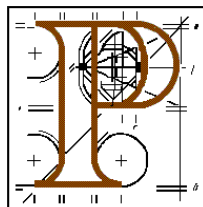


An Bord Pleanála



Inspector's Report

Development: 9.4 hectare extension to existing rock quarry at Gortnafolla, Turlough, Castlebar, Co. Mayo

Planning Application

Planning Authority: Mayo City Council
Planning Authority Reg. Ref. 14/375
Applicant: Harrington Concrete and Quarries
Type of Application: Permission
Planning Authority Decision: Grant

Planning Appeal

Appellants: Turlough Residents & Landowners

Observers: An Taisce
Inland Fisheries Ireland
Irish Wildlife Trust
Department of Arts, Heritage and the Gaeltacht

Type of Appeal: Third Party
Date of Site Inspection: 10/12/15

Inspector: Stephen J. O'Sullivan

1.0 INTRODUCTION

1.1 This report deals with a third party appeal against a decision of Mayo County Council to grant permission to extend a quarry.

2.0 SITE

2.1 The site is approximately six kilometres to the north-west of Castlebar. It lies to the south of the N5 national primary road. Turlough House and village lies c1km to the north on the other side of that road. The church associated with the former estate is c300m to the north of the site but on the same side of the N5. The site has a stated area of 9.4 hectares. Existing ground levels upon it vary from 20m to 30m OD. It consists mainly of scrub. It lies immediately to the south of a working quarry. The quarry is between the site and the county road and is on the same landholding. The entrance to the quarry is located approximately 400 metres from the junction of the local access road and the N5. The quarry itself is a large well-established operation comprising of blasting, crushing and screening of limestone. A concrete batching plant is also located on site.

2.2 In terms of surrounding land uses, the area is generally characterised by agricultural lands primarily used for grazing. McGrath's Waste Transfer Station is located on lands adjacent to the northern boundary of the site. There are a number of dwellinghouses in the vicinity of the site; these are mainly located along the access road to the south of the N5 which serves the quarry. There is a pattern of linear housing development along the roads in the vicinity of the site. These dwellings are concentrated to the south and south-east of the quarry, with the closest being 250 to the south-south-east of the current appeal site.

3.0 DEVELOPMENT

3.0 Permission is sought for a 9.4ha extension to an existing quarry, of which 7.8ha would be subject to extraction and processing of rock by drilling, blasting, crushing, screening. Various grades of aggregate would be produced. The rate of extraction would be up to 500,000 tonnes per annum to a level of -20m OD.

4.0 POLICY

4.1 The *Quarries and Ancillary Activities Guidelines for Planning Authorities* (April, 2004) offers guidance to Planning Authorities on planning for the extractive industry. Chapter 3 refers to the environmental implications and outlines the range of potential environmental effects caused by

quarries which need to be considered. The principal environmental impacts are listed as: noise and vibration, dust deposition / air quality, water supplies and ground water, natural heritage, landscape, traffic, cultural heritage and waste management. Section 3.10 refers to the use of Environmental management systems (EMS), a form of environmental monitoring, which should be considered as best practice for the environmental management of quarries. Part B Chapter 5 relates to Implementation of Section 261 of the 2000 Act including in section 5.7 the requirements in relation to sites of in excess of 5 hectares to apply for planning permission and to submit an EIS and for the development to be assessed similarly to other applications but having regard to its current use as a quarry.

- 4.2 Policies EI-01 and EI-02 of the Mayo County Development Plan 2014-2020 are that the extraction of stone and sand and gravel resources is carried out in a manner that minimises its impact on the environment and complies with the national guidelines. The site is within landscape policy area 4, as defined in the plan, which comprises drumlins and the inland lowland. Quarrying is regarded as having a medium potential to cause adverse landscape effects here. Its potential to cause adverse effects would be higher in all the other landscape policy areas.

5.0 PLANNING HISTORY

- 5.1 An Bord Pleanála ref. no. **PL16.5/83273** outline planning permission was granted for the operation of a concrete products plant, crusher and ready-mix concrete plant.
- 5.2 An Bord Pleanála ref. no. **PL16.092156** planning approval was granted for the operation of concrete products plant, crusher and ready-mix concrete plant in the existing quarry subject to 17 no. conditions.
- 5.3 An Bord Pleanála ref. no. **PL16.QC2140** the quarry was registered in accordance with Section 261 of the planning and Development Act 2000. 22 no. conditions were imposed on the operation of the quarry on the 24th April 2007.
- 5.4 An Bord Pleanála ref. no. **PL16.236961**: Planning permission was granted for the continuation of quarry including retention of extraction area amounting to 1.47 hectares and further extraction to a final quarry depth of 40 metres below ground level, retention of modified location for permitted buildings and weighbridge and improvements to site entrance. 24 no. conditions attached of which the following are of relevance:
2(a): Requirement to obtain a discharge licence

- 2(b): Rock excavation limited to delineated area.
- 3: 20 year life from 27/10/2011
- 4: Output to not exceed 500,000 tonnes
- 5: Excavation limited to -20mOD
- 15: Drainage management plan to be submitted
- 17: Environmental Management System to be agreed
- 18: Road improvement works to be agreed with MCC.

5.5 An Bord Pleanála ref. no. **HA0042**: Approval under the Roads Act was granted to build a new road along the N5 route to by-pass Westport and Castlebar. The board did not approve the proposal to upgrade the existing N5 road at Turlough in the vicinity of the site.

6.0 DECISION OF THE PLANNING AUTHORITY

6.1 By order dated 04/08/15 the planning authority decided to grant permission subject to 40 conditions. Conditions of note include:

- 2: 20 year life of permission
- 3: Maximum output not to exceed 500,000 tonnes pa.
- 7: Excavation limited to -20mOD. Benchmark to be established on site, topographical survey to be submitted to Planning Authority annually.
- 9/10: Blasting details
- 11: Vibration details
- 13: Noise levels
- 14: Dust emissions
- 15: Discharge licence to be obtained
- 21: establishment of an Environmental Monitoring Committee
- 22: Environmental Monitoring Plan
- 23: Consultation with Inland Fisheries Irl prior to diversion of stream
- 26: Archaeologist
- 27-37: Road specifications

7.0 REPORTS TO THE PLANNING AUTHORITY

7.1 Submissions

A submissions regarding the proposed development was submitted to the planning authority. The issues raised in the observation reflect those raised in the third party appeal.

7.2 **National Roads Authority**: The Authority considers that the proposed development would be at variance with national policy in relation to control of frontage development on national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines 2012 (2012).

It is recommended that a Roads Safety Audit (RSA) should be carried out in accordance with the NRA DMRB. The developer shall be responsible for the cost of the audit, which shall be undertaken by an independent qualified engineer. Any recommendations arising shall be incorporated in the proposed development by amendment to the existing planning application or as conditions on the permission, if granted. Any additional works required as a result of the RSA should be funded by the developer.

- 7.3 **An Taisce:** All issues of compliance need to be checked. An existing quarry does not justify continued development. The suitability for the extended quarry must be reconciled with one-off houses permitted by the council in proximity to the site. The planning status of the site that has been clear felled has not been identified.
- 7.4 **National Roads Design Office:** No objection as proposed development does not compromise the selected route for the N5 Westport to Turlough Road project. EIS for the proposed development states that traffic generated will not increase.
- 7.5 **MCC Archaeologist:** Applicant should undertake programme of archaeological pre-development testing on the entire site. Pre-development testing to comply with 6 no. conditions.
- 7.6 **Inland Fisheries Ireland:** Site lies close to Ballinovash River which is a tributary of the Manulla River, an important salmon & trout spawning and nursery habitat. Catchment has been allocated “moderate ecological status” in Western RBMP, must be upgraded to ‘good’ by 2021 and is ‘at risk’ of not achieving this. Site has direct hydraulic connectivity to the River Moy SAC 350m downstream. Request that the 9 no. specific issues are addressed prior to decision.
- 7.7 **DAU of DoAHG:** Site is 400m from River Moy cSAC (002298). Existing and proposed quarry drain to Manulla River and on to SAC. Council must note full scope of conservation objectives when carrying out AA. Key issue is impact on Alluvial forest – Annex I priority habitat and impacts on habitats of Annex II species arising from emissions from the quarry site. There is no evidence An Bord Pleanála carried out AA on previous planning permission (PL16.236961). There is clear evidence that the site has already been cleared – this should have been subject to EIA screening and AA. Adverse ecological effects are the removal of permanent woodland habitat and loss of habitat species such as bats and other mammals. Council must have regard to obligations for EIA and AA in retrospective applications. Council must carry out AA screening for

the proposed discharge licence. Insufficient detail regarding existing and proposed surface and ground water management, with no evidence of water management system as required by An Bord Pleanála condition. Habitat surveys were undertaken in April 2014 which is early in the year for such surveys. Little information provided about present habitats. The presence of annex 1 grassland habitats is discounted without scientific justification. EIS is deficient in respect of habitats, impact of woodland clearance, habitat loss, existing and proposed landscaping and site restoration after use. Council must screen for AA and should take account of the submitted NIS. EPA water quality data shows the Manulla River is Q4 upstream of the Ballinvosh River and Q3-4 downstream of the outfall. AA should be carried out on full details of all aspects of the proposed development and no details may be deferred to post consent stage.

7.8 **Environment Section:** Further information required on 4 detailed issues relating to aquifer, borehole construction, locations of surface water sample points and depth of proposed excavation.

7.9 **Dr Karol Donnelly:** Further information should be requested regarding in-combination effects from the existing quarry, from the proposed discharge licence, from woodland clearance already undertaken, from new N5 Westport to Turlough road scheme and from any other developments locally. Further details required regarding monitoring data and decommissioning data.

7.10 **Mayo National Roads Design Office:** Application is defective for the following reasons:

- Traffic impact assessment is 6 years out of date.
- Proposed junction is based on previous application and takes no account of current and predicted traffic flows on N5
- Proposed development impinges on the N5/N58/N26 Turlough to Bohola road project
- In July 2014 the upgrade of the on-line section of the N5 Westport to Turlough road project was refused by An Bord Pleanála on the grounds that it in combination with other projects would have a likely and significant indirect effect on the River Moy cSAC. The proposed development should be refused or deferred pending a decision by the Board on the NIS, EIS and confirmation of the CPO for the N5 Turlough / Bohola road project.

7.11 **Planning Report:** Further information to be requested.

7.12 Further Information Request

On the 12th September 2014, Mayo County council requested the following items of further information:

- Road Safety Audit
- Update hydrogeological assessment and review of the area to include sufficient data to allow water volume and ground water level monitoring, having regard to the fact that the underlying aquifer is classified as a regionally important aquifer – karstified.
- Borehole construction details
- Surface water sampling locations
- Confirmation of proposed excavation depth
- Details of surface water and ground water management and drainage management plan as required by An Bord Pleanála.
- Further details of present habitats, their vegetation composition and condition, impacts of woodland clearance and habitat loss.
- Impacts of sediment and silt produced during blasting and crushing process and impacts of discharge of this material to the Ballinovash and Manulla rivers.
- Details of type of explosive proposed, having regard to the threat to ground water quality from nitrogen in liquid explosives.
- Further details on the proposed operation of allowing the lower benches to flood during storm conditions and details of proposed ground water sump, copy of Water Management System and monitoring schedule for discharge.
- Details of discharge flow rate having regard to the low flow rate and poor attenuation capacity of the Ballinavosh River.
- Location of discharge point.
- Details required to carry out AA namely the in-combination effects from the existing quarry, the proposed discharge licence, from woodland clearance already undertaken, from the new N5Westport to Turlough road scheme and from any other developments locally. Further details required regarding monitoring data and decommissioning data.
- More detailed restoration plan
- Details landscaping scheme
- Applicant requested to engage a suitably qualified Archaeologist to carry out pre-development testing subject to 6 no. conditions.

By way of an advice note the applicant was advised

- that the proposed berm along the perimeter of the site needed to be constructed a minimum of 10m from the Ballinavosh River and a natural riparian zone allowed to develop

- that a fenced buffer zone of min. 5m width was required along the in-site drain to protect the hydraulic link to the Ballinavosh River and that
- Alkaline fens (7230) is a sixth Annex I habitat for which the River Moy cSAC was designated.

Reports on file following submission of FI

- 7.13 **Dr Karol Donnelly:** In-combination effects have been deemed to not significant based on effects on areas outside the quarry and based on waste assimilative capacity estimations. Details of discharge licence should be submitted, Proposed development must result in positive effects for mammals, birds and invertebrates. Site restoration and site landscaping plans are acceptable.
- 7.14 **NRA:** Planning Authority must abide by official policy and proposed development must comply with RSA with recommendations attached as conditions. Planning Authority must consult with local road design office regarding future national road scheme.
- 7.15 **Inland Fisheries Ireland:** Response to berm proposal is acceptable. Water management systems must be as proposed in the Hydrogeological report and mitigation measures must be strictly adhered to. The applicants response regarding discharge rates is questioned. The Ballinavosh River shows silt depositions which could act as a potential conduit for pollutants to the cSAC. The settlement pond proposed appears to satisfy EPA guidelines. Regarding the flow rate of Ballinavosh river, FI response indicates that there will be no impact. Installation of a flow measuring device is welcomed. Proposed fencing, identification of discharge outfall and proposal for an oil interceptor welcomed. IFI should be included as a notifiable body in the proposed emergency Response Plan.
- 7.16 **DAU of DoAHG:** NIS must consider existing and proposed development. NIS and EIS surveys were carried out in 2014. Insufficient examination of at-risk species and habitats in River Moy cSAC. NIS must be reviewed in light of hydrogeological and hydrological assessment submitted as further information response, particularly in relation to altered. Ground water levels and surface water flows and the impacts on the SAC. Conservation objectives and the integrity of the site must be analysed in the NIS and any additional risks to the site must be taken into consideration. The AA must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects on the site.

7.17 **Archaeologist:** 4 no. conditions recommended.

7.18 **Mayo National Roads Design Office:** Applicants proposed development will not impinge on the Emerging Preferred Route (EPR) corridor. No data has been submitted to update the traffic impact assessment. 11 no. conditions recommended should permission be granted.

7.19 **Environment:** Responses to each item of FI considered acceptable. EIS complies with guidelines and there are no important omissions. 28 no. conditions recommended.

7.20 **Planning Report:** Subject to conditions, the proposed development would not have a significant adverse effect on the landscape or the visual or residential amenities of the area. An EIA was carried out by MCC and it was concluded that the proposed development would not have a significant adverse effect on the environment. MCC carried out an AA and concluded that the proposed development would not adversely affect the integrity of a European site. 40 no. conditions recommended.

8.0 APPEAL

8.1 The grounds of the appeal can be summarised as follows –

- The EIS is inadequate. The plans are inconsistent with the proposal to excavate to a floor level of -20m OD across the existing and proposed quarry. Figure 2.1 submitted by the applicant indicates that there is adequate capacity in the existing quarry from which only a third of the available material has been excavated.
- The proposed development could, in conjunction with the existing quarry, double the level of traffic along the local road. The access to the quarry from that road is located on a convex bend and is unsafe. It has not been upgraded as required by the conditions on the previous permission. Such an upgrade would require the permission of the neighbouring landowner. The proposed development cannot comply with the requirement of condition no. 27 to provide a safe access from the public road.
- The proposed development could, in conjunction with the authorised quarry, double the level of activity on the site. This level of activity was

not properly assessed in the EIS. When the previous permission granted under PL16. 236551 expires there would be no authorised access to the proposed quarry. Condition 2(b) of that permission de-authorised quarrying on the current appeal site in the interests of public health.

- Trees were removed from the site without compliance with the requirements of the Forestry Act 1947.
- The proposed quarry would be only 200m from curtilage of houses, compared to the separation distance of 400m achieved by the existing quarry.
- The proposed development has the capacity to effect flora and fauna, the landscape and listed buildings in the area, as well as on the quality of life there and its potential for tourism.

9.0 OBSERVATIONS

9.1 The observation from the Department of Arts, Heritage and the Gaeltacht stated that there is no evidence that the clearing of forestry from the site was subject to screening for EIA or AA. The site is c400m from the cSAC at the River Moy. There is little examination or analysis in the NIS of which species or habitats, if any, are at risk from the identified effects of the development due to dust deposition, changes to groundwater levels and surface water flows, and changes to water quality including those from siltation. The NIS should be reviewed in the light of the additional hydrological and hydrogeological assessment in the further information. General advice is given on the procedure for appropriate assessment.

9.2 The observation from Inland Fisheries Ireland stated that emissions to water from the proposed quarry should be controlled to ensure that there is no adverse impact on water quality, and that the limits specified in the discharge licence for the quarry should be reflect those predicted in the EIS.

9.3 The observation from the Irish Wildlife Trust stated that the development would be likely to cause severe impacts to the flora, fauna and habitats at this location. The EIS has not taken sufficient cognisance of the potential for such in combination effects. The sensitivity of groundwater here indicates that it is not a suitable location for quarrying. The illegal felling of trees in 2007 contravened wildlife legislation.

9.4 The observation from An Taisce echoed the concerns about the proposed development set out in the appeal.

10.0 RESPONSES

10.1 The response from the planning authority stated that it had no further comment.

10.2 The applicant's response can be summarised as follows –

- The extension to the quarry is proposed in anticipation of the N5 road scheme authorised by the board in 2014 under HA0042.
- A scheme is shown for the extension of the quarry in relation to the existing quarry. All water runoff will be directed towards the existing quarry and all processing will occur in the latter area.
- The improvement works at the access to the public road were delayed pending the completion of the detailed, post-consent design of the N5 scheme. A letter of consent from the adjoining landowner is submitted.

10.3 The applicant's response was circulated to the other parties for comment. Responses were received from Inland Fisheries Ireland and the Department of Arts, Heritage and the Gaeltacht. They did not contain significant new information.

10.4 The appellant also submitted a response. It reiterated the appellant's position that the proposed extension would not be compatible with the terms and conditions of the permission for the existing quarry and that a permission issued on foot of this application would allow both to be worked at once but would not provide an authorised access to the extension. The N5 upgrade scheme would not have affected the land near the site and would not justify delaying the required upgrade of the entrance to the quarry.

10.0 ASSESSMENT

10.1 The issues arising from the proposed development can be addressed under the following headings:

- The nature and extent of the proposed development
- Appropriate assessment
- Policy and the principle of development
- Environmental impact assessment, including the impact on

Human beings

Flora and fauna

Soil, water, air and climate

The landscape

Material assets

Cultural heritage

The interaction of the foregoing

Cumulative impact, and

Adequacy of the EIS

- Traffic and access

The nature and extent of the proposed development

10.2 The appeal argued that the EIS and subsequent assessment of the development were flawed because they did not address the effects of a doubling of activity that would arise from the operation of the proposed development at the same time as the authorised quarry. It is not considered that such flaws arise. The applicant has specified that the working of the proposed quarry extension would occur after extraction from the existing quarry had ceased. A grant of permission issued on foot of this application can specify that the rate of extraction from the proposed and existing quarries together would not exceed the limit of 500,000 tonnes per annum. As both would occur within the blue line outlining the applicant's landholding at this location, there would be no special impediment to the enforcement of such a limit in terms of procedure or practice.

10.3 The appeal argued that the proposed development would be incompatible with conditions attached to the permission for the existing quarry granted under Reg. Ref. 09/451, PL16. 236961. Condition no 3 required the operation of the quarry to cease by 2031, with the site to be restored to the satisfaction of the planning authority in accordance with

condition no. 4c) and an agreement to be made under section 47 of the planning act. The terms and conditions of the previous permission do not necessarily require the removal of the access to the current appeal site from the public road across the site of the previous quarry or render it unauthorised. They would not, therefore, preclude consideration of the current proposal to extend the quarry using that access. Condition no. 2b) clarified that extent of the lands and works to which the previous permission applied. It did not preclude the consideration of a proposed extension of the quarry in the context of a new planning application that was validly made. Condition no. 18 required improvement works to be carried out at the entrance to the quarry which would also serve the proposed extension. The applicant has conceded that the works have not yet been carried out. Condition no. 2a) required the developer to obtain a discharge licence from the county council. In this case the developer has submitted evidence that a discharge licence has been applied for, but not that one has actually been obtained. However the board's duty in this case is to consider that development proposed in this application having regard to the proper planning and sustainable development of the area. It may not use its power to decide planning applications to supplant or circumvent the enforcement procedures set out in part VIII of the planning act, responsibility for which is given to the planning authority and the courts. Similarly, it would be improper to use a decision on an application under the planning acts to respond to an allegation that there was a breach of a separate legislative code set out in the Forestry Act 1947, or to circumvent the enforcement procedures laid down by the Oireachtas within that act and the limitations which it placed upon them. The development which that board assesses should therefore be the alteration from the existing state of the site by the works and uses described in the plans and particulars submitted with the application including the EIS.

- 10.4 The plans and particulars submitted with this application, including the drawings and the description of the development set out in the EIS, provide a reasonably coherent and comprehensive description of the proposed development. It is not considered that there is any inconsistency between them that would have to be resolved before a grant of permission were considered for the proposed development.

Appropriate assessment

- 10.5 The boundaries of the Special Area of Conservation for the River Moy (site code 002298) are c350m to the east of the appeal site. The SAC has an area of 15,395ha. It encompasses the entire River Moy from its

source in Co. Sligo to the tidal limit of the estuary at Ballina, as well as numerous tributaries and lakes. Its conservation objectives are to maintain or restore the favourable conservation status of the habitats of active raised bog, degraded raised bog capable of natural regeneration, depressions on peat substrate of the *Rhynchosporion*, old sessile oak woods with *Ilex* and *Blechnum*, and alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*; and the species of White-clawed crayfish, Sea lamprey, Brook lamprey, Salmon and Otter. The primary features of conservation value within the vicinity of the appeal site are the channels of the surface water bodies and the associated riparian and riverbed habitats. The bog habitats do not occur in this area, while the local woodland is outside the SAC.

10.6 The main ecological connectivity between the appeal site and the SAC is hydrological. The surface water discharge from the site is to a drain to the Ballinvoash River. The river enters the SAC c350m east of the appeal site and joins the Manulla River which is the main water feature of the SAC in the vicinity. The Ballinvoash and Manulla Rivers are largely fed by surface water, with previous hydrogeological studies indicating that any potential groundwater features on the site would be likely to be below the proposed extraction floor of -20mOD. Q values of 3-4 are reported by the EPA for the Manulla River, indicating moderate water quality. The overall status of the river under the Water Framework Directive is moderate, with a good status for fish and general physio-chemical properties and a moderate status for macroinvertebrates. The risk status is “1a – at risk”, with the risk listed as emanating from diffuse nutrient sources. Field observations of the Ballinvoash River undertaken for this application indicated a q value of 3-4 for that waterbody, with moderate nutrient enrichment. Potential sources of such enrichment include livestock that have access to the river to the south of the appeal site, with trampling and faecal waste from horses and cattle recorded along the riverbank.

10.7 The proposed development would not be likely to have any direct effects on the SAC. However the hydrological connection means that it might have indirect effects on the quality of water in the Manulla River with consequent implications for the aquatic species whose conservation is an objective of the SAC. An appropriate assessment of the implications of the development for the SAC in light of the conservations objectives of that site is therefore required.

10.8 The information upon required to carry out the requisite assessment is largely set out in the hydrogeological report prepared by Dr Pamela Bartley in June 2015 which the applicant submitted to the planning

authority as further information. The zone of influence of the proposed quarry extension of groundwater will be limited and, even in combination with the existing quarry, will not have an effect outside the landholding. The report describes the regime for the management of water in the existing quarry, and that proposed for the extension. The former involves the collection of surface water inflows and groundwater seepage in a sump on quarry floor. It is pumped from here to a drain outfall, from which it drains by gravity along a stone filled channel to the discharge point on the Ballinvaosh Stream. The water required for the processes within the quarry is estimated at 9m³ per day. It is taken from the sump on the quarry floor. Based on measurements taken in April 2015, the discharge rate from the quarry is calculated at 1.96-13m³ per hour. Sampling demonstrated that the concentration of solids was <2mg/L which was the same concentration as in the stream, indicating that the retention of runoff on the quarry floor and in the sump was effective in removing fines. The concentration of nitrates in the discharge was less than that in the stream. In respect of the proposed extension, the total maximum discharge is estimated at 44m³. It would be drained via the existing drainage facilities for the quarry. The settlement pond has a capacity of 1,100m³, allowing for a retention time of 25 hours. The quarry floor would be allowed to flood during extreme rainfall events. The settlement pond would discharge to the Ballinvaosh Stream via a class A oil interceptor and a v-notch weir. The outfall would comprise a 150mm pipe. An application for a discharge licence is before Mayo County Council. Calculations prepared for the discharge licence indicated that the concentration of suspended solids in the discharge from the quarry would have to reach 43mg/L before the concentration in the Ballinvaosh Stream breached the threshold of 25mg/L set for salmonid rivers under the Freshwater Fish Directive. The water management system for the proposed development would prevent such concentrations occurring in the discharge from the quarry.

10.9 Evidence has therefore been presented that the implementation of the mitigation measures included in the water management system for the proposed development would ensure that it did not have a significant negative impact on the quality or quantity of waters downstream of the appeal site. This evidence is based on empirical data about the discharge from the quarry and the waters to which it falls, the quantifiable characteristics of the proposed extension to that quarry, and a clear description of the measures proposed to mitigate the potential impact in this regard, which themselves are comprised of standard techniques whose efficacy is established. As the proposed development would not be likely to have a discernible impact on the SAC by itself, it would not be likely to have significant impacts in combination with other

projects. it can therefore be concluded beyond reasonable scientific doubt, and after appropriate assessment of the implications of the proposed development, individually and in combination with other plans and projects, for the River Moy SAC in view of that the conservation objectives, that the proposed development would not adversely affect the integrity of the said SAC.

10.10 The proposed development would not be likely to have significant effects on any other Natura 2000 site.

Policy and the principle of development

10.11 As section 2.3 of the guidelines recognises, aggregate resources can only be worked where they occur. Policy EI-01 and -02 of the development plan support the extraction of such resources in line with the national guidelines, subject to planning and environmental considerations. The appeal site is within the landscape category described in the development plan as having the least potential for adverse effects due to quarrying. The development plan does not set down any zoning, designation or local objective that would restrict quarrying at this location. There is no general or local restriction on quarry development in either local or national policy that would require a specific need to be established for the proposed extension to the existing quarry before further consideration was given to a grant of permission. The principle of the proposed development at this location is therefore accepted. A conclusion as to whether it actually complies with the proper planning and sustainable development of the area should not be made, however, until an environmental impact assessment of the proposed development has been completed, as well as an assessment of the other planning issues that are specific to the site and the proposal.

Environmental impact assessment

Human beings

10.12 The main environmental effect on human being likely to arise from the proposed development would be due to noise or vibration. The main impact from vibration would occur during blasting. Noise would be emitted when machinery was used to excavate, crush, screen and load material in the quarry. The guidelines establish limits on noise and vibration from quarries, being 55dB(A) L_{Aeq} 1 hr by day, 45dB(A) L_{Aeq} 15min by night and a peak particle velocity of 12mm/s and air overpressure of

125dB(Lin). Monitoring of the operation of the existing quarry indicates that it has not caused a breach of these limits at sensitive receptors in the vicinity, save for the latter value on one occasion. Mitigation measures to control the impact from noise and vibration are set out at section 8.6 of the EIS. The description of the measures is rather imprecise. However the limits set out in the guidelines can be specified in a condition attached to a grant of permission. The limits can be monitored and enforced under the standard planning enforcement procedures. In this context, it is not considered likely that the proposed development would have a significant negative upon human beings due to noise or vibration.

Flora and fauna

10.13 The EIS reports that coniferous and mixed broadleaved forest covered the site until it was cleared in 2006. The site has been subject to heavy disturbance in the form of overburden clearing and spoil relocation. Much of the terrain is artificially created in the form of berms and spoil deposits. The main habitats on the site are recolonizing bare ground, spoil, and bare ground and scrub. Where the recolonization is more advanced, the habitat of dry calcareous and neutral grassland is to be found. The extent of the various habitats is described and mapped in appendix 4 to the EIS. No habitats of ecological interest were recorded on the site. No particularly rare species of flora were recorded. With regard to fauna, a white clawed crayfish was recorded in a drainage ditch downstream of the site. This species is a qualifying interest for the River Moy SAC, and so the potential impact of the development upon it is considered in conjunction with the potential impact on other aquatic species in the SAC in the appropriate assessment above. The other faunal species likely to be present on the site are relatively common, with an observation of a mountain hare and of frogspawn recorded in appendix 4 of the EIS.

10.14 The proposed development would remove the existing habitats and species from the site. As these habitats and species are neither rare nor of ecological interest, it is not considered that this would not constitute a significant negative effect on the environment. It would not be mitigated in the short to medium term. It would be mitigated in the long term by the implementation of the landscape and restoration plan set out in appendix V of the further information submitted by the applicant to the planning authority. This would involve laying a planted berm around the perimeter of the site, and allowing the excavated area to flood and the remainder of the site to re-vegetate naturally. Part of the existing quarry

outside the current appeal site would be used for agriculture. The implementation of these measures has the potential to facilitate habitats and species on the site that are of more ecological interest than its current state.

- 10.15 The more important potential effect from the proposed development on flora and fauna is the indirect downstream impact on water quality. As the waterbodies downstream of the development are an SAC, this potential effect is addressed in the appropriate assessment above.

Soil

- 10.16 The soil in the area is chiefly till derived from limestone. The soil on the site has been disturbed in recent years. The underlying bedrock is limestone. The GSI database did not identify any karst features on the site. The nearest is a swallow hole c2km to the south. The proposed development would result in the removal of the soil and rock from most of the site to a depth of -20mOD, with some of the stripped soil being used to complete the berms around the extension to the quarry. These effects would not have a significant negative impact of the environment.

Water

- 10.17 The proposed development would have the potential to have a negative impact on water quality downstream, as well as on the groundwater regime and surface water flow in the area. In this regard I would refer the board to the baseline data, mitigation measures and predicted residual effects on water described in the appropriate assessment above. They are applicable to this section of the EIA and support a conclusion that the proposed development would not have a significant negative impact on water.

Air and climate

- 10.18 The proposed quarrying has the potential to generate dust emissions that would have a negative effect on air quality. Plant and machinery could also give rise to emissions to air if improperly operated or maintained. The nearest sensitive receptors are houses c250m from the south-eastern boundary of the site. Section 8.6 of the EIS sets out standard dust suppression measures to be implemented in the course of the development, including the use of a mobile dust suppression unit

during dry weather and the construction of berms around the extended quarry, as well as the proper maintenance of equipment. The description of the measures is rather imprecise. However the guidelines establish a limit for dust emissions from quarries, at 350mg/m² per day, which can be specified in a condition attached to a grant of permission. This limit can be monitored and enforced under the standard planning enforcement procedures. In this context it is not considered likely that the proposed development would have a significant negative impact on air quality. The proposed development would not be likely to have a significant effect on the climate.

The landscape

10.19 The proposed development would profoundly alter the character of the landscape on the site. However that landscape is not designated for protection in the development plan. It is not elevated or prominent in views from outside the site. The visual impact of the development on the surrounding area would be mitigated by the laying of planted berms around the extended quarry. In the longer term the effects would be mitigated by the implementation of the landscaping and restoration plan set out in appendix V of the further information submitted to the planning authority. In these circumstances the proposed development would not have a significant negative impact on the landscape.

Material assets

10.20 The proposed development would generate 117 deliveries by heavy good vehicle per day according to table 10.4 of the EIS, which would be similar to the traffic generated by the existing quarry. This would have the potential to effect the condition and use of the county road between the site and the N5 c500m away. Its impact on the wider road network beyond the junction of that road with the N5 would be marginal. The potential effects on the county road can be properly mitigated by works by the roads authority, including works to the junction of the county road and N5 similar to those referred to in conditions nos. 27 to 38 of the planning authority's decision. It would be reasonable for the developer to contribute to the cost of these works by a special contribution, or to carry them out on behalf of the roads authority.

10.21 The proposed development would have the potential to have an indirect effect on the material assets comprised of the dwellings in the vicinity due to dust, noise and vibration. These potential effects are considered in the relevant sections above. They are not likely to have a

significant adverse impact on the houses in the vicinity, subject to the proper implementation of the requisite mitigation measures and their subsequent monitoring and enforcement.

Cultural heritage

10.22 Features of archaeological or architectural interests are not recorded on the site, nor were any uncovered during a field survey undertaken during the preparation of the EIS. The site is c1km from Turlough House, a 19th century big house that currently houses the National Museum of Country Life, and the medieval round tower at Turlough Abbey. However, given the separation distance and relatively flat intervening topography, it is not considered that the proposed development would have a significant impact on the character or setting of those structures. The site is closer to Turlough Church, a 19th century building that was previously associated with estate centred on Turlough House. However the proposed development involves an extension of the existing quarry in the direction away from that church, and so would not lead to a deterioration in its setting. The proposed development would not, therefore, have a significant negative impact on the cultural heritage of the area, or on the character or setting of any protected structure.

The interaction of the foregoing

10.23 As noted above, the potential impact of the development on the quality of surface water bodies downstream of the site give rise to the most significant potential impact on flora and fauna. The impact of the development on human beings due to noise and vibration and that on air quality due to dust emissions interacts with the impact on the material assets that comprise the dwellinghouses in the vicinity.

Cumulative impacts

10.24 This environmental assessment has been undertaken on the premise that the working of the proposed extension to the quarry would take place sequentially after the working of the existing quarry authorised under PL16. 236961, Reg. Ref. 09/451 has concluded. So the proposed activity should not give rise to concurrent effects on the environment, although the long term cumulative effect would be to leave a larger former quarry to be reinstated. The authorised N5 road scheme does

not include the proposed works at Turlough, and significant cumulative effects between it and the proposed development are not likely.

Adequacy of the EIS

10.25 The EIS submitted with the application provided an adequate description of the existing environment, of the proposed development, of the main alternatives considered by the developer and the reason for his choice, and of the likely predicted effects of the proposed development on the environment. The description of the proposed mitigation measures did not properly describe those to avoid potential effects on water. However this omission was adequately remedied by the further information submitted to the planning authority. The EIS also included a non-technical summary. The requirements of article 94 and schedule 6 of the Planning and Development Regulations 2001-2015 have been met.

Traffic and access

10.26 The site is close to the N5 national primary road. Approval was given under HA0042 to provide a by-pass around Castlebar on the N5 route, however it did not authorise the proposed works to the existing N5 in the vicinity of the site at Turlough. It is linked to it by a county road whose width, alignment and condition are generally adequate for heavy vehicles. The proposed development would not generate traffic on the road network of a type of volume that was significantly greater than that which is generated by the existing quarry that the board authorised under PL16. 326961, Reg. Ref. 09/451. The applicant has undertaken to improve the sightlines available at the access to the public road in the manner required by the conditions of the previous permission, and has submitted the written consent of the adjoining landowner to the carrying out of the requisite works. A condition can be attached to any permission issued on foot of this application allowing for the enforcement of such an undertaking. In these circumstances the proposed development would not give rise to an undue traffic hazard or obstruction of road users, and would be acceptable in terms of traffic safety and convenience.

11.0 CONCLUSION

11.1 The proposed development would be in keeping with the provisions of the *Guidelines for Planning Authorities on Quarries and Ancillary Activities* issued by the minister in April 2004 and of the *Mayo County Development Plan 2014-2020*. After an appropriate assessment of the implications of the proposed development for the River Moy SAC undertaken in light of that site's conservation objectives, it has been ascertained, beyond reasonable scientific doubt, that the proposed development would not, either individually or in combination with other plans or projects, have an adverse impact on the integrity of that site. After an environmental impact assessment of the proposed development, it has been concluded that it would not be likely to have significant negative effects on the environment. It would not seriously injure the character of the area or the amenities of property in the vicinity or give rise to an undue risk of environmental pollution and would be acceptable in terms of traffic safety and convenience. It would therefore be in keeping with the proper planning and sustainable development of the area.

12.0 RECOMMENDATION

12.1 I recommend that permission be granted subject to the conditions set out below.

REASONS AND CONSIDERATIONS

The proposed extension to the existing quarry would be in keeping with the provisions of the *Guidelines for Planning Authorities on Quarries and Ancillary Activities* issued by the minister in April 2004 and those of the *Mayo County Development Plan 2014-2020*. After an appropriate assessment of the implications of the proposed development for the River Moy SAC sitecode 002298 that was undertaken in light of that site's conservation objectives, it has been ascertained, beyond reasonable scientific doubt, that the proposed development would not, either individually or in combination with other plans or projects, have an adverse impact on the integrity of that site. After an environmental impact assessment of the proposed development, it has been concluded that it would not be likely to have significant negative effects on the environment or give rise to an undue risk of pollution. It would not seriously injure the character of the area or the amenities of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. Therefore, subject to compliance with the conditions set out below, it would therefore be in keeping 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 as amended by the further plans and particulars submitted to the planning authority as further information on the 11th June 2015, 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. Prior to commencement of excavation in the area that is the subject of this application, the developer shall obtain a discharge licence from Mayo County Council for the discharge of surface water from the quarry floor under the provisions of the Local Government (Water Pollution) Acts, 1977-2007.

Reason: In the interest of public health and to protect the groundwater resources and the surface water resources of the area and the amenities of property along the receiving stream.

3. This permission authorises the quarrying of material from the site for a period of no more than 20 years from the date of this order

Reason: To limit the impact of the development on the amenities of the area.

4. The total output from the extension to the quarry herein authorised, measured cumulatively with the output from the existing quarry or any other works on the landholding outlined in blue on the site location map submitted with the application, shall not exceed 500,000 tonnes of crushed stone per annum and 50,000 cubic metres of concrete per annum.

Reason: In the interest of clarity.

5.
 - (a) Excavation shall be limited to minus 20 metres OD.
 - (b) Within one month from the date of this order, 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 to be referenced to Ordinance Datum shall be agreed in writing with the planning authority.
 - (c) On an annual basis before the end of June, a topographical survey shall be submitted to the planning authority.

Reason: In the interest of public health and to protect groundwater quality.

6. The developer shall keep a record on site of all materials extracted from the site and concrete exported from the site, commencing one month from the date of this order. These records shall be made available to the planning authority on request.

Reason: In the interest of the orderly development of the site.

7. Before the commencement of development on foot of this permission the developers (and their successors in title) shall enter into a legally binding agreement with the planning authority under Section 47 of the Planning and Development Act 2000. The agreement shall provide for the following: -
- (a) The satisfactory landscaping of the site, including the maintenance and/or replacement of existing trees and the provision of new planting, on site.
 - (b) Payment to the planning authority of all costs incurred by the Council in relation to repair, maintenance and rehabilitation of the road network arising from the operation of the development, or as a result of the development, determined by a Road and Bridge Survey to be carried out prior to the commencement of development. The amount of such costs shall be agreed between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.
 - (c) Restoration of the site to the satisfaction of the planning authority following the cessation of quarrying operations, including the removal of all debris and machinery from site.
 - (d) Payment to the planning authority of reasonable costs in engaging environmental personnel to monitor the implementation of the environmental management system.

Reason: To ensure the satisfactory control of the development, in the interest of the proper planning and sustainable development of the area.

8. Operating hours for the development shall be restricted to between 0700 hours and 1800 Monday to Friday and between 0800 and 1600 hours on Saturday. The facility shall not operate outside these hours or on Sundays or Bank Holidays.

Reason: In the interest of proper planning and sustainable development of the area and the protection of the amenity of the area.

9. Details of all blasting, including blast design and implementation and the hours under which blasting will be permitted shall be agreed in writing with the planning authority at least 1 month prior to the commencement of development. Blasting shall take place between 1000 and 1600 hours Monday to Friday only. The frequency of the blasting operation on the entire landholding outlined in blue on the site location map submitted with the application shall be limited to not more than four production blasts a month. Monitoring of the noise and vibration arising from the blasting shall be carried out at the developer's expense by an independent contractor and shall be agreed with the planning authority.

Prior to the firing of any blast, the developer shall give notice of its intention to occupiers of all dwellings within 600 metres of the site. An audible alarm for a minimum period of one minute shall be sounded. The alarm should be of sufficient power to be heard at all dwellings adjacent to the quarry.

Reason: In the interest of residential amenity.

10. The 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 eight millimetres per second. The air over-pressure from any blast will not exceed a value of 125 dB(lin) maximum peak.

Reason: In the interest 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 $L_{A,T}$ value of 55 dB(A) during 0800 hours to 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. Night time emissions shall have no tonal component.

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

12. Total dust emission arising from the on-site operations shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days when measured as deposition of insoluble and soluble particulate matter and at any position on the boundary of the facility. An adequate hose capacity shall be maintained in the quarry area to dampen down stockpiles, waste piles, and equipment during periods of dry windy weather to prevent emissions of fugitive dust.

Reason: In the interest of protecting the amenities of the area.

13. The wheels and undersides of all vehicles transporting aggregate from the site onto the public road, shall prior to the exit of such vehicles onto the public road, be washed in a wheel washing facility which shall be constructed, installed and operated in accordance with the requirements of the planning authority.

Reason: In the interest of the amenities of the area and traffic safety and convenience.

14. 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% of the volume of the tanks within the bund. All water contaminated with hydrocarbons, including stormwater shall be discharged via grit trap and three-way oil interceptor with sump to the watercourse. The sump shall be provided with an inspection chamber and shall be installed and operated in accordance with the requirements of the planning authority.

Reason: In the interest of orderly development.

15. Prior to the commencement of development a drainage management plan incorporating a monitoring programme relating to control and management of liquids on site shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of public health.

16. No surface water, contaminated water, dust or other matter shall be discharged/deposited on the public road.

Reason: In the interest of public health and visual amenity.

17. 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 the 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 and on the access road.
- (d) Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.
- (e) Details of safety measures for the land above the quarry, to include warning signs and stock proof fencing.
- (f) Management of all landscaping with particular reference to enhancing the ecological value of the woodland/grassland on the bunds and buffer areas.
- (g) Monitoring of ground and surface water quality, levels and discharges, noise and air emissions.
- (h) 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.

18. Prior to the commencement of development details of road improvement works at the site entrance shall be submitted to and agreed in writing with the planning authority. Such works shall be carried out at the developer's expense.

Reason: In the interest of traffic safety.

19. Details of all car parking and truck parking arrangements shall be agreed in writing with the planning authority within three months from the date of this order. Car parking spaces shall be provided on a durable permanent surface with each parking space clearly demarcated on the ground. Details of the marking of the parking spaces shall be agreed in writing with the planning authority.

Reason: In the interest of traffic safety.

20. Prior to the commencement of development, a stock-proof security fence shall be erected around the entire perimeter of the site.

Reason: In the interest of safety.

21. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with the landscaping scheme submitted to the planning authority on 11th June, 2015.

Any plants which 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: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

22. Prior to the commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit or other security to ensure the restoration and making safe of the site as required. The agreement shall empower the planning authority to apply such security or part thereof to the satisfactory completion of restoration and making safe of the site. 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 and making safe of the site.

23. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

24. 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 the N5 junction road improvement works. 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 the Board for determination. The contribution shall be paid prior to the commencement of 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.

Stephen J. O'Sullivan
22nd January 2016