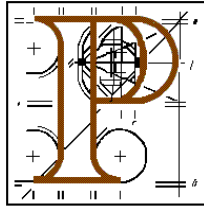


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Clare County**

**Planning Register Reference Number: EUQY6**

An Bord Pleanála Reference Number: 03.QD.0007

Associated Substitute Consent Reference Number: 03.SU.0048

**WHEREAS** Ryan Brothers (Ennis) Limited care of Tobin Consulting Engineers of Market Square, Castlebar, County Mayo made an application to An Bord Pleanála on the 17<sup>th</sup> day of December, 2015, pursuant to section 37L of the Planning and Development Acts, 2000 to 2015, to further develop a quarry at Toonagh, Ennis, County Clare 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 in particular Section 37L,
- (b) the 'Quarry and Ancillary Activities, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2004,
- (c) the provisions of the current Clare County Development Plan,
- (d) the Environmental Impact Statement submitted with the application to further develop the quarry and documentation on file generally,
- (e) the Natura Impact Statement submitted with the application to further develop the quarry and documentation on file generally,
- (f) the report and the opinion of the planning authority under section 37L(12)(a) of the 2000 Act, as amended,
- (g) the submissions made in accordance with regulations made under Article 270 of the Planning and Development (Amendment) (No. 2) Regulations 2015,
- (h) the report of the Board's Inspector, including in relation to potential significant effects on the environment,
- (i) the planning history of the site,
- (j) the existence of a Discharge Licence regulating discharges of treated outflows from the site,
- (k) the pattern of development in the area,
- (l) the nature and scale of the development the subject of this application for further development, and
- (m) An Bord Pleanála reference number 03.SU.0048 - application for substitute consent at the subject site.

### *Appropriate Assessment*

Having regard to the nature, scale and extent of the subject proposed development, the Natura Impact Statement submitted with the application and the mitigation measures contained therein, the submissions on file and the Inspector's assessment, the Board completed an Appropriate Assessment of the impacts of the development on nearby Natura 2000 sites, specifically the Toonagh Estate Special Area of Conservation (Site Code 002247), the Ballycullinan, Old Domestic Buildings Special Area of Conservation (Site Code 002246) and the Old Farm Buildings, Ballymacrogan Special Area of Conservation (Site Code 002245). The Board concluded that, on the basis of the information available, the subject development, either individually or in combination with other plans or projects, would not adversely affect the integrity of any European site, having regard to the conservation objectives of those sites.

### *Environmental Impact Assessment*

The Board had regard to the Environmental Impact Statement submitted with the application and completed an Environmental Impact Assessment in relation to the proposed development in question and considered that the assessment and conclusions of the Inspector's report were satisfactory in identifying the environmental effects of the development undertaken. The Board adopted the Inspector's report and agreed with the Inspector's conclusions in relation to the acceptability of mitigation measures and residual effects and concluded that, subject to the implementation of the mitigation measures proposed, the effects of the proposed development on the environment would be acceptable.

### *Conclusion*

Having regard to the acceptability of the ecological and environmental impacts as set out in the foregoing it is considered that, subject to compliance with the conditions set out below, the subject development would not be contrary to 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, 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 re-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. This grant of permission to further develop the quarry 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 obtaining.

3. Mitigation and monitoring measures outlined in the Environmental Impact Statement and Natura Impact Statement submitted with this application, shall be carried out in full, except where otherwise required by condition attached to this permission

**Reason:** In the interest of protecting the environment and in the interest of public health.

4. 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 dwellings in the vicinity.
- (c) Proposals for the suppression of dust on site

- (d) Details of safety measures for the land above the quarry, to include warning signs and stock-proof fencing.
- (e) Management of all landscaping.
- (f) Monitoring of ground and surface water quality, levels and discharges.
- (g) 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.

5. A detailed restoration scheme for the site, according to the broad principles indicated on drawing number FIGURE 11.1 submitted to An Bord Pleanála on the 17<sup>th</sup> day of December, 2015, shall be submitted to the planning authority for written agreement within three months of the date of this order. The following shall apply in relation to the design and timing of the restoration plan:

- (a) Details relating to finished gradients of the excavation faces, to the type of restoration to be carried out and to measures to ensure safety during site restoration shall be provided.
- (b) Details of landscaping including planting and mounding to be carried out.
- (c) Measures to enhance the biodiversity of the area post-closure shall be identified.
- (d) A phasing timescale for implementation and proposals for an aftercare programme of five years shall be submitted to the planning authority for written agreement.

**Reason:** In the interest of the visual and ecological amenities of the area and to ensure public safety.

6. All proposed screening measures, including improvements to boundaries and the provision of any fencing and berms, shall be completed prior to re-commencement of extraction on site.

**Reason:** In the interest of visual amenity and to safeguard the amenities of property in the vicinity during the operating phase of the development.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

8. The quarry, and all activities occurring therein, shall only operate between 0700 hours and 2000 hours, Monday to Friday and between 0700 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.

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

9. 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 an LArT value of 55 dB(A) during 0700 and 1900 hours. The T value shall be one hour.

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

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 re-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 entire quarry complex, shall be submitted to, and agreed in writing with, the planning authority prior to re-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. (a) 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. 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.
- (b) Prior to the firing of any blast, the developer shall give notice of his 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.

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

12. (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 re-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 residential amenity of property in the vicinity

13. 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 relate to the greenfield area of the site which has not to date been excavated and shall be paid prior to re-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 to further develop the quarry.

14. Prior to re-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 the Board for determination.

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

#### **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            2016.**