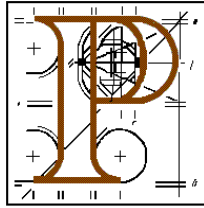


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Donegal County

Planning Authority Register Reference Number: EUQY21

An Bord Pleanála Reference Number: 05E.QD.0005

Associated Substitute Consent Reference Number: 05E.SU.0106

WHEREAS Roadstone Limited care of SLR Consulting Ireland of 7 Dundrum Business Park, Windy Arbour, Dublin made an application to An Bord Pleanála on the 11th day of December, 2015, pursuant to section 37L of the Planning and Development Act, 2000, as amended, to further develop a quarry at Carrick East and Trumman West Townlands, Laghy, County Donegal in accordance with plans and particulars lodged with the Board.

NOW THEREFORE, the Board, in accordance with section 37N of the said Act, and based on the Reasons and Considerations set out below, decided to **GRANT** permission to further develop the quarry, in accordance with the following conditions.

REASONS AND CONSIDERATIONS

In making its decision the Board had regard, inter alia, to the following:

- (a) the provisions of the Planning and Development Act, 2000, as amended, and Section 37L, in particular
- (b) the 'Quarry and Ancillary Activities, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in 2004,
- (c) the policies of the planning authority as set out in the Donegal County Development Plan 2012 – 2018,
- (d) the nature and scale of the proposed development, and its access to the N15 National Road and the regional road network,
- (e) the pattern of development in the area, including the separation distances to houses, and the civic amenity site to the east, formerly a quarry,
- (f) the historical scale of the quarry,
- (g) the planning history of the quarry, including permission for a quarry and various manufacturing plant; the registration of the quarry and imposition of conditions under QY21, the quarry review under EUQY21 and 05E.QV.0222, the water discharge licence, and the decision made to grant substitute consent under 05E.SU0106,
- (h) the environmental impact statement submitted with the application,
- (i) the report and opinion of the planning authority, and the documentation and submissions on file, and
- (j) the report of the Inspector, including the examination, analysis and evaluation undertaken in relation to environmental impact assessment and screening for Appropriate Assessment.

The Board was satisfied that the information before it was adequate to undertake environmental impact assessment and a screening for appropriate assessment in respect of the proposed development.

Appropriate Assessment Screening

In conducting a screening exercise for appropriate assessment, the Board considered the nature, scale and location of the proposed development, the Appropriate Assessment Stage 1 Screening Assessment submitted in support of the application, the documentation and submissions on file, the planning and development history of the site and in the vicinity, the separation distances to and limited potential for connectivity with European Sites, and the assessment of the Inspector in relation to the potential for effects on such Sites. In undertaking the screening exercise, the Board accepted the analysis and adopted the conclusions of the Inspector. The Board, therefore, concluded that, by itself and in combination with other development in the vicinity, the proposed development would not be likely to have significant effects on European Sites in view of their conservation objectives.

Environmental Impact Assessment

The Board considered the nature, scale and location of the proposed development, the Environmental Impact Statement submitted with the application, the documentation and submissions on file generally, the planning and development history of the site and of neighbouring development, the submissions on file, and the report of the Inspector. It is considered that the Environmental Impact Statement identifies and describes adequately the direct and indirect effects on the environment of the proposed development. The Board completed an environmental impact assessment in relation to the proposed development, by itself and in cumulation with other development in the vicinity. The Board concluded that, subject to compliance with the mitigation measures proposed and with the conditions set out below, the effects of the proposed development on the environment would be acceptable. In doing so, the Board adopted the report of the Inspector.

Conclusions on the Proper Planning and Sustainable Development of the Area

The Board is satisfied that, in itself and in conjunction with other development in the vicinity, and subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Donegal County Development Plan 2012 – 2018, would not seriously injure the amenities of the area or of residential property in the vicinity, would not result in a risk of pollution, would not adversely affect known archaeological features or architectural heritage, and would be acceptable in terms of traffic safety and convenience. It is, therefore, considered that the proposed development would 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, including mitigation measures proposed, 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. All environmental mitigation measures identified in the Environmental Impact Statement shall be implemented in full.

Reason: In the interest of the conservation of the environment and of the amenities of the area.

3. This grant of permission shall be for a period of 20 years from the date of this order.

Reason: To enable the effects of the development to be reassessed in the light of the operation of the permission to further develop the quarry and the circumstances then pertaining.

4. No extraction shall take place below -3 m OD.

Reason: In the interest of clarity.

5. The proposed development shall only operate between 0700 and 1900 hours on Monday to Friday and between 0700 and 1400 hours on Saturdays. No activity shall take place outside of these hours or on Sundays or public holidays.

Reason: In the interest of the amenities of property in the vicinity and of clarity.

6. The development shall be operated and managed in accordance with an environmental management system, which shall be submitted 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 noise emissions at dwellings in the vicinity,
- (c) management of landscaping,
- (d) drawings and details illustrating the suitability of the wheelwash in proximity to the site entrance,
- (e) a programme for the monitoring of ground and surface water quality and levels, including details of the water quality parameters to be monitored,
- (f) proposals for the bunding of hydrocarbon storage areas and re-fuelling areas, details of a hydrocarbon interceptor to serve this area, and details of emergency action in the event of accidental spillage,
- (g) measures to protect water quality during refuelling, including the use of drip-trays,
- (h) details of site manager contact numbers (including out of hours) and public information signs at the entrance to the facility, and
- (i) details of reporting requirements to the planning authority.

Reason: To safeguard the amenities of the area, public safety and the environment.

7. Prior to commencement of development, construction-stage details of improvements to the surface water management and attenuation system, and a time frame for implementation, shall be submitted to, and agreed in writing with, the planning authority. These details shall address any ongoing requirement for the attenuation and discharge of waters from the entire quarry landholding to the satisfaction of the planning authority. The details submitted should demonstrate that the surface water management system would be capable of dealing with a storm event.

Reason: In the interest of orderly development and the protection of the environment.

8. Prior to commencement of development, it shall be demonstrated to the written satisfaction to the planning authority that suitable waste water treatment facilities are available to serve the site.

Reason: To protect water quality, and in the interest of public health.

9. The noise level shall not exceed 55 dB(A) (corrected by penalty for tonal and impulsive components) at dwellings in the vicinity. Procedures for determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

10. (a) Blasting operations shall take place only between 1000 and 1700 hours on Monday to Friday, and shall not take place at any other time. Monitoring of the noise and vibration arising from blasting, and the frequency of such blasting, shall be carried out in accordance with details that shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Prior to the firing of any blast, the developer shall give notice of this intention to the occupiers of all dwellings within 500 metres of the site. An audible alarm shall be sounded, and shall be of sufficient duration and power to be heard at all such dwellings.

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

11. (a) 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. The peak particle velocity relates to low frequency vibration of less than 40 hertz where blasting occurs no more than once in seven continuous days. Where blasting operations are more frequent, the peak particle velocity limit is reduced to eight millimetres per second. 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).
- (b) 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: To protect the amenity of property in the vicinity.

12. Dust levels at the site boundary shall not exceed 350 mg/m²/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, the frequency of monitoring results, details of all dust suppression measures for the entire quarry, and details of reporting requirements to the planning authority.

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

13. Prior to commencement of development, appropriate secure fencing shall be installed to safeguard the quarry boundaries to the satisfaction of the planning authority, in accordance with details that shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of public safety and of orderly development.

14. Scrap metal and other waste material shall be removed at least annually from the site in accordance with the written requirements of the planning authority. Such materials shall be deemed to include old vehicles or vehicle parts, empty oil barrels, and worn out equipment, batteries or tyres.

Reason: To protect the amenities of the area.

15. The developer shall submit survey drawings and an aerial photograph annually to the planning authority to enable the assessment of the progress of extraction.

Reason: To facilitate monitoring and control of the development by the planning authority.

16. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details, including a time schedule for completion, that shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These details shall include planting berms. Any plants that die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: To screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

17. Prior to commencement of development, implementation-stage details of the restoration of the entire quarry shall be submitted to, and agreed in writing with, the planning authority, in accordance with the approach set out in Drawings 6 and 7 submitted with the application and the measures set out in Sections 2.92 – 2.99 of the Environmental Impact Statement, which details shall include the following:
- (a) details of safe finished gradients for the quarry faces,
 - (b) details of landscaping, and measures for the control of invasive species,
 - (c) measures for the control of dust emissions until such time as vegetation is established,
 - (d) proposals for an aftercare programme of five years, and
 - (e) a timeframe for implementation, incorporating progressive phasing and final restoration works.

These details shall make appropriate provision for recognition of the County Geological Site status of the quarry. No material shall be imported to the quarry without a prior grant of planning permission.

Reason: In the interest of protection of the environment, landscape and public safety.

18. This grant of planning permission does not authorise the importation of materials for the restoration of the site or otherwise.

Reason: In the interest of clarity.

19. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

- 20. 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.

21. 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.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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

Dated this day of 2017.