact of the proposed development.

16. Site drainage arrangements, including the hydrocarbon interceptors and the system of lagoons within which all wash water generated on site shall be recycled and all fines can be collected, shall be as submitted in the environmental impact assessment report. Fines collected within the proposed lagoon system shall be removed periodically and stored under cover to prevent run-off into watercourses. They shall then be removed from site for re-use/recycling. Vehicles shall not be washed down on site, and detergents shall not be allowed to enter the surface water drainage system. There shall be no discharge of cementitious material or concrete washings to surface water or groundwater.

Reason: To control and mitigate the impact of the proposed development.

17. Details of the settlement lagoon, as detailed in the planning application, shall be submitted to and agreed with the planning authority and shall ensure:

- (a) Adequate capacity and maintained to prevent carryover of suspended solids in water discharged to surface watercourses.
- (b) Run-off from the concrete batching plant and processing plant shall be directed to the settlement lagoon.
- (c) All potentially polluting material, including oils and lubricants, shall be stored in bunded areas and be returned to the bunded areas as soon as possible after use. Spill response plans shall be put in place to deal with leakages and spillages. An adequate supply of oil spill control materials shall be kept onsite at all times.
- (d) The oil and chemical storage areas shall be bunded to a minimum of 110% of the capacity of the largest tank within the bunded area. The bunded area shall also contain all valves, filler nozzles etc. Filling and take off points shall be located within the bund. Bunds shall be maintained free of rainwater, so that the minimum capacity of 110% of the largest tank is available at all times.
- (e) There shall be no discharge of concrete material or concrete washings to surface water or groundwater.

Reason: To control and mitigate the impact of the proposed development.

18. No discharge of contaminated or wash water from the site shall be allowed to surface waters or watercourses except in accordance with a licence under the Water Pollution Act from the planning authority.

Reason: In the interest of clarity.

19. Prior to commencement of development, the developer shall submit detailed proposals, for the written agreement of the planning authority, for the replacement of private water supplies serving properties in the vicinity, in the event such supplies are materially affected by the proposed development.

Reason: In the interest of clarity.

20. All clean rainwater from roofs and clean concrete yards shall be separately collected and disposed of and no rainwater or extraneous surface water shall be allowed to flow onto the public road or adjoining properties. In the event of a spillage of polluting matter into any of the receiving waters, the developer shall immediately cease discharging and notify the planning authority of such an incident and of the measures being taken to prevent or mitigate any resulting pollution.

Reason: To control and mitigate the impact of the proposed development.

21. All waste generated at the facility, which cannot be reused or recycled, shall be disposed of at licensed facilities. Waste shall not be disposed of by open burning. Complete records, including waste type, quantity, hauliers and destination, shall be maintained for inspection by the planning authority in respect of any such waste.

Reason: To control and mitigate the impact of the proposed development.

22. The on-site operations associated with the proposed development shall be carried out only between 0700 hours and 1800 hours Mondays to Fridays, inclusive, and between 0800 hours and 1400 hours on Saturdays. No such operations shall be carried out on Sundays, bank holidays or other public holidays and no departure from these hours shall occur unless, (and then only in exceptional circumstances), the prior written consent of the planning authority has first been obtained.

Reason: In the interest of clarity.

23. The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor all site clearance works and topsoil stripping. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation. The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a

final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation of places, caves, sites, features or other objects of archaeological interest.

24. Prior to commencement of development, the developer, or any agent acting on its behalf, shall prepare a Resource and Waste Management Plan (RWMP) as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including a demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how construction resources and wastes will be reduced, and as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: To control and mitigate the impact of the proposed development.

25. 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 implementation of the provision of planted berms in a manner to be agreed with the planning authority, and the satisfactory reinstatement of the site, on a phased basis, and upon cessation of the

project, 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 Coimisiún Pleanála for determination.

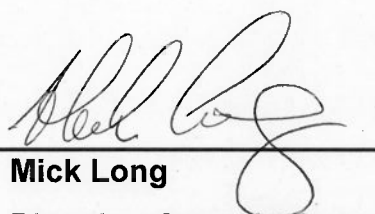
Reason: To ensure the satisfactory reinstatement of the site.

26. The developer shall pay to the planning authority a financial contribution of €113,600 (one hundred and thirteen thousand six hundred euro) 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.

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.

27. The developer shall pay a financial contribution of €150,000 (one hundred and fifty thousand euro) 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 improvements to the local road from the quarry entrance to the junction at Molly, including edge strengthening and localised road widening/the provision of six passing bays; to facilitate use of local road by quarry trucks, and avoid conflict with other road users, which will benefit the proposed development. 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 and which will benefit the proposed development.



Mick Long

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this

1st day of July

2025.