



An  
Bord  
Pleanála

## Board Order 16.QD.0009

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**Planning and Development Acts 2000 to 2017**

**Planning Authority: Mayo County Council**

**Planning Register Reference Number: QY18/CQ18**

**Associated Substitute Consent Reference Number: 16.SU.0132**

**WHEREAS** McGrath's Limestone Works Limited care of Earth Science Partnership (Ireland) Limited of Tonranny, Westport, County Mayo made an application to An Bord Pleanála on the 18<sup>th</sup> day of December, 2015, pursuant to section 37L of the Planning and Development Act, 2000 as amended, to further develop a quarry of 10.58 hectares which will be subject to extraction primarily by drilling and blasting means and all associated ancillary facilities/works, screening berms and landscaping. The permission sought is for a period of 50 years and the depth of extraction will be to minus 12 metres Ordnance Datum over the application site at Cregaree, Cong, County Mayo 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 Mayo County Development Plan 2014 - 2020,
- (d) the Environmental Impact Statement submitted with the application to further develop the quarry,
- (e) the Natura impact statement submitted with the application to further develop the quarry,
- (f) the report and the opinion of the planning authority under section 37L(12)(a) of the 2000 Act, as amended,
- (g) the submissions/observations made in accordance with regulations made under Article 270 of the Planning and Development Regulations, 2001, as amended,
- (h) the planning history of the site, including the extensive environmental monitoring carried out,
- (i) the pattern of development in the area,

- (j) the details contained within the application for substitute consent on the site - An Bord Pleanála reference number 16.SU.0132
- (k) the nature and scale of the proposed further quarrying works, and
- (l) the Inspector's Report.

### **Appropriate Assessment (Screening)**

The Board adopted the Screening Assessment carried out by the Inspector which concluded that the following European Sites are those for which a Stage 2 appropriate assessment is required, and that significant effects on any other European Sites can be ruled out:

Lough Carra/Mask Complex Special Area of Conservation (Site Code 001774),

Lough Mask Special Protection Area (Site Code 004062),

Lough Corrib Special Area of Conservation (Site Code 000297),

Lough Corrib Special Protection Area (Site Code 004042),

Ballymaglancy Cave Special Area of Conservation (Site Code 000474),

Kildun Souterrain Special Area of Conservation (Site Code 002320),

## **Appropriate Assessment (Stage 2)**

The Board noted that the development was not directly connected with or necessary to the management of a European Site. Having regard to the nature, scale and extent of the subject development, the Natura impact statement submitted with the application and the mitigation measures contained therein, the applicant's further information submission, the other submissions on file and the Inspector's assessment, the Board completed a remedial Appropriate Assessment of the effects of the development on the aforementioned European Sites. 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 the listed European Sites or any other European Site, in view of the sites' conservation objectives. In reaching this conclusion, the Board adopted the Inspector's report.

## **Environmental Impact Assessment**

The Board considered that the Environmental Impact Statement submitted with the application, together with the applicant's further information submission to An Bord Pleanála, the report, assessment and conclusions of the Inspector with regard to this file and other submissions on file, were adequate in identifying and describing the direct and indirect effects of the proposed development. The Board completed an environmental impact assessment, and agreed with the Inspector in her assessment of the likely significant effects of the development, and agreed with her conclusions on the acceptability of the mitigation measures proposed and residual effects. The Board adopted the report of the Inspector. The Board concluded that, subject to the implementation of the mitigation measures proposed, and subject to the following conditions, the effects of the proposed development on the environment would be acceptable and would be in accordance with the proper planning and sustainable development of the area.

## **Proper Planning and Sustainable Development**

Having regard to the positive outcome of the appropriate assessment, and to the acceptability of the environmental impacts as set out above, it is considered that, subject to compliance with the conditions set out below (including a restriction on the depth of excavation and the duration of the permission), the proposed further development of this quarry would be in accordance with the provisions of the current County Development Plan, would not seriously injure the visual or residential amenities of the area, and would be acceptable in terms of traffic safety and convenience of road users. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The grant of permission relates to further quarry development on a 10.58 hectare area, and shall be carried out in accordance with the plans and particulars, including the mitigation measures contained in the Environmental Impact Statement and in the Natura impact statement, submitted with the application on the 18<sup>th</sup> day of December, 2015 and the further information received by An Bord Pleanála on the 26<sup>th</sup> day of January, 2016 and on the 14<sup>th</sup> day of February, 2017, 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 to further develop the quarry 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 25 years from the date of this Order. Restoration shall be completed within a further two years, unless a permission for further quarrying has been received prior to the expiry of this permission.

**Reason:** Having regard to the scale of the quarry, the environmentally sensitive location of the site, and the provisions of the Quarry and Ancillary Activities, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2004, it is considered reasonable to require the acceptability of continued quarrying to be reconsidered at this time having regard to the circumstances then pertaining.

3. This grant of permission for further development of the quarry relates to Stage 1 only, and the developer shall comply with the following:
  - (a) The depth of excavation in the quarry shall be limited to five metres above Ordnance Datum.
  - (b) Prior to commencement of development, a benchmark shall be established on site as a reference point from which all levels shall be taken. Details of the location and construction of the benchmark shall be agreed in writing with the planning authority.

- (c) A topographical survey shall be submitted to the planning authority on a three-yearly basis before the end of June.

**Reason:** Having regard to the levels of excavation already carried out elsewhere on the site, the likely time period required to complete Phase 1 as applied for, the desirability of reviewing the performance of environmental management measures on the site at appropriate intervals (in particular management of groundwater and surface water), it is considered appropriate that the continued deepening of the quarry beyond Phase 1 be re-assessed having regard to the circumstances then prevailing and taking into consideration all environmental monitoring information that will be available at that time.

4. The quarry, and all activities occurring therein, shall only operate between 0700 hours and 1800 hours, Monday to Friday and between 0700 hours and 1800 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays. Where market conditions or the nature of particular ancillary processes require greater flexibility of working hours, these times may be adjusted following the written agreement of the planning authority.

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

5. The details of all blasting, including blast design and implementation, the hours under which blasting will be permitted shall be agreed in writing with the planning authority at least one month prior to commencement of development. The frequency of the blasting operation on the entire quarry shall be limited to not more than four production blasts per month. Blasting shall take place between 1000 hours and 1600 hours from Monday to Friday only and the blasting scheme shall incorporate measures to minimise potential impacts on Peregrine Falcon and Ringed Plover, particularly during the breeding season. Monitoring of the noise and vibration arising from the blasting shall be carried out at the developer's expense by an independent contractor to be agreed in writing with the planning authority. A protocol for alerting neighbouring residents of each blast shall be agreed in writing with the planning authority at least one month prior to commencement of development.

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

6. Vibration levels from blasting operations shall not exceed a peak particle velocity of 12 millimetres per second when measured at any three mutually orthogonal directions. 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 8 millimetres per second. The air over-pressure from any blast shall not exceed a value of 125 dB (Lin) maximum peak.

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



7. 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-
  - (a) An LArT value of 55 dB(A) during 0700 to 1800 hours. The T value shall be one hour.
  - (b) An LAeqT value of 45 dB(A) at any other time. The T value shall be 15 minutes.

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

8. 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 soluble particulate matter and at any position on the boundary of the quarry. An adequate hose capacity shall be maintained to dampen down stockpiles, waste piles and equipment during periods of dry windy weather to prevent emissions of fugitive dust.

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

9. 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 re-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 on-site dust.
  - (d) Proposals for the on-going monitoring of dust emissions at dwellings in the vicinity.
  - (e) Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.
  - (f) Details of safety measures for the land around the quarry, to include warning signs and stock proof fencing.
  - (g) Monitoring of ground and surface water quality, levels and discharges.
  - (h) Managing of all landscaping with particular reference to enhancing the ecological value of woodland/grassland on the berms and buffer areas.
  - (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.

10. Implementation-stage details of the restoration of the quarry shall be submitted to, and agreed in writing with, the planning authority within six months of the date of this Order. The scheme shall be generally in accordance with the approach proposed in section 12 of the Environmental Impact Statement, but shall be revised to take into account the restrictions imposed by conditions numbers 2 and 3 above. The following shall apply in relation to the design and timing of the restoration plan:

The site restoration shall provide for the immediate re-vegetation of the site where suitable and/or the provision of features to control sediments which could result in surface water pollution.

The scheme shall incorporate tree planting to screen the quarry from key vantage points along the local road network.

Details of site safety measures shall be provided.

A timescale for implementation and proposals for an aftercare programme of five years shall be agreed in writing with the planning authority.

**Reason:** In the interest of the visual amenities of the area, to ensure public safety and to ensure that the quarry restoration protects water quality.

11. 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.

12. 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 the 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.

13. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of road improvement works to the R345 in the vicinity of the quarry. The amount of the contribution 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 for determination. The contribution shall be paid prior to the re-commencement of the development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

## **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.

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

**Dated this          day of                          2017**