



An
Bord
Pleanála

Board Order ABP-319764-24

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 23/04944

Appeal by Peter Sweetman of PO Box 13611, Bantry, County Cork against the decision made on the 8th day of May, 2024 by Cork County Council to grant a permission, subject to conditions, to Denis O'Keeffe care of JODA Engineering Consultants of Ballycurreen House, Cork for the proposed development.

Proposed Development: A 10 year permission to continue to operate, and to extend the existing limestone quarry at Carrigdownane Upper, Rockmills, County Cork, as amended by the further public notices received by the planning authority on the 8th day of March, 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

The Board made its decision consistent with the:

- the Climate Action and Low Carbon Development Act 2015, as amended,
 - the Climate Action Plan 2024 and Climate Action Plan 2025, and
- (a) the National Planning Framework (revised 2025), including National Policy Objective 23 which seeks to support extractive industries within the rural economy,
- (b) the Water Action Plan 2024,
- (c) the National Biodiversity Plan 2023-2030, and
- (d) the Cork County Development Plan 2022-2028,

together with the scale and nature of the proposed development which comprises the continuation and extension of an existing quarry, to the planning history of the site, to the proposed extraction depth being above the water table, to the mitigation measures proposed as part of the construction, operational and restoration phases of the development and to the distance to dwellings and other sensitive receptors, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area, would not have an unacceptable impact on the character of the landscape or cultural heritage, would not have a significant adverse impact on biodiversity, would be acceptable in terms of traffic safety and convenience and would be acceptable in terms of public health. Furthermore, the proposed development would not prevent attainment or potential to achieve the Water Framework Directive objective of good or high status in waterbodies. The proposed development, would therefore, be in accordance with the proper planning and sustainable development of the area. The Board has performed its functions in a manner consistent with The Climate Action and Low Carbon Development Act 2015 (as amended).

Appropriate Assessment Screening

The Board 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 Board 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, namely the Blackwater River Special Area of Conservation (site code 002170) and Blackwater Callows Special Protection Area (site code 004094) and evaluated the potential for likely significant effects, either individually or in combination with other plans or projects, on these sites in view of their conservation objectives. The Board 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 Board 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 limestone 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 Board considered that the Environmental Impact Assessment Report, 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 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 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 as indicated above, and in particular to the EIAR and supplementary information provided by the applicant, and the submission from the third party appellant, planning authority and prescribed bodies in the course of the application and appeal, it is considered that, subject to the implementation of the mitigation and monitoring measures proposed as part of the EIAR, and subject to compliance with the conditions set out below, the Board is satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment.

The Board 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 Board adopted the report and conclusions set out in the Inspector's report. The Board is satisfied that this reasoned conclusion is up to date at the time of making this decision.

The Board considered that the main significant direct and indirect effects, both positive and negative, of the proposed development on the environment are as follows:

Population and human health: No potential for significant negative environmental effects on population and human health given the nature of the proposal being an extension to an existing quarry in an area not densely populated and also having regard to mitigations proposed. Positive direct impacts for population arising from employment at the quarry for the duration of the extraction.

Biodiversity: The development is proposed in an area comprising of agricultural grassland and is for an extension to an existing quarry. Subject to mitigations it is considered that there is no potential for significant negative environmental effects on biodiversity.

Land, soil, water: Having considered: that the project involves an extension to an existing quarry; extraction depth being above the water table; results of groundwater monitoring; site not hydrologically connected to any surface water body; size of the site in terms of land take; limited extent of soil excavation and its reuse, and mitigations proposed, it is concluded that there is no potential for significant negative environmental effects on land, soil, geology, hydrogeology and hydrology.

Significant positive impacts arise in the supply of aggregates for development projects. Indirect positive impacts arise from the extension of existing quarrying activity thereby obviating the need to establish new quarry activities at other locations for aggregates required for development projects in the State.

Air and climate: Having considered: the nature of the proposal being an extension to an existing quarry; the separation distances between the application site and sensitive receptors; the boundaries of the site, and mitigations measures proposed, it is concluded there is no potential for significant adverse environmental effects on air and climate.

Material assets: Having considered: the proposal is for an extension to an existing quarry; benefits arising from continued use of existing infrastructure on site, and the

capacity of the existing road network, it is concluded that there is no potential for significant negative environmental effects on material assets.

Cultural heritage: Having regard to no known archaeological or built heritage at the development site, and subject to mitigations, it can be concluded that there is no potential for significant negative environmental effects on cultural heritage.

Landscape: It is considered that there is no potential for significant adverse environmental effects on the landscape due to the location of the development next to an established quarry, to the relatively level topography of the site and adjoining lands with limited views of the site, to the boundaries of the site comprising of mature vegetation, to its location away from any designated scenic views under the Cork County Development Plan 2022-2028, to the proposed restoration methodology of the site and to the mitigation measures proposed by the applicant.

The Board 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 Board adopted the report and conclusions set out in the Inspector's report. The Board is satisfied that this reasoned conclusion is up to date at the time of making this decision.

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 January 2024, 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. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order.

Reason: Having regard to the nature of the proposed development, the Board considered it reasonable and appropriate to specify a period of the permission in excess of five years.

3. The mitigation and monitoring measures contained in the submitted Environmental Impact Assessment Report (EIAR) dated 12th January 2024, shall be implemented in full.

Reason: To protect the environment.

4. In advance of commencement, the developer shall submit to the planning authority a complete schedule of all mitigation and monitoring measures. This shall identify who is responsible for the implementation of these measures and a timescale for implementation.

Reason: To protect the environment.

5. (a) No extraction of material shall take place below 66.5 metres above ordnance datum (AOD) and shall be confined to a minimum of 1 metre above the winter water table level. There shall be no dewatering of groundwater at the site.
- (b) Prior to commencement of development, the developer shall submit revised site layout and section drawings to the planning authority for its written approval which illustrate the quarry floor no lower than 66.5 metres above ordnance datum (AOD).
- (c) Groundwater monitoring wells shall be installed around the boundary of the site, at locations to be agreed in writing with the planning authority prior to commencement of development. Water levels in these wells shall be recorded every month. A log of these levels shall be submitted to the planning authority on a quarterly basis.

Reason: To protect groundwater in the area.

6. Restoration shall be carried out in accordance with the provisions contained in the Environmental Impact Assessment Report and the Restoration Phasing Plan submitted with the planning application within twenty four months of the cessation of quarrying operations. The developer shall ascertain from the planning authority and submit exact details relating to the Restoration Phasing Plan for its written agreement, within six months of the date of this Order. Restoration of the site shall be carried out in accordance with this plan.

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

7. The quarry, and all activities occurring therein, shall only operate between 0730 hours and 1800 hours, Monday to Friday and between 0730 hours and 1600 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays. No rock-breaking activity shall be undertaken within any part of the site before 0800 hours on any day. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the Planning Authority.

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

8. During the operational phase of the proposed development, with the exception of blasting operations, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed:

- (a) an L_{Ar,1h} value of 55 dB(A) during 0730 hours to 1800 hours Monday to Friday and 0730 hours to 1600 hours on Saturdays, and
- (b) an L_{Ar, 15 min} value of 45 dB(A) at any other time.

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

9. (a) Blasting operations shall take place only between 0900 hours and 1800 hours, Monday to Friday, and shall not take place on Saturdays, Sundays or public holidays. Monitoring of the noise and vibration arising from blasting and the frequency of such blasting shall be carried out at the developer's expense by an independent contractor who shall be agreed in writing with the planning authority. All monitoring records shall be made publicly available.
- (b) The frequency of blasting shall not be more than one blast per month, unless otherwise agreed with the planning authority.

- (c) Prior to the firing of any blast, the developer shall give notice of its intention 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.
- (d) 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.
- (e) Blasting shall not give rise to air overpressure values at sensitive locations which are in excess of 125dB (Lin) maximum peak with a 95% confidence limit. No individual air overpressure value shall exceed the limit value by more than 5dB (Lin).
- (f) A monitoring programme, 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.

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

10. (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). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to 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.
- (b) 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 site, 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.

11. 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 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, on site 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 on the bunds and buffer areas.
- (g) Specification of limits in relation to the following parameters or as deemed relevant: Dust, Noise
- (h) Monitoring of ground and surface water quality, levels and discharges.
- (i) Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.

Reason: In order to safeguard local amenities.

12. The developer shall submit annually, for the lifetime of the permission, an aerial photograph which adequately enables the planning authority to assess the progress of the phases of extraction.

Reason: In order to facilitate monitoring and control of the development by the planning authority.

13. All mitigation and monitoring measures in relation to archaeology and cultural heritage as set out in Section 10.7 of the Environmental Impact Assessment Report shall be implemented in full. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. 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.

14. 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 and residential amenity.

15. The developer shall pay a financial contribution of €577,114 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 local and regional road (R512) upgrades, which benefits 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 or the Supplementary Development Contribution Scheme and which will benefit the proposed development.



Tom Rabbette

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

Dated this 30th day of May 2025.