

An
Coimisiún
Pleanála

Commission Order
ABP-319475-24

Planning and Development Act 2000, as amended

Planning Authority: Roscommon County Council

Planning Register Reference Number: 23187

Appeal by Eamonn Mitchell of Peake, Ballinagare, Castlerea, County Roscommon against the decision made on the 20th day of March 2024 by Roscommon County Council to grant, subject to conditions, a permission to Hubert Maxwell care of Peter Kinghan (Quarry Consulting) of Unit 3, Cedar Crescent, Westport, County Mayo in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission for development consisting of the extraction and processing of limestone aggregate (quarry extraction area of 1.7 Hectares), to a depth of 83 metres above Ordnance Datum, for a seven-year period and all ancillary activities within an application area of 4.2 Hectares, at Drummin, Peak, Tullaghan and Gortnagoyne Townlands, Bellanagare, County Roscommon. The proposed development was revised by further public notices received by the planning authority on the 25th day of January 2024.

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

(b) Local planning policy, including:

- The provisions of the Roscommon County Development Plan 2022 – 2028.

(c) the following matters:

- The pattern of development in the area, including the previous history of quarrying at the site.
- The location and nature of the site.

- The Environmental Impact Assessment Screening Report, and all other information received in connection with the application and the appeal.
- The Appropriate Assessment Screening Report and Natura Impact Statement.
- The proposals submitted to widen the R369.
- The contents of the appeal and the response to the appeal.
- The nature and scale of the development proposed, including the phased extraction, and restoration of the site.

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, or significant effects on the environment. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1:

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that Cloonshanville Bog Special Area of Conservation (Site Code 000614) is the only European Site in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the site and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an Appropriate Assessment of the implications of the proposed development on Cloonshanville Bog Special Area of Conservation (Site Code 000614), in view of the site's conservation objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the conservation objectives of the site using the best available scientific knowledge in the field.

In completing the assessment, the Commission considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European Site.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site in view of the site's conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

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 15th day of December 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 on the 9th day of May 2023 and the 15th day of December 2023.
 - (b) All extraction and processing of aggregate on site shall cease five years from the date of the grant of permission.
 - (c) Restoration of the site shall be completed within seven years of the date of grant of permission unless, prior to the end of that period, planning permission is granted for the continuance of use. All plant and machinery shall cease operation and shall be removed from site within seven years of the date of this grant of planning permission.
 - (d) The developer shall submit annually, for the lifetime of the permission, a map and aerial photograph of the progression of the 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 interests of orderly development and to ensure the appropriate restoration of the site.

3. The mitigation measures contained in the Natura Impact Statement (NIS) submitted to the planning authority on the 9th day of May 2023 shall be implemented and shall be supervised by a suitably qualified ecologist.

Reason: To protect the integrity of European Sites.

4.
 - (a) All mitigation measures set out in in the Archaeological Testing Report submitted by the applicant (Martin Fitzpatrick Consultant Archaeologist, April 2021) shall be implemented in full.
 - (b) The developer shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing along the route of the new access road (including areas of landscape planting along its route) and within the overburden storage area. Following this, and in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance and/or construction works, the applicant shall submit an archaeological impact assessment report to the planning authority for its written agreement.
 - (c) 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.

- (d) Any further archaeological mitigation requirements specified by the planning authority, following consultation with the Department of Housing, Local Government and Heritage (DoHLGH) shall be complied with by the developer.
- (e) No site preparation and/or excavation 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.
- (f) The planning authority and the DoHLGH shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis.
- (g) 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.

- 5. (a) The total volume of extracted material from the site shall not exceed 250,000 tonnes per annum or a maximum of 500,000 tonnes over a five-year period.
- (b) All topsoil shall be stripped and stored separately from overburden and shall remain on site unless otherwise agreed with the planning authority.
- (c) No extraction of aggregates shall take place below the level of the water table. Extraction depth shall not exceed 83 metres Ordnance Datum, as indicated on Drawing number 6 submitted to the planning authority on the 9th day of May 2023.

(d) 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.

6. (a) Blasting operations shall occur a maximum of 12 times per annum, and not more than once per week.
- (b) Blasting operations shall take place only between 1000 hours and 1700 hours, Monday to Friday, and shall not take place on Saturdays, Sundays or public holidays.
- (c) Vibration levels from blasting shall not exceed a peak particle velocity of 12 millimetres/second, when measured in any three mutually orthogonal directions at any sensitive location. Blasting shall not give rise to air overpressure values at sensitive locations which are in excess of 125 dB (Lin)max peak with a 95% confidence limit. No individual air overpressure value shall exceed the limit value by more than 5 dB (Lin).
- (d) A monitoring programme, carried out at the developer's expense, which shall include reviews to be undertaken at annual intervals, shall be developed to assess the impact of quarry blasts. Details of this programme 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 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.

- (e) Prior to the firing of any blast, the developer shall give notice of same to the occupiers of all dwellings within 500 metres of the site. An audible alarm for a minimum period of one minute shall be sounded. This alarm shall be of sufficient power to be heard at all such dwellings.

Reason: In the interest of public safety and residential amenity.

7. All perimeter berms as associated landscaping shall be constructed within three months of commencement of extraction.

Reason: In the interest of visual amenity.

8. (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 Coimisiún Pleanála for determination. This plan shall include proposals for re-use of the quarry and measures to ensure public safety therein. The developer shall commence implementation of the agreed site restoration plan within the area of the site within one month of cessation of extraction in this area.
- (b) Upon completion of restoration the developer shall submit to the planning authority for their 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.

9. (a) The total number of Heavy Goods Vehicle (HVG) traffic movements serving the site each day shall not exceed 80 number (that is 40 number in/40 number out).
- (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.

10. (a) Before extraction commences, surface water drainage arrangements and settlement facilities shall be constructed as illustrated on drawings submitted on the 9th day of May 2023.
- (b) Surface water shall not be discharged directly to any watercourse.

- (c) Prior to commencement of any topsoil stripping, silt fencing shall be erected around the northern perimeter of the site, parallel to the Breedoge River, as indicated in Figure 6.1 of the NIS.
- (d) Surface water shall not be discharged directly to a public road.
- (e) The settlement pond/sump 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 pond/sump.

11. 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.

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

12. 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 the commencement of development.

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

13. 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.

14. (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.

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

15. 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, and
 - (h) details of site manager, contact numbers (including out-of-hours) and public information signs at the entrance to the site.
 - (i) 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.

16. Prior to commencement of development, the applicant shall agree details of the widening of the R369 with the planning authority. Unless otherwise agree with the planning authority, the road widening option shall be the 6.6 metre widening option, as submitted to the planning authority on the 9th day of May 2023. 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 0800 and 1400 hours on Saturdays. 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.

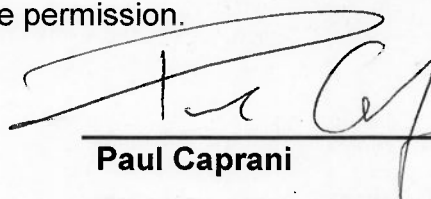
18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering 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 Coimisiún Pleanála for determination.

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

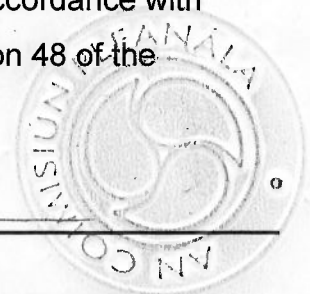
19. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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 Coimisiún 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.



Paul Caprani

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



Dated this 19th day of October 2025