

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

## Donegal County

An Bord Pleanála Reference Number: 05.QD.0020

Associated Substitute Consent Reference Number: 05.SU.0054

**WHEREAS** Roadstone Limited care of Quarryplan Limited of 6 Saintfield Road, Crossgar, Downpatrick, County Down made an application to An Bord Pleanála on the 20<sup>th</sup> day of January, 2016, pursuant to section 37L of the Planning and Development Acts, 2000 to 2016, to further develop a quarry including extraction of aggregates using conventional drilling and blasting techniques, with environmental mitigation measures to include habitat establishment, site restoration and associated activities within an area of 18.8 hectares at Ballintra Quarry, Ballynacarrick, Ballintra, 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 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 Donegal County Development Plan 2012-2018,
- (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 (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 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 by the Board to grant Substitute Consent in respect of part of the subject quarry under reference number 05.SU.0054.

### 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, which the Board accepted and adopted, the Board completed an Appropriate Assessment of the impacts of the development on nearby Natura 2000 sites, specifically the Ballintra Special Area of Conservation (Site Code 000115) and Durnesh Lough Special Area of Conservation (Site Code 000138). The Board concluded that, on the basis of the information available, the proposed development either individually or in combination with other plans or projects, would not be likely to adversely affect the integrity of these European sites or any other European site, in view of 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 proposed development. 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.

### Conclusion

It is considered 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. 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. 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 to further develop the quarry.

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

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

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

5. 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.

6. 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) monitoring of ground and surface water quality, levels and discharges; and
  - (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.

7. Within three months of the date of grant of permission to further develop the quarry, all over ground tanks containing liquids (other than water) shall be contained in a waterproof bunded area, which shall be of sufficient volume to hold 110 per cent of the volume of the tanks within the bund. All water contaminated with hydrocarbons, including stormwater, shall be discharged via a grit trap and three-way oil interceptor with sump to a watercourse. The sump shall be provided with an inspection chamber and shall be installed and operated in accordance with the written requirements of the planning authority.

**Reason:** In order to protect groundwater resources.

8. 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 scrapped trucks, other scrapped vehicles, empty oil barrels, broken or otherwise unusable truck bodies, worn out conveyor belts/chains, worn out batteries, unusable tyres and worn out conveyor/roller shafts.

**Reason:** To protect the amenities of the area.

9. 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.

10. (a) Blasting operations shall take place only between 10.00 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.

11. 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  $L_{ArT}$  value of 55 dB(A) during 0700 and 1800 hours. The T value shall be one hour.

(b) an  $L_{AeqT}$  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.

12. The depth of the excavation shall be no lower than 45 metres Ordnance Datum.

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

13. 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.

14. (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 in the interest of the amenity of the area and of nature conservation within the Ballintra Special Area of Conservation (Site Code 000115).



15. (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 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 order to protect the amenities of property in the vicinity.

16. The route of the 110kV power line shall not be altered, other than in accordance with exempted development provisions, without a prior grant of planning permission.

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

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, a restoration plan which shall be based on the principles set out in Section 3.3.4 of the Environmental Impact Statement accompanying the application, shall be submitted to, and agreed in writing with, the planning authority. The plan which shall be based on best practice shall include, inter alia, existing and proposed finished ground levels, landscaping proposals, proposals for the enhancement of the biodiversity of the area post-closure, safety measures proposed for steep faces and areas of deep water and a timescale for implementation. 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.

19. 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.

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

**Dated this            day of            2017.**