

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

## Cork County

An Bord Pleanála Reference Number: 04.QD.0010

Associated Substitute Consent Reference Number: 04.SU.0093

**WHEREAS** Lagan Bitumen Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin made an application to An Bord Pleanála on the 21<sup>st</sup> day of December, 2015, pursuant to section 37L of the Planning and Development Act 2000, as amended, to further develop a quarry including completion of extraction within the area permitted by An Bord Pleanála under reference number PL04.203672 (planning register reference number S/02/5476, deepening of the quarry by one number bench from 0 metres Ordnance Datum to -20 metres Ordnance Datum over an area of 7.6 hectares, thereby extending the life of the quarry by 15 years and all ancillary development to the operation of the quarry including the provision of a new infiltration pond system and road improvement works within an overall application area of 20.45 hectares at Rossmore, Carrigtwohill, County Cork 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 Cork County Development Plan,
- (d) the Environmental Impact Statement submitted with the application to further develop the quarry,
- (e) the Natura Impact Statement submitted with the application,
- (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 Regulations 2001, as amended,
- (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 pattern of development in the area,
- (k) the nature and scale of the development the subject of this application to further develop the quarry, and
- (l) the decision of An Bord Pleanála to grant substitute consent in respect of part of the subject quarry under reference number 04.SU.0093.

### Appropriate Assessment

Having regard to the nature, scale and extent of the 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 considered that the information before it was adequate to allow the carrying out of an appropriate assessment and completed an appropriate assessment of the impacts of the development on nearby Natura 2000 sites, specifically the Great Island Channel Special Area of Conservation (Site Code 001058) and the Cork Harbour Special Protection Area (Site Code 004030). In completing the appropriate assessment, the Board 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 Natura sites, having regard to the sites' conservation objectives.

The Board was satisfied that subject to the implementation of the identified mitigation measures and on the basis of the information available, the proposed development, either individually or in combination with other plans or projects, would not adversely affect the integrity of any Natura sites, having regard to the conservation objectives of those sites.

### Environmental Impact Assessment

The Board had regard to the Environmental Impact Statement and completed an environmental impact assessment in relation to the proposed development, 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, which would be acceptable on the environment.

## Conclusions

Having regard to the foregoing, it is considered that, subject to compliance with the conditions set out below, the subject development, comprising an extension to an existing permitted quarry and onto previously disturbed adjacent lands, would be acceptable in terms of the residential and other amenities of the area, would not seriously injure the ecological or water resources of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, 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 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 15 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. The depth of the excavation shall be no lower than -20 metres Ordnance Datum.

**Reason:** In the interest of clarity.

4. The site shall be restored in accordance with the plans and proposals set out in the Environmental Impact Statement.

**Reason:** In the interest of visual amenity.

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

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

6. There shall be no discharge of quarry water from the site to any roadside drain, adjacent watercourse, the sea or to groundwater in the absence of a Discharge Licence.

**Reason:** In order to protect ground and surface waters.

7. All details of the construction and monitoring of the settlement and filtration ponds shall be agreed in writing with the planning authority prior to re-commencement to further develop the quarry.

**Reason:** In the interest of protecting the environment.

8. This grant of permission to further develop the quarry does not authorise the importation of materials for the restoration of the site.

**Reason:** In the interest of clarity.

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 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) an annual topographical survey and aerial photograph;
  - (g) a record of all complaints, including actions taken in response to each complaint;
  - (h) proposals for the management of scrap metal and other waste streams on the site;
  - (i) proposals for the protection and monitoring of ground and surface water quality, levels and discharges including the bunding of all over-ground tanks containing liquids (other than water); and
  - (j) details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.

A report on all the above and related matters shall be submitted annually (at a minimum) to the planning authority.

**Reason:** In order to safeguard local amenities.

10. 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  $L_{Ar}T$  value of 55 dB(A) during 0700 and 1800 hours. The T value shall be one hour.
  - (b) an  $L_{Aeq}T$  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.

11. (a) Blasting operations shall take place only between 11.00 hours and 17.00 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 interests of public safety and residential amenity.

12. (a) Vibration levels from blasting shall not exceed a peak particle velocity of 12 mm/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 8 millimetres per second. Blasting shall not give rise to air overpressure values at sensitive locations which are in excess of 125 dB (Lin)<sub>max peak</sub> 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 residential amenity of property in the vicinity.



13. (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.

14. Details of road signage, warning the public of the entrance and of proposals for traffic management at the site entrance, shall be submitted to, and agreed in writing with, the planning authority prior to re-commencement of development at this site.

**Reason:** In the interest of traffic safety.

15. Quarrying within the proposed expansion area, and all activities occurring therein, shall only operate between 0700 hours and 1800 hours, Monday to Friday and between 0700 hours and 1400 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.

16. The wheel wash facility at the quarry exit shall be used by all Heavy Goods Vehicles leaving the site. Any aggregate, silt or muck carried out onto the public road shall be promptly removed by the developer.

**Reason:** In the interest of traffic safety.

17. The developer shall facilitate the archaeological appraisal of the extension area. 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,
  - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works, and
  - (c) provide arrangements, acceptable to the planning authority for the recording and for the removal of any archaeological material which the planning authority considers appropriate to remove.

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.

18. 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.

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 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.

### **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.**