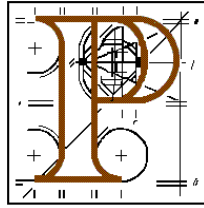


# An Bord Pleanála



## Inspector's Report

**Development:** Retain disused borrow pit/quarry area and permission to operate a quarry/borrow pit/repository, and to utilise existing track at Tullahennel South, Ballylongford, Co. Kerry.

### Planning Application

Planning Authority : Kerry County Council  
Planning Authority Register Ref. : 15/524  
Applicant : Karol Kissane  
Type of Application : Permission  
Planning Authority Decision : Grant permission

### Planning Appeal

Appellant(s) : Residents of Tullahennel  
Type of Appeal : 3<sup>rd</sup> Party v Grant  
Observer(s) : None

**Date of Site Inspection** : 3<sup>rd</sup> June 2016

Inspector : **Michael Dillon**

## **1.0 Site Location & Description**

- 1.1 The site, with a stated area of 2.3ha, is located some 3.5km due southwest of the village of Ballylongford in north Co. Kerry. Access is from a county road, along which it is not possible to pass two vehicles. The access proper is from an unsurfaced track (off the aforementioned county road) with grass growing in the centre, and which serves as access to bogland, farmland and coniferous forestry plantations. The site forms part of a semi-mature plantation of coniferous trees, which has not yet been thinned, on or about the 60m contour. It was not possible to penetrate much of the site on the date of inspection, due to the density of trees. The southwestern corner of the site was particularly wet under foot on the date of site inspection. There was evidence of trial pits having been recently excavated within this part of the site. The site slopes gently downhill from west to east. The borrow pit site is roughly rectangular in shape – connected by a portion of the aforementioned access track (300m in length) to the site of a proposed wind farm development to the southeast. There is an earth bank, surmounted by an hedgerow with some mature ash trees, on the northwestern boundary of the site – where it abuts a grassed field. The roadside boundary hedgerow in this area affords a good deal of screening of the site from the road.

## **2.0 The Proposed Development**

- 2.1 A 10-year permission sought on 19<sup>th</sup> June 2015, for development of a borrow pit within a disused quarried area of 1,300sq.m, together with expansion on an overall area of 5,500sq.m. The maximum depth is to be to 55mOD. Also provided for is the upgrading of an access track of 300m in length to link the borrow pit site to the site of a permitted wind farm development ref. 09/1175 on peatlands to the south. The application also provided for retention of a disused borrow pit on the site.
- 2.1.1 The application was accompanied by a Consulting Engineers Report (dated May 2015) outlining surface water drainage calculations and giving details of the oil interceptor.
- 2.2 Unsolicited additional information was received on 29<sup>th</sup> July 2015, in the form of a letter from the agents for the applicant relating to interference with site notices.
- 2.3 Following a detailed request for additional information (14 no. points), the submission from the applicant of 11<sup>th</sup> December 2015, contained the following-
- Description of development is changed to omit the word 'retention'.
  - Material will be extracted over a period of 18-24 months.
  - Estimated that c.20,000m<sup>3</sup> of aggregate will be extracted.

- Applicant will accept conditions in relation to use of extracted materials and materials to be deposited within the worked-out borrow pit.

2.3.1 The submission was accompanied by the following-

- Report from Redkite Environmental (dated 25<sup>th</sup> November 2015) relating to noise, vibration and dust.
- Aquatic Ecology Assessment (dated 1<sup>st</sup> December 2015).
- Hydrological & Hydrogeological Risk Assessment Report (dated October 2015).
- Ecological Impact Assessment (Terrestrial Ecology) (dated November 2015).
- Appropriate Assessment Screening Report (dated December 2015).

2.4 Following a request for clarification of additional information, the submission from the applicant of 18<sup>th</sup> January 2016, contained the following-

- Revised public notices.
- Archaeological Impact Assessment (dated December 2015).
- Details of access track linking the borrow pit with the wind farm site.
- Extraction will be over a 24-month period and reinstatement will be within a 4-month period of completion of the project.

### **3.0 Development Plan & Other Guidance**

#### **3.1 Development Plan**

The relevant document is the Kerry County Development Plan 2015-2021. The site is zoned 'Rural General'. Section 8 supports the exploitation of the natural resources of the county whilst ensuring no significant adverse affect on the environment.

#### **3.2 Quarry Guidelines**

The "Quarries and Ancillary Activities – Guidelines for Planning Authorities" – issued by the Department of the Environment, Heritage and Local Government in April 2004 are of relevance to this application. Notwithstanding the limited scale of the proposed development, sections of the Guidelines in relation to noise and dust emissions are of relevance.

### **4.0 Planning History**

**Ref. 09/1175:** Ten-year permission sought on 9<sup>th</sup> September 2009, by Paddy Madden, to construct 10 no. wind turbines with hub heights of 80m and blade diameter of 90m, together with all ancillary works. Permission

was granted on 11<sup>th</sup> May 2010, subject to a number of conditions for 9 no. wind turbines. There is no development to date of foot of this permission. Condition 2 stated as follows-

*The structures shall be removed at the expiration of a period of 20 years from the date of commissioning of the development unless planning permission for a further period shall have been granted.*

**Reason:** *To enable the planning authority to review the operation of the windfarm having regard to the circumstances then prevailing.*

**Ref. 08.LV3050:** By Order dated 4<sup>th</sup> May 2010, the Board refused an application by a 3<sup>rd</sup> party for leave to appeal against the decision of Kerry County Council to grant permission ref. 09/1175. The final grant of planning permission issued from Kerry County Council on this date.

**Ref. 15/275:** Refers to a decision by Kerry Co. Council to refuse Paddy Madden permission for extension of lifetime of wind farm development from 20 years to 25 years on adjoining site to the southeast. On appeal by the 1<sup>st</sup> party to the Board (**PL 08.245722**), the appeal was dismissed on 22<sup>nd</sup> February 2016, under Section 138(1)(b) of the 2000 Act; on the grounds that the question before the Board did not relate to development as defined by section 3(1) of the Planning and Development Act 2000.

## **5.0 The Planning Authority's Decision**

By Order dated 12<sup>th</sup> February 2016, Kerry County Council issued a Notification of decision to grant planning permission subject to 9 no. conditions, the principal ones of which may be summarised as follows-

1. Development shall be carried out in accordance with drawings and details submitted on 19<sup>th</sup> June 2015, 29<sup>th</sup> July 2015, 11<sup>th</sup> December 2015 and 18<sup>th</sup> January 2016.
2. Relates to compliance with environmental and ecological measures.
5. Relates to noise and dust emissions.
6. Relates to archaeology.
7. No blasting or crushing of stone shall be carried out on the site.
9. Borrow pit shall be re-instated within four months of completion of extraction of materials. Materials for deposition shall be limited to spoil generated from the adjoining wind farm development site.

## **6.0 Grounds of Appeal**

### **6.1 3<sup>rd</sup> Party Appeal**

6.1.1 The appeal from Brendan McGrath & Associates, agent on behalf of the Residents of Tullahennel, received by the Board on 10<sup>th</sup> March 2016, can be summarised in bullet point format as follows-

- Permission for the wind farm was granted on the basis that stone for the internal roads and hardstands would be supplied from local quarries.
- The development would be seriously injurious to residential amenity and would devalue property in the vicinity.
- There are 6 no. houses on the county road to the northwest – the closest of which is 120m from the site and the furthest of which is 300m distant.
- The development will supply 13% of the hard-core requirement for the wind farm.
- Quarrying would take place over a period of 18-24 months – to a depth of up to 7m.
- The quarry extends right up to the site boundary on the northwest – closest to houses – eliminating the possibility of mitigation measures for nuisance.
- The stated noise impacts of the development do not refer to nearby houses. There is no room for a screening berm between the quarry and the houses.
- Dust can cause nuisance up to 500m from a quarry. There is no reference in documentation submitted to the impact of dust on nearby houses. There is no possibility of retained vegetation on the boundary closest to houses.
- The development is dependent on an adjoining development which may never be built. The status of the wind farm permission is undermined by the recent O’Grianna decision. The grid connection for the Tullahennel wind farm was not indicated (as was the practice at the time).
- The applicant recently sought to extend the permission by five years, and this was refused by KCC, and the 1<sup>st</sup> party appeal to the Board was dismissed – ref. PL 08.245722.
- The new Kerry County Development Plan 2015-2021 does not permit new wind farms in ‘Open for Consideration’ areas until 80% of the turbines with permissions have been erected, or relevant permission has expired.
- Even if the wind farm does not proceed (and the quarry could not proceed either) there would be significant loss of amenity and property depreciation as a result of a grant of permission.

- The reduction of the impact on the road network in relation to haulage of aggregate is not a sufficient reason to over-ride the amenity of adjacent residents.
- Project splitting is a relevant consideration in this instance.

6.1.2 The appeal is accompanied by an A4 OS extract map showing the distances of 6 no. houses from the proposed borrow pit boundary.

## **7.0 Observations**

None received.

## **8.0 Response Submissions**

### **8.1 1<sup>st</sup> Party Response to 3<sup>rd</sup> Party Appeal**

There was no response received.

### **8.2 2<sup>nd</sup> Party Response to 3<sup>rd</sup> Party Appeal**

There was no response received.

## **9.0 Assessment**

The principal issues of this appeal relate to drainage and impact on surface water quality, residential amenity (noise & dust), and archaeology.

### **9.1 Drainage**

9.1.1 The site is stated to be underlain by grey shale turbidite and sandstone – deduced from GSI mapping and the geology of a nearby quarry. It was noted on the date of site inspection that trial holes of indeterminate depth had been opened within the northern corner of the site. The extraction area is 0.55ha, within an overall site area of 2.30ha. It is stated that the site was previously used for quarrying of stone for construction of agricultural roads – 0.13hha. There is no visible evidence of this previous use. The site was stated to be subsequently reinstated and planted with coniferous trees. The northern corner of the site was particularly wet on the date of site inspection by this Inspector.

9.1.2 The application was accompanied by an Hydrological and Hydrogeological Risk Assessment Report (dated October 2015). This report addressed the issues of bedrock aquifer, protection of the aquifer, wells in the area and mitigation and control measures during the operational and restoration phases. An interceptor drain will be excavated to intercept overland flow upstream of the borrow pit, and fitted with check dams at 50m intervals.

The development provides for percolation of rainfall and any groundwater seepage to ground. It is not intended that dewatering will be required. A sump will collect any surface water inflow and rainwater. In the event that the sump cannot contain all the water, it will be pumped to a settlement pond prior to discharge via a secondary stilling pond with overflow from this pond to diffuser drains, with the final discharge to vegetated areas at the green-field run-off rate. There will be no direct run-off to existing field drains. I note that the drawings of these arrangements submitted show drainage facilities located to the northeast of the borrow pit site – outside of the red-line area. The area for attenuation and stilling pond is on the opposite side of the access track within coniferous plantation area. It is not clear that these lands are within the control of the applicant. An hydrocarbon interceptor will be located on the quarry floor to deal with any accidental spillages.

- 9.1.3 The submission of the 11<sup>th</sup> December 2015 (which included the Hydrological & Hydrogeological Report referred to above) was accompanied by revised public notices. KCC was satisfied to grant planning permission, notwithstanding that some surface water control measures are located outside of the site as outlined in red. It would be possible to grant permission subject to the requirement that all mitigation measures outlined in the above-mentioned Report be put in place and maintained during extraction of aggregate and remediation with peat infill.

## **9.2 Residential Amenity**

- 9.2.1 The 3<sup>rd</sup> party appeal relates largely to impact on residential amenity. The appeal includes a map of the six closest houses to the development site – to the north, northwest and west along the access road. No.s 1-3 are occupied. No.s 4-6 would not appear to be occupied – perhaps referenced by the letter (v) behind each number on one of the maps – referring to ‘vacant’ possibly. I have included photographs of these three houses in the pouch accompanying this Inspector’s Report. The site is largely screened from view by roadside boundary hedgerow foliage. There is a second earth bank surmounted by an hedgerow on the northwestern boundary of the proposed borrow pit site – which further helps to screen the site from view. There is no indication given in drawings submitted that this earth bank and hedgerow is to be removed. It would be possible to attach a condition to any grant of planning permission requiring its retention. The access laneway itself is flanked by hedgerows and coniferous plantations. House no. 3 is indicated as being 120m from the site boundary and no. 2 is indicated as being 130m from the northern corner of the site. The site is not visible from either of these two houses – due to the presence of intervening hedgerows.

9.2.2 No blasting will be undertaken at this site: rock will be won using mechanical means only. An Environmental Report relating to noise and dust was submitted to KCC by way of additional information on 11<sup>th</sup> December 2015. Machinery on site will include up to 2 no. 20- or 32-tonne tracked excavators. A rock-breaker will be used (attached to an excavator). A tractor & trailer will haul the aggregate to the wind farm site and deposit peat within the borrow pit. Up to 55 loads will be hauled from the borrow pit each working day. Noise levels could be up to 80dB(A) at 20m from the borrow pit. The access track is already used by tractors and trailers accessing agricultural, forestry and peatlands. Coniferous trees will provide some level of noise attenuation. The Report makes no reference to nearby houses – as pointed out by the appellants. The proposed development has a limited extraction lifetime of 24 months. Extraction is likely to be the noisiest time – deposition of peat will not result in the same noise levels. There is no room within the site boundary for any earth berm between borrow pit and the nearest houses – although the low earth bank surmounted by an hedgerow will provide some degree of noise attenuation. Hours and days of operation could be limited by way of a condition attached to any grant of planning permission. Condition 7 of the Notification of decision to grant planning permission placed restrictions on the periods when rock-breakers could be active within the borrow pit. Maximum dust deposition rates of 350mg/m<sup>2</sup>/day (over a 30-day period) at site boundaries, is generally agreed as being necessary to protect amenity. There will be no crushing, washing or grading of aggregate.

9.2.3 Mitigation measures will include a wheel-wash mechanism, speed restrictions, dampening of haul route with water bowser during dry periods, and maintenance of vegetation on site boundaries. A dust-monitoring programme will be undertaken. The hedgerow on the northwestern boundary will help to limit the spread of fugitive dust. The closest house to the borrow pit site is 120m. Intervening hedgerows will help to limit nuisance caused by fugitive dust. Condition 5 of the Notification of decision to grant planning permission required the developer to comply fully with noise and dust limits set down in the “Environmental Management Guidelines – Environmental Management in Extractive Industry (Non-Scheduled Minerals)” – published by the EPA in 2006. Given the limited lifetime of the proposed borrow pit, the distance from the nearest houses, a haul route which does not pass the aforementioned houses, and the resultant decrease in the level of HGV traffic which would be required to haul aggregate to the wind farm site as a result of the development of this borrow pit, I would be satisfied that the nuisance caused would not significantly impact on the amenities of residents in this rural area. Permission could be granted subject to the attachment of suitable conditions relating to hours of operation, noise emissions and dust emissions.



### 9.3 Archaeology

Part of the site was stated to be previously used for quarrying of rock. The quarry was stated to have been restored, and the lands ploughed for conifer plantation. This has resulted in considerable ground disturbance already. The submission of 18<sup>th</sup> January 2016, included an Archaeological Impact Assessment. There is little by way of remains of a ringfort to the west of the site (KE005-018) as indicated on the OPW map – Record of Monuments and Places (RMP). It would appear to be eroded considerably since surveying was last carried out. A site visit was carried out on 17<sup>th</sup> December 2015. Archaeological testing could not be facilitated arising from the fact that the site was almost entirely covered with coniferous trees. The applicant undertakes to have an archaeologist on site during soil stripping. The County Archaeologist noted that the site was partially within the zone of archaeological potential of Recorded Monument KE005-018 – a ringfort. Pre-development archaeological testing was recommended. Condition 6 of the Notification of decision to grant planning permission related to archaeological monitoring. The Board referred the application for comment to the DAU of the Department of Arts Heritage and The Gaeltacht. A report from the DAU, received on 13<sup>th</sup> May 2016, recommended archaeological testing. It would be prudent to attach an archaeological monitoring condition to any grant of planning permission issuing from the Board.

### 9.4 Other Issues

#### 9.4.1 Appropriate Assessment

The planning application was accompanied by an Appropriate Assessment Screening Report (dated December 2015). Habitats within and immediately adjoining the site are identified. There were no identified EU Annex I habitats either within or immediately adjoining the borrow pit site. The site principally comprises coniferous plantation (WD4). The site is neither within nor adjacent to any European site. The Report identified five European sites within a 15km radius. However, I would be satisfied that the closest European sites – Lower River Shannon SAC (Site code 002165), and the River Shannon and Fergus Estuaries SPA (Site code 004077), are the two most likely to be impacted by the development. The SAC and SPA are located approximately 3.1km to the northeast as the crow flies; and approximately 4.5km downstream of the site. I have checked these figures on the maps available on the NPWS website, and they would appear to be correct (although the surface water connection via the Shrone Drain would appear to be closer to 5.6km). No blasting of rock is proposed. The borrow pit will be served by an open interceptor drain in the northern corner. Discharge will be through buffered outfall to local field/forestry drains. These drains ultimately discharge in a southeasterly direction to the Ballyline River. Aquatic surveys were

undertaken along the lower reaches of this drain (referred to as the Shrone drain – after the townland through which it flows) and upstream and downstream of the confluence with the Ballyline River. The Screening Report identified aquatic species which could possibly be impacted by release of hydrocarbons or silt from the site – as Atlantic salmon, Brook lamprey, Sea lamprey, River Lamprey and also Otter. I would be satisfied that the distance of the site from the SAC – approximately 4.5km – would ensure that there would be no significant impact from this development, assuming that best practice is observed in the operation of the borrow pit, and mitigation measures in relation to control of surface water discharge are put in place and maintained. I would be satisfied that the proposed development will not have any impact on the SPA. I note that KCC carried out appropriate assessment screening of the application.

It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European sites 002165 & 004077, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment is not, therefore, required.

#### 9.4.2 Ecology

The coniferous plantation on site is fringed in places with alder and willow. There is a significant amount of similar-type habitat in the immediate area. The additional information submission of 11<sup>th</sup> December 2015, included an Ecological Report – principally concerned with aquatic ecology of the Ballyline River and 0.5km of the Shrone Drain upstream of the confluence. The principal areas of concern were salmonid and lamprey habitat. Biological sampling at 3 points indicated as follows-

- Shrone Drain upstream of confluence with Ballyline River – moderately polluted.
- Ballyline River upstream of confluence with Shrone Drain – unpolluted.
- Ballyline River downstream of confluence with Shrone Drain – unpolluted.

Habitats along stretches of the Ballyline River and Shrone Drain were also assessed for salmon and lamprey species. There will be no blasting on site or washing of aggregate. Threats to water quality arise from quarrying of rock and transportation of rock and peat along the haul route to the wind farm site, with resultant release of sediment or accidental spillage of hydrocarbons. The site is to be reinstated with peat from the wind farm site – 9,500m<sup>3</sup>. Mitigation measures are to be put in place in relation to drainage at the borrow pit. I would be satisfied that the removal of a small area of coniferous forestry and the operation of a borrow pit; followed by reinstatement with spoil peat from a nearby wind farm site, would not have

a detrimental impact on the ecology of the area – regard being had to the existing land-uses which surround the borrow pit and haul route site.

#### 9.4.3 Duration of Permission

The application of 19<sup>th</sup> June 2015, indicated that a 10-year permission was sought for the development. The wind farm which the borrow pit is to serve has been granted a 10-year permission. This permission was granted on 4<sup>th</sup> May 2010. No development would appear to have been carried out to date. No good reason has been advanced for the need for a 10-year permission, and I would be satisfied that the normal 5-year term for commencement of the permission should be sufficient. The question of how long quarrying is to be permitted at this site is a different question. The applicant has indicated a 24-month extraction period followed by restoration of the site through infilling with peat and other spoil from the wind farm site, within four months of ‘completion of the project’. Just what ‘project’ is being referred to is not clear – the wind farm or the borrow pit. A condition should be attached to any grant of planning permission requiring that extraction from this borrow pit is for a period of 24 months from the date of commencement of stripping of trees and soil, and that the site shall be remediated within the six months immediately following. KCC did not attach any condition relating to payment of a bond for completion of restoration works. Such a condition would be prudent. The Board may consider the attaching of such a condition to be a new issue which might have to be referred to the parties to the appeal for comment.

#### 9.4.4 Financial Contribution

KCC did not attach any condition requiring payment of a development contribution. The proposed development is not in any way dependent on public roads for hauling of aggregate.

#### 9.4.5 Environmental Impact Assessment

The 3<sup>rd</sup> party appeal referred to the issue of ‘project splitting’. I would not consider that a subsequent application for a development to facilitate a development which was the subject of EIA, could be considered ‘project splitting’. The development is in the nature of a small borrow pit. The wind farm development output will not in any way be increased as a result of this application. The development itself is considerably below the threshold set down in Irish legislation for quarry developments requiring the submission of an EIS (Schedule 5 of the Planning and Development Regulations 2001) wherein reference is made to quarries where the surface of the site exceeds 25ha, and also to extraction of stone, gravel or clay (where the area of extraction would be greater than 5ha). I would be satisfied that sub-threshold EIS is not a relevant consideration in this instance, arising from the limited area of the site and the nature of the land surrounding the site.

#### 9.4.6 Status of the Wind Farm Development

Reference is made in the 3<sup>rd</sup> party appeal to the status of the wind farm development which this borrow pit is to serve. This is not a relevant consideration. Any permission granted would be conditioned to serve the wind farm only (as specified in condition no. 8 of the Notification of decision to grant planning permission). If the wind farm development does not proceed – for whatever reason – then the borrow pit could not be developed. The permission would not be for an independent borrow pit to haul aggregate out onto the public road network. The appellant has referred to devaluation of property in relation to uncertainty which results from lack of clarity as to whether the wind farm development would/could proceed or not. This is not a relevant planning consideration. I would contend that the granting of planning permission for a borrow pit to serve a wind farm development, even if it were not to proceed, could not have any significant impact on property values in the area. Reference to the current Kerry County Development Plan and policies contained therein with regard to future development of wind farms within the county is not strictly of relevance to this appeal. KCC granted planning permission for the development – notwithstanding policies in the Plan in relation to the development of wind farms. The wind farm which this development will serve does have an extant permission.

#### 9.4.7 Groundwater

The site is underlain by a Locally Important Aquifer – moderately productive only in local zones. There is no proposal to extract groundwater. There is no indication given of any wells in the immediate vicinity. The existing ground level varies by approximately 5m over the site. It is proposed to excavate up to a maximum of 7m below existing levels. The site is to be reinstated with peat from the adjoining wind farm site. The proposed development will not have any significant impact on the groundwater resource of the area.

### **10.0 Recommendation**

I recommend that permission be granted for the Reasons and Considerations set out below, and subject to the attached conditions.

### **REASONS AND CONSIDERATIONS**

Having regard to the nature and extent of the proposed development, it is considered that, subject to compliance with the attached conditions, the proposed development would not be prejudicial to the residential amenities of the area, would not result in devaluation of property, and would be in accordance with the proper planning and 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 the 11<sup>th</sup> day of December 2015 and the 18<sup>th</sup> day of January 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

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

2. This permission shall expire upon the expiration of the planning permission for the wind farm (ref. 09/1175) which the borrow pit is intended to serve. Material extracted shall be used only in the construction of internal roads and hardstanding for the wind farm. No aggregate shall be hauled out onto the public road to the northwest of the site.

**Reason:** In the interest of orderly development and to limit the extent of the development to that set out in the planning application documentation.

3. Within twenty-four months of the commencement of development, all extraction of aggregate shall cease. The quarry site shall be remediated with peat from the adjoining wind farm development site only. No other materials shall be deposited within the worked-out borrow pit. The ground contours shall be restored to what exists at present.

**Reason:** In the interest of orderly development and residential amenity.

4. All environmental and ecological mitigation measures outlined in documentation submitted to the planning authority on the 19<sup>th</sup> day of June 2015, the 11<sup>th</sup> day of December 2015, and the 18<sup>th</sup> day of January 2016, shall be implemented in full. The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. This shall include the following:

(a) Proposals for the suppression of on-site noise.

(b) Proposals for the on-going monitoring of sound emissions at dwellings in the vicinity.

- (c) Proposals for the suppression of dust on site and on the haul route.
- (d) Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.
- (e) Monitoring of ground and surface water quality, levels and discharges.
- (f) Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.

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

5. No blasting or crushing of stone shall be carried out within the borrow pit.

**Reason:** In the interest of residential amenity – regard being had to the proximity of nearby houses.

6. The treatment of excess rainwater groundwater ingress to the borrow pit shall be as outlined in the ‘Hydrological and Hydrogeological Risk Assessment Report’ submitted to Kerry County Council by way of additional information on 11<sup>th</sup> December 2015. No extraction of aggregate shall take place until such time as all the mitigation measures outlined in this Report are in place.

**Reason:** To protect the quality of groundwater and surface water in the area.

7. The borrow pit and all activities occurring therein, shall only operate between 0700 and 1800 hours, Monday to Friday, and between 0700 and 1400 hours on Saturdays. No activity shall take place outside these hours 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 residential amenities of property in the vicinity.

8. The earth bank and hedgerow on the northwestern boundary of the borrow pit shall be retained in its entirety, and shall be fenced-off during the operation of the borrow pit to prevent damage by heavy machinery.

**Reason:** To help screen the borrow pit from view in the interests of visual amenity and to help control fugitive dust emissions in the interest of residential amenity.

9. During the operational phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed-
- (a) an  $L_{A,T}$  value of 55 dB(A) during 0700-1800 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:** In order to protect the residential amenities of property in the vicinity.

10. (a) Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to 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.

**Reason:** To control dust emissions arising from the development and in the interest of the amenity of the area.

11. The developer shall facilitate the archaeological monitoring of topsoil stripping within the borrow pit site. 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 who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the 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 site and to secure the preservation and protection of any remains that may exist within the site.

12. Prior to 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.

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**Michael Dillon,  
Inspectorate**

**14<sup>th</sup> June 2016.**