



An
Bord
Pleanála

Inspector's Report PL03.247004

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| Development | Extension of existing quarry for stone extraction and associated works at Tullagower, Kilrush, Co. Clare. |
| Planning Authority | Clare County Council |
| Planning Authority Reg. Ref. | 15/734 |
| Applicant(s) | Tullagower Quarries Ltd. |
| Type of Application | Permission |
| Planning Authority Decision | Grant |
| Appellant(s) | 1. Paul McCann, statutory receiver of Whelans Limestone Quarries |
| Observer(s) | 1. Lagan Bitumen Ltd. |
| Date of Site Inspection | 12/10/16 |
| Inspector | Gillian Kane |

1.0 **Site Location and Description**

- 1.1. The subject site is located on the northern side of the N68 approximately 7km east of Kilrush in western Clare. A narrow unsurfaced track runs north off the national road, providing access to an existing quarry. The subject site refers to an irregular rectangle of elevated land to the west of the access road and to the south of the quarried lands. Access to the subject site is via a rough unsurfaced track leading south from the quarry. The subject site shows evidence of some grounds works. Along the eastern boundary a number of trenches appear to be from an archaeological dig whilst further westwards there is evidence of ground clearance works.
- 1.2. The quarry face of the existing quarry forms the northern and the western boundary of the subject site. The quarry floor at these locations is approx. 63mOD. The ground level of the subject site at the north-western corner is approx. 68m OD and rises to a high of 81.5m OD along the southern boundary.
- 1.3. The existing quarry to the north of the site comprises two sections. A concrete wall of approx. 2m high delineates the quarry lands formerly owned by Whelan Limestone Quarries Ltd. (WLQ) from the recycling facility owned by the subject applicant. On the date of my site inspection there was no evidence of recent quarrying on the WLQ lands. Some plant and vehicles were within the WLQ compound.
- 1.4. Photographs and maps in Appendix 1 serve to describe the site and location in further detail.

2.0 **Proposed Development**

- 2.1. Permission was sought to extend an existing 2.34ha quarry by a further 0.95ha. The application form states that the quarry was registered under s261 of the Planning and Development Acts 2000-2015 – reg. ref QY refers and that permission was granted for quarrying on site under P10/802 and P8/26010. Proposed wastewater management / treatment is via settlement ponds and a reed bed system.

3.0 **Planning Authority Decision**

3.1. **Decision**

By order dated 24th May 2016 Clare County Council an order of intention to GRANT permission subject to 16 no. conditions issued. Conditions of note:

- 2: The use of the quarry shall cease within 10 years from the date of the final grant of planning permission
- 6: plan for restoration and landscaping of site
- 7: structural engineering report regarding stability of western embankment
- 8: no quarrying below the water table
- 12: no blasting outside of hours 11.00 to 17.00 mon to fri
- 15: use of mercury vapour lamps for external lighting is prohibited.
- 16: archaeologist will prepare full archaeological excavation of the site

3.2. **Planning Authority Reports**

- **Planning Report:** Further information required as to whether the application has sufficient legal interest in the proposal site and the adjacent lands. Noting that there are different land owners on the existing and the proposed quarry lands, it is essentially the further extraction of stone in the south-east corner of the quarry. The principle of the proposed development is acceptable. Screening for Environmental Impact report submitted with the application refers to extraction to 54.5m OD with the highest water table on site at 54mOD. Report notes that proposed extraction will correspond with former rates of extraction (30,000 tonnes pa up to 2010) but application form states that proposed extraction is 40,000 tonnes pa. Site to the north of the subject site no longer operates as a quarry but as a recycling facility (Planning Authority reg. ref. 10-802 refers). Further information is required as to the proposed location of storage areas, crushing and screening areas. Further details required regarding proposed cross sections and the cubic metre area of extraction. Further information also required regarding the nature and location of on-going quarrying activities on the lands. The proposed extension of 0.95ha in combination with the adjoining quarry of

4.35ha may fall within the requirements for EIA. Further information required. Environment Impact report refers to extracted raw materials being stockpiled in the existing quarry. It is presumed that no storage will occur on the high ground that makes up the site, therefore no visual impact shall arise. No new employment shall arise. No rare or protected flora noted on site. Some work has been undertaken on the site, further information is required. Location of well to provide water supply has not been provided, further information required. Screening for environment impacts report states that surface water from within the site shall be channelled to settlement ponds. Water discharging from settlement ponds to the field drain was noted during site visit to be clear and free of sediment. Condition requiring no excavation below the water table should be attached. Further information required regarding water sprinkler systems for dust suppression.

3.2.1. Following a request for **Further Information** the applicant provided the following information:

- The area of the site within which the site is located is 2.75ha
- The subject site is located immediately south of the existing Tullagower quarry and recycling facility and was purchased by the applicant in 2012.
- Planning Authority reg. ref. P10/802 refers to a land area of 2.584 ha for retention of glass and tyre recycling in the existing quarry. Stone extraction and processing continued on site notwithstanding the cessation of quarrying activity on the former WLQ lands.
- Of the 2.584 ha Tullagower quarries site which includes the recycling facility, 0.18ha is occupied by a working quarry. The combined area of the existing (2.584ha) and the proposed quarry (2.75ha) is 5.334ha, however only 0.81ha is proposed for extraction.
- The former WLQ quarry is quarried out. The combined area of the existing Tullagower quarry and the WLQ quarry is 5.17ha however a substantial part north of the site has never been quarried. Some lands were quarried out in the 1950's and before.

- The proposed area of extraction of 0.95ha is reduced to 0.81 to provide for an additional buffer on the western boundary. The total lands quarried by Tullagower will therefore be 0.99ha (0.81ha proposed plus 0.18ha existing).
- The proposed quarry is an extension of the existing quarry and is sub-threshold development. 6.933ha was registered under s261. Under section 261A an EIS was deemed not to be necessary on the basis of the pre-63 existence of the quarry, on the extent of historically quarried out lands and the minimal impacts on the receiving environment. The subject development of 0.99ha combined, is 1/7 of the s261 lands and therefore does not need an EIS.
- The subject development is sub-threshold as the total area is less than 5ha. A detailed Environmental Screening report has been prepared, in accordance with schedule 7 of the Planning and Development Regulations. The report finds no likelihood of significant effects from the proposed activity. The basis for this finding is a realistic appraisal of existing operating facilities.
- The proposed extraction rate is 40,000 tonnes pa within an extraction area of 0.81ha
- Planning Authority reg. ref. P10/802 was for a recycling facility within an existing quarry. Both activities continue under this permission since 2010. The combined activity is sustainable and in accordance with the proper planning and sustainable development of the area.
- The recycling activity is fully permitted under both waste management and planning legislation. The quarrying activity is both pre-63 and permitted under P8/26010. Existing infrastructure on site is permitted as per the original application.
- The subject site was subject to ground excavation prior to purchase by the applicant. Bedrock on site is less than 0.5m below ground level with poor soil cover. At initial inspection at least half this material was removed. The lands have been used for storage of spoil from the existing quarry, archaeological excavation and storage of top soil for re-

instatement of berms / banks. No quarrying or removal of material has been undertaken.

- No quarrying has been undertaken on the proposed extension area.
- Archaeological Impact report submitted. Applicant will comply with requirements of National Monuments Act.
- Tullagower Quarries Ltd. is the full owner of the subject site and the adjoining quarry on which Tullagower quarry operates. The proposed development will not obstruct users of the private access road.
- Cross section drawings submitted.
- A 10m buffer will be created along the western boundary of the subject site. This will protect the integrity of the boundary and will reduce the proposed quarry area to 0.81 ha.
- The existing well will not be used for the proposed activity as no stone washing is proposed. The wheel wash will be fed with a recycled water supply from the in situ lagoon and harvested rain water.
- The proposed activity will not generate additional water run off as there will be no washing of stone or materials. Storm water run-off from the land will be equal before and after the proposed development. The existing settlement pond received all storm water run-off in accordance with waste permit. The secondary settlement pond acts as a settlement basin with a crushed glass filter wall and the final treatment is a reed bed system. The outfall sump from the treatment system can be examined and no sediment is evident. The water discharge is of very good quality with no impact on the receiving waters.
- The location of the proposed wheel wash is shown on the revised site plan. Details of the proposed system can be agreed on receipt of planning permission. All vehicles leaving the site travel 730m along a private road before reaching the N68. All significant solids are shed before the N68. There is no history of soiling of the N68 by vehicles leaving the site.
- The BHP noise report submitted with the application shows noise levels of LAeq 44.6dBA and LA₁₀ of 47.6 dBA during the day, both with section 3.5.2 of the quarry guideline thresholds. Road traffic noise

along the N68 contributes to background noise levels at this location. There have been no complaints about noise from the quarry over the last 20 years.

3.2.2. **Planners Report:** EIA is not required. Notwithstanding the 25% increase in extraction, given the comments of the Roads Design Office, proposal is acceptable. The submission that Planning Authority reg. ref. P10-802 refers to a recycling facility in addition to existing quarry use as opposed to a change if use is accepted. In the absence of evidence that identified ground works represent excavation, retention planning permission is not required. The Archaeological Testing report and the comments of the Conservation Officer are noted and can be addressed by way of condition. In the absence of evidence that the applicant does not own the land, submitted information is accepted as being sufficient legal interest. Proposal to excavate to 57.5mOD, over a ten year period at a rate of 40,000 tonnes pa is acceptable. The proposed 10m wide buffer along the western boundary is acceptable. Details regarding existing well, proposed dust suppression measures, wheel wash and noise levels are acceptable. Proposed development is considered acceptable subject to condition.

3.3. **Other Technical Reports**

- **TII:** Proposed development is at variance with official policy in relation to control of development on / affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2002) for the following reasons: section 2.5 of the guidelines states that the policy of the Planning Authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kph apply. The proposal, if approved, would result in the intensification of an existing direct access to a national road contrary to official policy in relation to control of frontage development on national roads and the application indicates inappropriate standards which are not in accordance with those set out in the Authority's Design Manual for Roads and Bridges

- **Road Design:** No requirement to submit a Road Safety Audit in line with the Clare County Development Plan 2011-2017
- **Architectural Conservation Officer:** Only recorded monument in proximity of the site is 70m south-west CL057-036. Due to extent of proposed development of greater than 0.5ha an archaeological impact assessment will be required. Details to be agreed with the National Monuments Service.

4.0 **Planning History**

- Planning Authority reg. ref. **P8/26010:** Planning permission was sought by Whelan Bros. Plant Hire Ltd., to reactivate an existing quarry, install stone crushing and grading equipment, offices and toilet. Permission was granted subject to 11 no. conditions.
- Planning Authority reg. ref. **P10/802** Planning permission granted to Tullagower Quarries for retention of glass and tyre recycling facility in existing quarry. Permission granted subject to 6 no. conditions.
- **QY25:** Registration by Whelans Limestone Quarries of a quarry of 6.933ha with a workable area of 3.071ha. Subject to section 261(6)(a)(ii) 20 no. conditions were attached.

5.0 **Policy Context**

5.1. **Quarries and Ancillary Activities Guidelines for Planning Authorities.**

The Quarries and Ancillary Activities Guidelines for Planning Authorities (April, 2004) offers guidance to Planning Authorities on planning for the extractive industry through the development plan process and determining applications for planning permission for quarrying and ancillary activities. It also gives guidance on the implementation of section 261 of the Planning and Development Act, 2000 as it relates to the registration of existing quarrying operations and gives guidance on the attachment of conditions to such operations and the entitlement of the applicant to compensation in such circumstances.

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.

6.0 **Clare County Development Plan 2011 - 2017**

Objective CDP6.11 states that it is an objective of Clare County Council to facilitate encourage and appropriately manage the development of natural resources of the County and to ensure that this is done in a sensitive way, eliminating any significant adverse effects on the natural environment.

Section 13.3.11 of the plan states that quarrying and other extractive industries are recognised as important to the local rural economic development of the County in terms of generating employment and providing raw material to the construction industry. The geology of the County offers significant aggregate resources in terms of sand, limestone and gravel, which are currently exploited at quarries throughout the County and the Council recognises this resource as a significant economic asset. The Council will facilitate harnessing the potential of the area's natural resources while ensuring that the environment and rural and residential amenities are appropriately protected. In this regard, reference is made to the EU guidance Undertaking Non-Energy Extractive Activities in accordance with Natura 2000 requirements.

Objective CDP13.10 states that it is an objective of Clare County Council to promote the extraction of minerals and aggregates where such activities do not have a significant negative impact on the environment, landscape, or residential amenities of neighbouring settlements and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities; To map aggregate resources during the lifetime of the Plan in order to positively plan for the extractive industry at appropriate locations.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

The grounds of appeal can be summarised as follows:

- It is submitted that the proposed development is contrary to the proper planning and sustainable development of the area as it represents a deviation from best practice and sets an undesirable precedent.
- The proposed development relies on contradictory information: using planning history QY25 and EUQY25 to demonstrate that existing quarrying is permitted and stating that works on site have ceased in order to avoid EIA.
- QY25 and EUQY25 refer to a quarry previously owned by Whelan's Limestone Quarries (WLQ) and then sold by a receiver to Lagan Bitumen on 01.04.2016. Quarrying activity on this site has not ceased but has been delayed by non-planning matters.
- It is submitted that the planning history of the site (S.261 registration QY25 by WLQ) shows that the Planning Authority did not accept the quarry registered as pre-63 but accepted that it had a previous planning permission and therefore imposed conditions in accordance with subsection 6(a)(ii). The quarry void indicated on the submitted drawings is entirely within the Receivers appointment.
- It is submitted that the information submitted with the application notes that pre-63 quarrying use had ceased and was being carried out in accordance with reg. ref. 08/20610. An EIA was not required as the quarry was declared to be 3.071ha. The s261 registration under QY25 gave permission WLQ to quarry the lands to the west of the current

appeal site. No application to register the subject site was made by the current applicant (Tullagower Quarries Ltd.). It is submitted therefore that the applicant does not have permission to quarry the subject lands.

- The planning permission reg. ref. 10/802 for retention of recycling facilities cannot be construed to infer planning permission for quarrying, particularly as the subject site is outside of the boundary. Planning Authority reg. ref EUQY25 was not remitted to the Board. It is submitted that only the lands to the west of the appeal site have planning permission for extraction of material.
- It is assumed that the works witnessed by the Council in April 2015 were works on the subject appeal site as all other lands are in the ownership of the appellant. An enforcement file (reg. ref. UD15-058) opened by Clare County Council found that works which were undertaken were within the site of the quarry registered under s261. It is submitted that the Planning Authority erred in their investigation as the lands under extraction did not have the benefit of s34 or s261 of the Planning and Development Acts. The subject application should be an application for retention as development has already begun.
- In summary it is submitted that the subject development cannot be described as proposed as development has already begun. Further the development cannot be described as an extension of an existing quarry as the applicant does not have access or extension rights to the existing quarry.
- It is submitted that in responding to the Councils request for further information the applicant was incorrect in asserting that the subject development was an extension of an existing quarry. It is submitted that an EIA was required for the subject development taking into account the extent of quarried and to be quarried lands in the area.
- It is noted that a letter submitted to the Council by the archaeological consultants of the applicant refers to previous unauthorised topsoil stripping on the subject appeal lands by a previous owner. It is stated that the applicant did not have permission to extract aggregate from the subject or adjoining sites.

- The applicant does not have the benefit of s261 registration, nor are they in control of the lands that do have the benefit s261 registration.
- The appeal is accompanied by copies of the required documentation, a copy of the s261 registration (QY25) application form, map and conditions imposed, copy of reg. ref. 10/802 conditions and maps, copy of reg. ref. EUQY25, copy of enforcement notice regarding condition no. 6 of reg. ref. 10/802 and copy of outcome of enforcement notice reg. ref. UD15-058.

7.2. **Planning Authority Response**

- Having regard to the intended use of the proposed development, the policies of the current development plan and the pattern of development in the area, it is considered that, subject to conditions attached to the planning permission granted, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would otherwise be in accordance with the proper planning and sustainable development of the area.

7.3. **Other Party Responses**

7.3.1. **First Party Response to Appeal:**

- The appellant has clearly demonstrated that the file and all data submitted with the application were available to them.
- Permission for development attaches to the land in / on which the development takes place. Permission to quarry the lands was granted under P8/26010 and this was confirmed under the s261 process.
- The plan submitted with P8/26010 identifies the WLQ quarry as being the green / red / yellow section to the west of the drawing. This area is now in the ownership of Lagan since April 2016. The elongated section of lands along the east/ west axis of the drawing corresponds to those lands owned and operated by Tullagower Quarry Ltd. This section includes the lands currently quarried by the applicant Tullagower. Tullagowers ownership can be measured from the corner of the southern boundary of the drawing, approximating with the label “Concrete platform for portable crusher, screen and conveyor” for a

distance of approx. 82m. Quarrying permission was granted for these lands under P8/26010 and confirmed under s261 and s261A. This qualifies as the 'existing quarry' of Tullagower, having been quarried since 1989 and continuing with the benefit of planning permission and s261 registration.

- The division of the site into two business entities and the rights of way afforded to WLQ are legal matters and separate to the current application and appeal. Nothing in the division of the site extinguished the permission and the registration associated with the lands or altered the extent of the permission to operate a quarry.
- The entire site area was referenced in the s261 registration by WLQ. The active extraction area is indicated in addition to the area for 'ancillary processing or manufacturing operations on the site' indicated on the rest of the quarry owned and operated by Tullagower Quarries Ltd. the registration refers to the glass crushing / recycling being done at the quarry by a separate company. The entire site was presented and accepted for registration under s261.
- The planners report for Planning Authority reg. ref. P10/802 clearly states that there is an existing quarry at this site and notes that permission was granted for the recycling facility in the grounds of an existing quarry under P8/26010.
- The definition of a quarry under section 3 of the Mines and Quarries Act 1965 refers to the act of extraction and the processing of extracted stone. The active extraction of stone in the WLQ site was accompanied by the processing of stone on the Tullagower Quarry Ltd. site.
- The Tullagower quarry was divided between the operations of WLQ and Tullagower Quarry Ltd. Stone extraction and processing was and is undertaken on the Tullagower Quarries site along with glass and tyre recycling. The response to the Councils request for further information restated that permission was granted under P10/802 for a recycling facility within the existing quarry. Stone processing and glass crushing operate side by side on the site, the extent of each depending on external factors.

- The enforcement files referenced by the Appellant have been closed by the Council. The ground disturbance referenced by the appellant is clearly evident in aerial photographs from 2005 and unchanged in Google map photographs in 2013. Some change is evident due to the archaeological excavation. No extraction of material has been undertaken by the applicant
- The Appellants allegation that section 1.2 of the Environmental Impact report demonstrates that stone from the appeal site was used in a Kilrush project is rejected.
- The drawings submitted to the Council include the site of the existing and the proposed activity and do not incorporate any lands outside the ownership of the Applicant. The lands marked 'fire storage equipment' are not within the applicant's ownership and are not included in the subject application site. This area is marked on the application drawings and no development is proposed within these lands. Photos of wall separating site submitted.
- The assessment of the quarry by the Council under s261 of the Act and recorded in file reference EUQY25 was to comply with the requirements of the EIA and Habitats Directives. Planning permission was granted for operations on the entire site in 1989 and therefore activity on the site was authorised prior to the Directives. The determination of the Planning Authority was that quarrying had been ongoing at the overall site since pre-64. No application for substitute consent was required to regulate the overall site. The s261a review was retrospective and does not preclude the future development of either business entity on the site.
- During the s261 process the response to a request for further information stated that the planning unit for P8/26010 was well defined, that some of the original equipment was used for the crushing of rock and some for glass and that a mobile crusher was also used occasionally. The response noted that both companies worked with the planning unit is P8/26010.

- In the QY25 file the Council noted that the quarry was well run and that the terms and conditions of the registration were being adhered to. It is submitted that the agreements in relation to groundwater monitoring wells and dust monitoring stations apply to the entire site, contrary to the suggestion of the appellant.
- It is submitted that in accordance with the provisions of the EIA Directive 2014/52/EU a rigorous approach was taken in the screening for environmental impact report carried out for the proposed development. This included an assessment of historical records for the entire site and the history of compliance with statutory instruments, permits and licences. The document proposed mitigation measures as required under Directive 2014/52/EU. The applicant is willing to provide additional mitigation or monitoring measures as required. In accordance with Article 4(5) of the Directive, the Planning Authority concluded that an EIA was not required, following full consideration of the extent of the proposed development.
- The subject application took account of the European Commission Guidance Document 'Non-Energy Mineral Extraction and Natura 2000' from July 2005 and the Quarries and Ancillary Activities Guidelines for Planning Authorities 2004 and the Clare County Development Plan 2011-2017.
- The quarry site QY25 has been subdivided between two owners since 2004. Jackie Whelan (Tullagower Quarries) purchased the quarry from Clare County Council in 1988, at which point approx. 1.42ha of the lands were fully quarried out (shaded in red on the P8/26010 drawings). Some of this land is now used as the glass and tyre recycling facility. A small area (0.18ha) of the Tullagower lands is currently being quarried and permission is sought to quarry an additional 0.81ha. No significant impacts are predicted to arise from the proposed development. The proposed development is not deficient and is in accordance with the proper planning and sustainable development of the area.

- The subdivision of the lands has given rise to a disagreement about the internal boundary. The lands on which Tullagower operate the recycling facility and the quarry are wholly within the ownership of Tullagower Quarries Ltd. There is direct access from the existing Tullagower quarry to the proposed quarry site. A sworn statement to this effect can be submitted if necessary. The boundary between the Tullagower and the former WLQ site is still being considered so a map cannot be submitted without dispute by the appellant.
- It is submitted that the central strand of the appellant's grounds is that permission on site only applies to the former WLQ site. If this submission is accepted by the Board, the applicant shall have to apply for permission to retain an activity that has been in operation for decades and for which permission was granted in 1989. The activities undertaken by the applicant Tullagower Quarries Ltd. are authorised. It is submitted that a number of the appellant's grounds of appeal are not material. The Board is requested to grant permission.
- The response is accompanied by a map from P8/26010 and an extract from Directive 2014/52/EU

7.4. **Observations**

7.4.1. **Dept. of Arts, Heritage, Regional, Rural and Gaeltacht Affairs**

Should the Board decide to grant permission the planning conditions as set out by Clare County Council should be attached to any grant of permission, to ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

7.4.2. **Lagan Bitumen:**

- Lagan Bitumen acquired the quarry to the immediate west of the appeal site, from the receiver of Whelans Limestone Quarries (WLQ). The grounds of appeal of the third party appellant are fully supported.
- It is submitted that the applicants description of the proposed development is incorrect. The subject lands were inspected by the Planning Authority between April to June 2015 and development in the form of extraction had already taken place. Aerial photos 29th July 2015

clearly show that significant development had occurred prior to the lodgement of the planning application (27th October 2015). The application should have been for retention permission.

- The quarry void indicated on the drawings submitted as part of the s261 registration process are lands entirely within the control of Lagan Bitumen (and previously WLQ). The applicant does not have the benefit of planning permission, therefore the proposed development cannot be considered an extension but rather a new quarry application adjacent to a s261 registered quarry under the control of Lagan Bitumen.

8.0 **Assessment**

8.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of the proposed development
- Development on the Subject Site
- Quarry Boundaries
- Environmental Impact
- Appropriate Assessment

8.2. **Principle of the proposed development**

8.2.1. One of the substantive issues raised by the appellant and one of the Observers is the ownership of the lands and the impacts of said ownership on the entitlement to quarry the proposed site.

8.2.2. It is my understanding of the history of the quarry that a quarry was purchased by the subject applicant Jackie Whelan of Tullagower Quarries Ltd., from Clare County Council in 1989. Activity on the quarry had ceased at some period and an application was made by Whelan Bros. Ltd in 1989 (P8/26010 refers) to 'reactivate an existing quarry, install stone crushing and grading equipment, offices and toilet'. The drawing submitted to the Council on the 13th Jan 1989 with the application shows the entire site with a service road, proposed extraction area (south-west corner and a small section in the

centre) and two areas of previously quarried lands (to the immediate south of the service road, along the southern boundary and the centre of the south-western corner). Permission was granted subject to 11 no. conditions.

- 8.2.3. At some point in 2003-2004 a section of the quarry (which has not been defined by any of the parties) was sold to Whelan Limestone Quarries Ltd. (WLQ). It is my understanding that part of the WLQ / Lagan Bitumen site is a roughly rectangular section of lands immediately adjacent to the southern boundary and south of the service road. In their response to the third party appeal, the applicant states that the WLQ / Lagan Bitumen site runs for a length of approx. 89m along this boundary. The second part of the site in the ownership of WLQ / Lagan Bitumen is that section in the south-western corner of the overall site. The environment report submitted with the application states that the overall site area – including those lands owned by Lagan Bitumen (formerly owned by WLQ) – is 6.933ha. The existing Tullagower quarry and recycling facility occupies a 2.584ha site immediately north of the subject appeal site. Therefore the area of the site owned by Lagan must be in the region of 4.3ha –split between the central rectangle and the large south-western corner, although this has never been clarified. According to the applicant there is a dispute about the exact boundary between the two sites and therefore the exact site area cannot be defined. I note that the appellant states that non-planning matters have caused the cessation of works on the WLQ/ Lagan Bitumen site.
- 8.2.4. In 2005 in accordance with s261 of the Act. WLQ registered a quarry of 6.933ha with a workable area of 3.071ha. Subject to s261(6)(a)(ii) 20 no. conditions were attached by Clare County Council.
- 8.2.5. In 2010 Tullagower Quarries Ltd. were granted planning permission to retain a glass and tyre recycling facility in an existing quarry. The site was stated to be 2.58ha and according to drawing no. 001 submitted with the application, is an irregular shaped site on both sides of the service road, roughly corresponding with the eastern section of the lands registered under s261. A rectangular section adjoining the southern boundary, labelled fire equipment

storage is outside the red line and may be presumed to refer to part of the former WLQ lands.

- 8.2.6. In 2010 Whelans Limestone Quarries went into receivership and those sections of the overall lands are now in the ownership of Lagan Bitumen as of April 2016. As stated above, details of the boundary of that ownership has not been presented to the Board.
- 8.2.7. It is the case of the appellant that the applicant does not have right to quarry the subject lands as they were registered by a different legal entity. The appellant has stated that the only lands with permission to quarry are in the ownership of the appellant / the receiver and that the consequence of this is that the subject application to 'extend' an existing quarry is null and void.
- 8.2.8. The applicant Jack Whelan received planning permission in 2010 for that portion of the lands still in his ownership to retain a glass and tyre recycling facility in an existing quarry (p10/802 refers). If one sets the contentious issue of land ownership aside, the fact remains that the applicant received planning permission for development on an existing quarry and that quarry is directly and physically linked to the subject appeal site. The applicant has submitted that quarrying activity has occurred in conjunction with the recycling facility and that the proposed development is a natural spatial extension of that activity. I am minded to accept this reasoning. Lands to the north of the subject site are clearly still in the ownership of the applicant. If the issue of ownership had not been raised in the appeal, the proposed development would still be described as an extension of an existing quarry.
- 8.2.9. I am satisfied that the proposed development can be accurately be described as an extension of an existing quarry.

8.3. **Development on the subject site**

- 8.3.1. The Appellant and the Observer have submitted that excavation works have occurred on the subject site and therefore permission should be sought for retention of the quarry extension. The appellant submits that material was supplied by Tullagower in and around April to June 2015. The appellant states that as the only operator with permission to quarry was WLQ, the only

conclusion that can be reached is that the applicant removed material from the subject appeal site. I do not accept this finding. As noted above, the applicant has permission to operate a quarry on lands granted under P10/802. Without evidence to the contrary there is no reason to conclude that aggregate supplied by the applicant did not come from those permitted lands.

- 8.3.2. The observer notes that the subject lands were inspected by the Planning Authority in April to June 2015 and they submit that significant development had already occurred by July 2015, prior to the lodgement of the application.
- 8.3.3. The applicant has stated that works were undertaken on the subject site before he purchased it and that no details of the nature and extent of that work is available. He notes that archaeological investigations were undertaken under exempted development regulations but that no extraction of material has been undertaken and no quarrying has taken place on the site. In the response to the request for further information, the applicant states that OSI aerial photography shows that between 2000 and 2005 the site was subject to some ground excavation. Since purchase of the site, the applicant has used the lands for the storage of spoil from the existing quarry, trenching for archaeological investigation and storage of top soil for re-instatement of berms / banks.
- 8.3.4. The planning report on file states that as part of the enforcement file UD15-058, the Council were satisfied that the alleged works were undertaken within permitted s261 registered quarry lands.
- 8.3.5. On the date of my site inspection, it was clear that some ground works had occurred. The nature and extent of those works could not be defined at that time. It was clear that an informal track had been created on the site and that material along the western boundary had been disturbed and or / removed. If one compares the drawings of ground levels created on 11-09-15 (drawing no. 15-215-01) and submitted to the Council with the application on 27th October 2015 with the drawing prepared in response to further information (drawing no. 16-167-01) submitted to the Council on the 10th June 2016, one

can clearly see that the north-western corner of the subject appeal site, directly adjoining the quarry face to the west has been subject to change. The September 2015 drawing shows a clearly defined north-western corner of the site, at a high point of approx. 68m, rising to the south-east and south, to a high of 81.4m. The ground levels recorded in May 2016, show the slope of the western quarry face extended south-eastwards into the site and the former quarry face on the southern boundary of the Tullagower quarry to the north has extended south-wards. This lack of definition of the site boundaries can be seen in the appended site photographs, when compared to the OSI images of the lands and the images submitted by the Observer.

8.3.6. Such works cannot reasonably be described as storage of material, trenching for archaeological investigation or storage of top soil for reinstatement of berms / banks. However, it cannot be definitely be stated to be extraction of material. Noting the determination of the Council that such work had occurred within the boundaries of the registered quarry, and having regard to the relatively small scale of works, I am satisfied that work which may have been undertaken is not materially significant.

8.4. **Quarry Boundary**

8.4.1. In response to the Council's query about how the proposed development would address the existing quarry to the west, the proposed extraction area of the subject site was moved 10m eastwards. This reduced the proposed extraction area from 0.95ha to 0.81ha. The 10m buffer strip along the western boundary of the site is stated by the applicant to provide structural stability to the western boundary of the existing and proposed quarries.

8.4.2. The proposed buffer on the western boundary of the proposed extraction area has a width of 10m. Due to ground level changes both naturally and as a result of ground works in the north-western corner, the height of the proposed buffer will vary from 12m at the northern point to 23m at the southern end. A single bench with a vertical quarry face is proposed within the quarry. I am concerned that a 23m high bank of ground, only 10m in width, that has been disturbed on both sides would not be structurally stable. Should the Board be minded to grant permission, the buffer should be

increased to a minimum of 20m (equal width and height), with the result that the proposed extraction area is moved eastwards within the site.

- 8.4.3. I note that no details of the proposed site restoration have been submitted to the Board. Should the Board be minded to grant permission, a condition requiring a restoration landscaping plan should be attached.

8.5. **Environmental Impact**

- 8.5.1. The Appellant states that if the proposed development is accepted as an extension of an existing quarry, then the proposed development requires EIA given the extent of existing quarried lands in the area.
- 8.5.2. The proposed extraction area is 0.81ha, the existing Tullagower quarry as identified in the 2010 application is 2.584ha and the quarry owned by Lagan Bitumen (formerly WLQ) is approx. 4.3ha. In 2005 in accordance with s261 of the Act WLQ registered a quarry of 6.933ha with a workable area of 3.071ha.
- 8.5.3. During the current application the Planning Authority raised the issue of EIA in their request for further information. In response, the applicant made the case that only 0.18ha of their 2.584ha quarry is subject to quarrying and with the proposed 0.81ha, the overall quarry is 0.99ha and therefore sub-threshold for EIA.
- 8.5.4. The Environmental Assessment Officer of Clare County Council assessed the development and stated that neither mandatory or sub-threshold EIA was required and that there would be no significant adverse effects on the environment (report dated 06 July 2016 refers). Her reasoning was based on the identification of the likely zone of influence of the proposed development and the lack of any interaction with the identified sensitive receptors, the established nature of the quarry, that all noise and dust control measures would be in accordance with EPA guidance, the lack of additional significant visual impact, adherence to traffic and water quality mitigation measures, dust suppression and minimisation measures, strict controls for ground vibration, detailed and scientific evidence to prove no environment impacts and assessment against Annex II criteria. The report concludes stating that

in accordance with article 4(5) of the Directive 2014/52/EU that the proposed development is not likely to have significant adverse effects on the environment and does not require EIA.

8.5.5. The threshold for mandatory EIA is 5ha. Ignoring the ownership complexities of the entire site, a 6.933ha quarry was registered under s261. That some of that site has not been quarried recently due to legal issues is not relevant for environment impact assessment purposes. If one accepts that a 6.933ha quarry exists and a 0.81ha extension to that quarry (or at least part of that quarry) is proposed, then clearly the subject development requires EIA. If one uses the 3.071ha workable area of quarry as the starting point, then the proposed 0.81ha extension is sub-threshold. The impacts of the proposed development, in that case, must be assessed against the criteria in Annex III of the Directive (schedule 7 of the Planning and Development Regulations, as amended). Noting the ambiguity of the areas involved, it is considered prudent to err on the side of caution and to screen the proposed development for environment impact.

8.5.6. The Screening for Environmental Impact report submitted with the application outlines the proposed development. The report states that quarrying will occur in a north-south direction with processing of material on the existing site, using the existing equipment. Quarrying is proposed at a rate of 40,000 tonnes pa for ten years, to a finished floor level of 54.5mOD, consistent with the FFL of the existing quarry on site. This will take the form of one bench with a quarry face depth of 27m. The report notes that the existing waste recovery facility on the Tullagower site is operated under a registered waste permit issued in April 2011. The facility is operated in conjunction with quarrying in the existing site.

8.5.7. The report details the proposed development in terms of buildings and plant, working hours, employment, site security arrangements, traffic control and transport routes, working method, fuel storage, power supply and telecommunications, sewerage and waste water and waste management. In terms of environmental impact, the topics assessed are human beings / socio economic, flora and fauna, geology, water, air quality, noise &

vibration, traffic, landscape & visual impact, cultural heritage and archaeology and the interaction of the foregoing.

- 8.5.8. The subject site is largely scrubland with no identified protected flora or fauna, no natural heritage designations, and little or no visual amenity. There are no known geological heritage sites within the area. A recorded monument 30m due south of the southern boundary of the overall site – i.e. to the south-west of the appeal site. No observed effect on the monument has been recorded from the existing quarry.
- 8.5.9. The subject site adjoins a long established quarry and neither the existing nor the proposed sites are visible from the public road or from residential properties. A single residence is located along the service route serving the quarry. That the proposed development is an extension of an existing quarry that has been in existence for a number of years, the effects of development on topics such as traffic, visual, noise etc. can be measured against existing operations as a baseline.
- 8.5.10. The water table of the existing quarry has been recorded at 54mOD. Extraction is proposed to 54.5m so no ground water sumps or management is proposed. The risk exists where the watertable is breached either through extraction below the proposed level or at points where the water table is higher than predicted. The aquifer underlying the subject site is classified as a locally important aquifer. Due to the shallow level of soil overburden (less than 3m) the site is described as having extreme vulnerability. The screening for environmental impacts carried out by the applicant notes that no extraction is proposed below the water table and therefore no pumping or drawdown of the local watertable is proposed. The report assesses the potential significant impact of pollution of waters from high suspended solids, nutrients, spillage of lubricants or oil spills, a hydrological impact due to a change in flow rate, the permanent loss of aquatic habitat due to culverting and the obstruction of a water body due to site works (section 7.3 of the report refers). The likelihood of pollution due to suspended solids is considered a medium risk and two mitigation measures are proposed, namely the provision and maintenance of settlement ponds and the provision

of a reed bed system. The proven history of the existing quarry and the licence under the Water Pollution Act (reg. ref. WP143 refers) are noted as mitigation measures. The pollution of receiving waters through spillage or nutrients is predicted to be low risk. Mitigation measures are proposed, including compliance with the licence, reed bed polishing system, on site spill kits, low level of machinery and that no nutrients arise in the quarry.

8.5.11. The worst case scenario of a breach of the water table in the existing quarry has not been assessed, nor have mitigation measures been proposed should such a scenario occur. It is considered that the likelihood of such a scenario occurring in the subject site is low however, due to the fact that the wider quarry area has suffered no such breaches and is in full compliance with its water licence. I am satisfied that while the impact identified is significant, the scale of the proposed development is such that the likelihood of such an impact occurring is low.

8.5.12. The Doonbeg River is located to the north of the subject site. The quarry drains through a discharge point in the north-western corner which then links through a field drain system to the river approx. 150m downstream. The Doonbeg River is not covered by any European site designation however it supports a substantial and well documented Annex II population of Freshwater pearl mussel. This species has a very long life cycle and it requires clean, fresh flowing, well oxygenated water with a high ecological status to sustain population growth. It has suffered a European wide decline in recent decades as a result of water pollution although significant populations remain along the West coast of Ireland. All stages of the pearl mussel's life cycle are vulnerable to the adverse effects of water pollution however it is particularly at risk of suffocation or asphyxiation from small silt particles entering watercourses from disturbed land. I raise a concern that the issue of the Freshwater Pearl mussel has not been addressed by the Applicant. The issue of fine silt particles finding their way into the Doonbeg River via the drainage network within the catchment has previously been raised by the Board as an area of concern, In PL03.244088 the Board refused permission for a proposed wind turbine development on the grounds that "the presence of a direct aquatic connection between turbine locations

and the Doonbeg River, and to the identification of the Doonbeg River as a habitat with a significant concentration of species listed under Annex II of the Habitats Directive, that is, freshwater pearl mussel (*Margaritifera margaritifera*), the Board is not satisfied that the proposed development would not constitute a serious risk of impairment to the aquatic habitat of this sensitive species". Likewise, in PA0025, the Board refused permission for a development of 45 no. wind turbines. One of the reasons for refusal stated: "Having regard to the location of the proposed development on a site where there is a significant extent of peat material, the scale of the proposed development in proximity to the Doonbeg River, and to the identification of the Doonbeg River as a habitat with a significant concentration of species listed under Annex II of the Habitats Directive, freshwater *Margaritifera margaritifera* (freshwater pearl mussel) as established during the course of the application, the Board is not satisfied that the proposed drainage system would not constitute a serious risk of water pollution in this sensitive river system. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area".

8.5.13. Clare County Council has issued a licence to discharge trade effluent from a settlement lagoon / glass filter percolation area, to the existing quarry under section 4 of the Local Government (Water Pollution) Acts 1977-1990. Reg. ref WP143 was issued on the 10/01/06. Noting the licence and noting the established nature of the existing quarry, it is considered that the impact of the proposed development on the receiving waters of Doonbeg River has been assessed and is being monitored by the Council, notwithstanding that it has not been addressed by the Applicant.

8.5.14. The scale of the proposed extension is small, in the context of the operation of the wider site as a quarry (in the past and ongoing) and the ongoing recycling facility. The additional impacts from the proposed development on the surrounding environment in terms of traffic, noise, production of waste, pollution and nuisance, the use of natural resources and the risk of accidents are considered to be small in scale, likelihood and magnitude. The proposed extension of an existing quarry will not cause significant adverse effects on the environment.

8.6. **Appropriate Assessment**

The subject site is located approx. 6.4km from the River Shannon and River Fergus Estuaries SPA (004077) and also the Lower River Shannon SAC (002165).

8.6.1. **The River Shannon and River Fergus Estuaries SPA (004077)** form the largest estuarine complex in Ireland. The site comprises the entire estuarine habitat from Limerick City westwards as far as Doonaha in Co. Clare and Dooneen Point in Co. Kerry. The site has vast expanses of intertidal flats which contain a diverse macro-invertebrate community, e.g. *Macoma-Scrobicularia-Nereis*, which provides a rich food resource for the wintering birds. Salt marsh vegetation frequently fringes the mudflats and this provides important high tide roost areas for the wintering birds. Elsewhere in the site the shoreline comprises stony or shingle beaches. The qualifying interests for the SPA are: Cormorant, Whooper Swan, Light-bellied Brent Goose, Shelduck, Wigeon, Teal, Pintail, Shoveler, Scaup, Ringed Plover, Golden Plover, Grey Plover, Lapwing, Knot, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Greenshank and Black-headed Gull.

8.6.2. The conservation objectives for the site are to maintain the favourable condition according to the defined attributes and targets for each qualifying interest. The attribute for each of the qualifying interests are population trend and distribution. The target for each of the species is the stabilisation or increase of long term population trend and that there should be no significant decrease in the range, timing or intensity of use of areas by each of the species. The target for the conservation objective for the wetlands habitat is that the permanent area occupied by the habitat should be stable and not significantly less than the area of 32,261ha other than that occurring from natural patterns of variation.

8.6.3. Having regard to the nature and scale of the proposed development and / or the nature of the receiving environment, and / or proximity to the SPA, no appropriate assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in

combination with other plans or projects, on the River Shannon and River Fergus Estuaries SPA.

- 8.6.4. There is no direct surface water source-pathway receptor link between the subject site and the **Lower River Shannon SAC (002165)**. However, as noted above, the groundwater in the area of the subject site is of extreme vulnerability with shallow overlying. The ground water link to the SAC is a potential source pathway receptor.
- 8.6.5. The Lower River Shannon SAC stretches along the Shannon valley from Killaloe in Co. Clare to Loop Head/ Kerry Head, a distance of some 120 km. The site thus encompasses the Shannon, Feale, Mulkear and Fergus estuaries, the freshwater lower reaches of the River Shannon (between Killaloe and Limerick), the freshwater stretches of much of the Feale and Mulkear catchments and the marine area between Loop Head and Kerry Head. The underlying geology ranges from Carboniferous limestone (east of Foynes) to Namurian shales and flagstones (west of Foynes) to Old Red Sandstone (at Kerry Head). The salinity of the system varies daily with the ebb and flood of the tide and with annual rainfall fluctuations seasonally. The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive:
- [1110] Sandbanks, [1130] Estuaries, [1140] Tidal Mudflats and Sandflats, [1150] Coastal Lagoons*, [1160] Large Shallow Inlets and Bays, [1170] Reefs, [1220] Perennial Vegetation of Stony Banks
[1230] Vegetated Sea Cliffs, [1310] *Salicornia* Mud
[1330] Atlantic Salt Meadows, [1410] Mediterranean Salt Meadows
[3260] Floating River Vegetation, [6410] *Molinia* Meadows
[91E0] Alluvial Forests*, [1029] Freshwater Pearl Mussel (*Margaritifera margaritifera*), [1095] Sea Lamprey (*Petromyzon marinus*)
[1096] Brook Lamprey (*Lampetra planeri*), [1099] River Lamprey (*Lampetra fluviatilis*), [1106] Atlantic Salmon (*Salmo salar*)
[1349] Bottle-nosed Dolphin (*Tursiops truncatus*)
[1355] Otter (*Lutra lutra*)

8.6.6. The conservation objectives for the site are to restore or maintain the favourable condition according to the defined attributes and targets for each qualifying interest. Each of the conservation objectives are interlinked, and assessments cannot consider an attribute in isolation from the others. A number of the conservation objectives are based on water quality and / or the hydrological regime. The hazard of contaminated waters from the subject site to enter the ground water and thus the waters of the SAC would lead to significant impacts. However, having regard to the nature and scale of the proposed development, the nature of the receiving environment, and proximity to the SAC, I am satisfied that no appropriate assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on the Lower River Shannon SAC (002165).

9.0 **Recommendation**

I have read the submissions on file, visited the site, and have had due regard to the provisions of the Clare County Development Plan 2011 - 2017 and all other matters arising. It is considered that, subject to compliance with the conditions set out below, the proposed development would not injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area. I recommend permission be GRANTED subject to the following conditions:

10.0 **Reasons and Considerations**

Having regard to the established use for quarrying activity on part of the lands, to the pattern of development in the vicinity and subject to compliance with the following conditions set out below, it is considered that the proposed development would be acceptable in terms of the amenities of the area and of property in the vicinity and in relation to traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 **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 on the 10th day of June 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This permission shall be for a period of ten years from the date of this order. The quarry use shall then cease, with all related structures removed and remedial works including reinstatement works to be carried out to the satisfaction of the planning authority, unless prior to the end of that period, planning permission shall have been granted for the continuance of the use and retention of the structures for a further specified period.

Reason: To allow for a review of the development having regard to the circumstances then pertaining and the proper planning and sustainable development of the area.

3. The proposed extraction area shall be relocated eastwards a distance of no less than 20m from the western boundary, to provide a buffer of minimum 20m width between the proposed quarry extension and the existing quarry to the west.

Reason: In the interest of protecting existing land uses in the area.

4. Within one month of the date of this order, details of safety measures for the quarry perimeter, to include stock proof fencing and warning signs, shall be submitted for written agreement with the planning authority.

Reason: In the interest of public safety.

5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the 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.

6. The quarry and all activities occurring therein, with the exception of blasting operations, shall only operate between 0800 hours and 1800 hours Monday to Friday and between 0800 and 1600 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays.

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

7. (a) Blasting operations shall take place only between 1000 hours and 1700 hours Monday to Friday and shall not take place on Saturdays, Sundays or public holidays. Monitoring of the noise and vibration resulting from blasting and the frequency of such blasting shall be carried out at the developer's expense by an independent contractor who shall be agreed in writing with the planning authority.
- (b) Prior to the firing of any blast, the developer shall give notice of his intention to the occupiers of all dwellings within 500 metres of the site. An audible alarm for a minimum period of one minute shall be sounded. This alarm shall be of sufficient power to be heard at all such dwellings.

Reason: In the interest of public safety and residential amenity.

8. (a) Vibration levels from blasting shall not exceed a peak particle velocity of 12 mm/second, when measured in any three mutually orthogonal directions at any sensitive location.
- (b) Blasting shall not give rise to air overpressure values at sensitive locations which are in excess of 125 d B (Lin) max peak with a 95% confidence limit. No individual air overpressure value shall exceed the limit value by more than 5 d B (Lin).
- (c) A monitoring programme, which shall include an annual review, shall be developed to assess the impact of quarry blasts. Details of this programme shall be submitted to and agreed in writing with the planning authority. The programme shall be undertaken by a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority following this annual review.

Reason: To protect the residential amenity of property in the vicinity.

9. Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day, averaged over a continuous period of 30 days. Details of a monitoring programme for dust shall be submitted to and agreed in writing with the planning authority within two months of the date of this order. Details to be submitted shall include monitoring locations, commencement date and the frequency of monitoring results, and details of all dust suppression measures. This programme shall include an annual review of all dust monitoring data, to be undertaken by a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority following this annual review.

Reason: To control dust emissions arising from the development in the interest of the amenities of the area.

10. During the operational phase of the development, the noise levels from within the boundaries of the site, measured at noise sensitive locations in the vicinity, shall not exceed the following:
- (a) An LAeqT value of 55 d B(A) during the period 0800 hours to 1800 hours Monday to Friday inclusive and 0800 to 1600 hours on Saturday. The T value shall be one hour.
 - (b) An LAeqT value of 45 d B(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 amenity of property in the vicinity.

11. A comprehensive plan for the restoration of the entire quarry following the cessation of quarrying works shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall include proposals for re-use of the quarry and measures to ensure public safety therein. The developer shall commence implementation of the agreed site restoration plan within the area of the site within one month of cessation of extraction in this area and shall have completed this part of the plan within 12 months of commencement.

Reason: In the interest of public amenity and public safety.

12. A wheel-wash facility shall be provided adjacent to the site exit, the location and details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

13. 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 An Bord Pleanála for determination.

Reason: To ensure the satisfactory restoration of the site in the interest of visual amenity.

Gillian Kane

Gillian Kane
Planning Inspector

31 October 2016