



An
Bord
Pleanála

Inspector's Report PL 88.249114

Development	Retention of existing processing plant and continuation of processing within 2.9ha area of a sand & gravel pit, and all associated site works.
Location	Inchafune, Dunmanway, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	17/124
Applicant(s)	Drimoleague Concrete Works Ltd.
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Frank Nixon
Observer(s)	None
Date of Site Inspection	4 th December 2017
Inspector	Michael Dillon

1.0 Site Location and Description

- 1.1. The site, with a stated area of 2.9ha, within a larger sand & gravel pit facility, is located some 3.5km due southeast of the town of Dunmanway in Co. Cork. Access to the site is from the R637 Regional Road. The 80kph speed restriction applies on this road. There is a single, broken, white line in the centre of the road at this location. There is no public lighting and there are no public footpaths. The entrance to the pit is recessed and fitted with high gates. The splay walls have recently been faced with stone and set back from the edge of the carriageway. Sight distance to the southwest is restricted somewhat by the roadside boundary hedgerow. Sight distance to the northeast is better on this straight section of road. There are no warning signs on the road in relation to a pit entrance ahead.
- 1.2. The access road into the pit is surfaced at the entrance – as far as the wheel-wash – thereafter it becomes an unsurfaced track. On-site facilities are restricted to a small ‘portacabin’ for welfare facilities – with a toilet. There is an effluent treatment plant located close to this ‘portacabin’ and a well immediately behind it. There is a metal container used for tool storage, with an open shed used for storage of oil drums. This open shed is not bunded. An elevated diesel tank is fitted with a concrete bund. A diesel generator supplies the washing and screening plant on the pit floor. A metal shipping container houses the diesel generator/fuel tank and tool storage. The plant is located amongst a series of gravel stockpiles. A series of settlement lagoons are located to the southeast of the ringfort/rath on the site boundary. This archaeological feature is completely overgrown and it was not possible to access it on the date of site inspection. To the east again is the pit, where extraction has taken place below the water table, resulting in the formation of a large pond, which was teeming with bird life on the date of site inspection. The pond is surrounded by 2.4m high metal pole and wire mesh fencing, which includes three strands of barbed wire. There are some earth berms constructed around the pond, and it is not visible from the R637.
- 1.3. A small stream enters the sand & gravel pit beneath the R637, a short distance to the southwest of the entrance. This stream is located within a deep gully where it enters the site. The stream was flowing with water on the date of site inspection, but percolates to ground approximately 100m into the site. Notwithstanding this, there is

a clear channel as far as the siltation ponds within the quarry – when the flow of water is sufficiently great, it runs straight to the settlement ponds. There are three such settlement ponds indicated on drawings – fenced-off from the remainder of the site. The pit was not operational on the date of site inspection, so there was no water flowing through the ponds. A fourth pond exists immediately to the south of the other three. There is no indication of any inflow or outflow from this pond, which was full of clear water (most likely rainwater) on the date of site inspection. It is located at a higher level than the other siltation ponds, but is clearly a man-made structure. There is no evidence of any dewatering of the site – the siltation ponds being located at a lower level than surrounding agricultural land.

- 1.4. There has been some attempt at restoration of the land immediately to the southwest of the access road – through which the aforementioned stream flows. This restoration is rudimentary, and the land lies fallow. There are 2-3m high earth berms constructed along the R637 boundary of the site and around the back of the house occupied by the 3rd Party appellant; continuing along the western boundary of the site. These berms are planted with a mixture of young to semi-mature coniferous and deciduous trees. These berms and trees effectively screen the pit from view from the R637. The roadside boundary hedgerow, and hedgerows around the 3rd Party appellant's house, and to the west and north of the settlement lagoons and washing and screening plant, also serve to screen the development from view.
- 1.5. There is a two-storey house to the south-southeast of the settlement lagoons – occupied by the 3rd Party appellant. There is another two-storey house to the south of the settlement lagoons – both houses being accessed from the R637. The two-storey house to the east of the large pond is indicated as being in the ownership/control of the applicant company (as outlined in blue). There is no direct connection from this house to the pit operation proper. There is a further house to the north of the aforementioned house, which is indicated as being outside of the blue line ownership/control of the applicant company. There is farmland on all other boundaries of the site.

2.0 Proposed Development

- 2.1. Permission was sought on 2nd March 2017, to retain existing processing plant on a 2.9ha site within a larger sand & gravel pit. The pit provides for washing and screening of aggregate, access road, site entrance, wheel-wash, site welfare facilities (17.3sq.m), fuel storage/generator shed (20.1sq.m), tool store (13.3sq.m), settlement ponds and all ancillary works. Permission is also sought to continue use of processing plant and completion of restoration, in accordance with previously approved plans. A three-year planning permission is sought (until January 2020).
- 2.1.1. Water supply is stated to be existing, without indicating the source. Effluent treatment is stated to be existing, without stating the method or location of treatment works. Surface water discharge is stated to be to settlement lagoons (3 in no.) – with percolation ultimately to ground. There is an electricity supply to the site to run the site welfare facilities, with a diesel generator to power the washing and screening plant.
- 2.1.2. The application is accompanied by a letter of consent from the landowner, Angela Donegan, to the making of the planning application. It is indicated that the application is a resubmission, following rejection by CCC of an earlier application, which was deemed to be invalid.
- 2.2. Following a request for additional information, the following was submitted to CCC on 13th July 2017-
- Proposals to improve sight lines at the existing entrance.
 - Details of repair and cleaning of the existing wheel-wash.
 - Details of warning signage to be erected on either side of the quarry entrance.
 - Description of the closed water handling facilities on the site.
 - Estimation of 88,000 tonnes of stockpiled aggregate on site. Phasing of removal is indicated – completion estimated in March 2019.
 - Restoration plan to date, and indication of expected completion by January 2020.
 - Earth berms surrounding the pond/lake within the eastern portion of the pit were provided for within application ref. 04/9654 (PL 04.212866). Indication

of berms within the remainder of the site and relationship to planning applications and compliance submissions. Parts of drawings submitted with application ref. 00/1305 (PL 04.126837) are included.

- The pit is a small-scale operation, generally worked by just one employee.
- The downturn in economic activity in 2008, resulted in the extraction from the pit not being completed within the expected 10-year lifespan imposed by the Board. An extension of the permission was not sought, due to an oversight by the applicant.
- No material will be imported to the site for processing.

3.0 Planning Authority Decision

By Order dated 3rd August 2017, Cork County Council issued a Notification of decision to grant planning permission subject to 14 no. conditions – the principal ones of which may be summarised as follows-

1. Development to be carried out in accordance with submissions of 2nd March and 13th July 2017.
2. Permission is for a period of three years from date of order.
3. Relates to noise.
9. Requires environmental monitoring of the river [unspecified], if requested by the PA.
10. Relates to buffer zone of 15m around ringfort/rath on the western boundary of the site.
12. Requires 130m sight distance in either direction at the exit point from the pit onto the R637.
13. Relates to the wheel-wash.

4.0 Planning History

Ref. 00/1304: Permission granted to Drimoleague Concrete Works Ltd, for retention of gravel-washing and stone-crushing plant, new alternative access roadway &

entrance and settlement lagoons. On appeal by a 3rd Party and the 1st Party to the Board (**PL 04.126834**), permission was granted on 20th September 2002, subject to 20 no. conditions. Condition no. 2(1) stipulated that the permission would cease to have effect six years from the date of the order.

Ref. 00/1305: Permission granted to Drimoleague Concrete Works Ltd, for extraction of gravel. On appeal by a 3rd Party to the Board (**PL 04.126837**), permission was granted on 20th September 2002, subject to 20 no. conditions – identical to those set out at permission ref. PL 04.126834.

Ref. 04/9654: Permission granted to Drimoleague Concrete Works Ltd, for extraction of sand & gravel below the water table (on a 6.9ha site), retention of berm along the western boundary of the proposed development and area of extraction at northeast corner of existing pit (total area for retention of 0.45ha). The application was accompanied by an EIS. On appeal by 1st and 3rd Parties (**PL 04.212866**), permission was granted on 1st November 2005, subject to 24 no. conditions. Condition 2(1) stipulated that the permission would cease to have effect ten years from the date of the order. Condition 7 required that there be no dewatering of the site. This permission expired on 31st October 2015.

Ref. SKB 15/66: Refers to an active enforcement case on this sand & gravel pit.

5.0 Policy Context

5.1. Development Plan

The relevant document is the Cork County Development Plan 2014.

- The site is located within the defined greenbelt area of the town of Dunmanway.
- The site is not within a high value landscape – being within ‘Broad fertile lowland valleys’, with a landscape importance of ‘local’.
- There are no Scenic Views indicated in the vicinity of the site.
- Policy EE 12-3 on Impacts of Mineral Extraction states- “Minimise environmental and other impacts of mineral extraction through rigorous

application of licensing, development management and enforcement requirements for the extractive industry and ancillary developments”.

- The site is within an area subject to pluvial flooding.
- There are two archaeological sites just outside the red line boundary of the site – CO108-046 & CO108-047.

5.2. Quarries and Ancillary Activities – Guidelines for Planning Authorities

The Guidelines were published by the Department of the Environment, Heritage and Local Government in April 2004 – dealing largely with the environmental impact of quarries, particularly in relation to new pits.

5.3. Natural Heritage Designations

The closest site is the Bandon River cSAC (Site code 002171) – located some 0.7km northwest of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The 3rd Party appeal of Frank Nixon, Inchafune, received by the Board on 25th August 2017, can be summarised in bullet point format as follows-

- The applicant is in breach of conditions attached to previous grants of permission at this pit.
- The ten-year permission on this site expired on 5th November 2015. Notwithstanding this, the applicant has continued to extract sand & gravel.
- The restoration plan submitted to the PA for agreement, was never undertaken.
- This delay in restoration has devalued the appellant’s property, which abuts the pit site to the south.
- Excavation has occurred too close to the appellant’s house (within 25m of the boundary) – where the setback should have been 50m. The restoration of

this land to grassland has, therefore, been at a lower level, and so is contrary to the conditions of previous permissions on this site.

- The berm adjacent to the appellant's property has an overbearing impact on the appellant's home. On occasion, this berm causes a downdraught at a chimney in the appellant's house. This was never an issue prior to the erection of the berm. No berm was indicated on any drawings submitted to the PA. There has been no enforcement action from CCC in relation to unauthorised berms at this pit.
- The mass concrete wing walls at the site entrance are alien to the surroundings.
- The wheel-wash at this pit was only cleaned out and made operational in the week before this current application was granted permission. Prior that it did not function as a wheel-wash. Trucks from this site have been carrying muck and dirt out onto the R637. This is a serious traffic hazard.
- There is no warning signage at the entrance or on the boundaries of this pit. This constitutes a health & safety hazard.
- The R637 is too narrow at the entrance, with the result that HGVs have to cross over the median line to effect a manoeuvre into or out of the site.
- Notwithstanding continuous complaints from the appellant, CCC has refused to enforce the conditions of previous planning permissions, and time continues to pass since permission expired for the use of this site to extract sand & gravel. CCC has been extremely lenient with the applicant, in continuing to allow the extraction of aggregate from this pit.
- An Inspector from CCC determined that unauthorised development was taking place on this site in 2016. Notwithstanding this, extensions were granted to the applicant to continue with the work of extraction.
- The appellant has continuously sought meetings with officials from CCC to discuss this sand & gravel pit, but to no avail.
- The applicant is unsuitable, as it has not complied with conditions of previous planning permissions from the Board. The applicant has shown no regard for the amenities of the area or for planning regulations.

- Permission is now being sought to process aggregate which was won after planning permission had expired at this pit.
- The appellant has no faith in the applicant, the landowner or the PA.
- There has been noise and dust nuisance from this pit.
- It has been virtually impossible for the appellant to consider putting his house on the market, so long as this pit was operational. The appellant has never sought compensation, simply wishing to see that conditions attached to planning permissions were adhered to.
- Any conditions attached to any new permission will not be complied with by the applicant.
- The operation of this pit has had a serious impact on the health of the appellant and his family.
- The appellant and his wife are now pensioners. Work is taking place on Saturdays now.
- The appellant fails to see the need for An Bord Pleanála, if LAs can choose not to enforce conditions attached to planning permissions. The applicant continues to work this pit, even before the Board has made its decision on the appeal.

6.1.2. The appeal is accompanied by the following relevant documentation-

- Series of colour photographs of the site entrance, traffic on the road and site boundaries of the appellant's property.
- Copy of correspondence between the appellant and CCC.
- CCC Information Note in relation to planning enforcement complaints.
- A3 annotated map of the area.

6.2. Applicant's Response

The response of Keohane Geological & Environmental Consultancy, agent on behalf of Drimoleague Concrete Works Ltd, received by the Board on 25th September 2017, can be summarised in bullet point format as follows-

- This appeal is vexatious, and the Board should dismiss it.
- The sole purpose of this application is to complete the development.
- There have been no complaints from any other neighbours about the operation of this pit.
- Persistent complaining to the HSA, which the applicant considers came from the appellant, have not been substantiated.
- Persistent complaining to CCC is evidenced by the appellant's own submissions.
- Extraction of gravel has not extended beyond permitted boundaries, or below permitted depths.
- The development was not completed within the allotted timescale, due to the economic downturn in 2008.
- Restoration and landscaping of the site perimeter and a large percentage of the existing pit were completed within the originally proposed timescales. The reduction in extraction resulted in a knock-on effect for restoration dates.
- Washing and screening plant has been retained on site to complete the processing of existing stocks of aggregate.
- The appellant's house is adjacent to the boundary with the old gravel pit (Pit A). Pit B is the new gravel pit at the eastern end of the site. Pit A is a pre-1963 gravel pit which was originally accessed by a gate beside the appellant's house. Permission ref. PL 04.126837 provided for screening berms adjacent to the appellant's house.
- The wing walls at the site entrance will be shortened and the remainder provided with stone cladding.
- The use of the wheel-wash was discontinued because it was considered that HGVs leaving the site were not bringing muck out onto the road – the length of the haul road within the site being more than 300m.
- Warning signage was erected on boundaries of the pit, but many have been weathered away or obscured by vegetation. New warning signage will be erected on the pit boundaries.

6.3. **Planning Authority Response**

The response of CCC, received by the Board on 26th September 2017, indicated that there was no further comment to make.

7.0 **Oral Hearing Request**

The 3rd Party appellant requested an oral hearing. By Order dated 27th October 2017, the Board decided that an oral hearing was not necessary in this instance.

8.0 **Assessment**

8.1. **General Comment**

The principal issue in relation to this application, is whether it is reasonable to allow a three-year extension for the processing of stockpiled aggregate and the restoration of a quarry – the permission for which expired on 31st October 2015. A second consideration is the impact of the development on the environment and the amenities of the area – particularly the consideration of sub-threshold EIA. The applicant company has a leasehold interest in the site.

8.2. **Site Layout**

- 8.2.1. The layout of this site is dictated by the historical operation of the quarry – the western half (within which the site as outlined in red is located) having been excavated first, with the eastern half excavated below the water table as a second phase of development. Some of the aggregate won from this second phase of development remains stockpiled around the washing and screening plant. There was no evidence of any extraction on the date of site inspection. The large pond created in the eastern part of the pit is now securely fenced-off. The washing and screening plant is located as far as possible from houses on the R637. It is hidden behind the stockpiles, and is not visible from the R637.
- 8.2.2. There are landscaped berms on the blue line wider site boundary, and in the vicinity of the 3rd Party appellant's house. These berms are 2-3m high and could not possibly result in any downdraught in the chimneys of the appellant's two-storey

house. The berms are planted with a mixture of evergreen and deciduous trees which are semi-mature. Claims that these berms are overbearing are not borne out by site inspection. The house is well set-back from the berms. It is open to any landowner to plant trees on their land. Condition 4 of permission ref. PL 04.126834, related to landscaping and site restoration at this pit. In particular, subsection (b) required the planting of all the site boundaries with indigenous trees, whilst (c) required detailed proposals for the buffer zone. This buffer zone extends along the R637 and to the rear of the appellant's house. Subsection (f) required the planting of three rows of semi-mature native species trees adjacent to the public road. The additional information submission of 13th July 2017, to CCC, included a drawing extract (Plate 5) showing a 5m high earthen bund along the R637 and to the rear of the 3rd Party appellant's house. The drawing is titled 'Reinstatement Drawing for Planning Compliance – February 2003'. The drawing itself is dated September 2000. This was a submission to CCC to comply with condition 4 of permission ref. PL 04.126834. Certainly all of the berms shown on this drawing extract (including that along one side of the 'proposed new access road' (a road which is internal to the site), have been constructed, although not at 5m high – something closer to 2-3m. Compliance is a matter for agreement with CCC, and there is no indication given of whether the submission was acceptable to the PA at the time. However, there is nothing in the subsequent Planner's Report (on this current case) to indicate that it was not – the drawing having been submitted by way of additional information on 13th July 2017. I would be satisfied that the earthen berms and associated screen planting along the R637 and to the rear of the 3rd Party appellant's house are acceptable in terms of residential and visual amenity, and are exactly the type of boundary treatments generally required for quarries and sand & gravel pits, in order to protect residential amenities.

- 8.2.3. Thick hedgerows and earth berms on the boundaries of this quarry make unauthorised entrance extremely difficult. The pit was locked on the date of site inspection. This Inspector managed to gain access through the property of the site owner (located to the east), and then only with specific instructions from the landowner as to gaps in hedges, and fences which might be scaled with difficulty. The need for warning signs on quarry boundaries is not apparent. As mentioned elsewhere in this report, the large pond area is already securely fenced.

8.3. Water

- 8.3.1. The OPW floodmaps for the area indicate that the site is liable to pluvial flooding. This should not come as a surprise on a site where sand & gravel have been extracted below the water table – particularly in the pit to the east of the appeal site, which is now a large pond. The nature of the proposed processing of stockpiled sand & gravel means that the activity is not particularly susceptible to shallow pluvial flooding. The sole concern would be in relation to fuel tanks and the on-site generator. One fuel tank on the site is raised approximately 2m above the pit floor, and is bunded. Oil drums in the nearby open shed are not bunded. There has been some leakage of oil to ground at the generator and at plant. These areas should be excavated and the contaminated soil removed from the site for disposal at a licensed facility. A condition should be attached to any grant of planning permission requiring that this work be carried out within one month of the date of any grant of permission.
- 8.3.2. Water supply for the on-site welfare facilities is stated to be from an existing source – without indicating the exact nature of this source. There is a well immediately behind the ‘portacabin’ which may be the water source. The sand & gravel pit has been operational for some considerable time, so I would not consider this issue to be of significance.
- 8.3.3. Foul waste is stated to be discharged to an existing treatment system – without specifying what this system is, or where it is located. There is a small treatment plant located adjacent to the ‘portacabin’ on the site. This should be decommissioned prior to restoration of the site. This should be specifically required by way of condition attached to any planning permission.
- 8.3.4. Wash water for the processing plant is extracted by pump from the settlement lagoons. This is a closed system, with no direct discharge to any watercourse off-site. The existence of a fourth pond immediately to the south of the three siltation ponds is not a significant issue of concern. It is located at a higher level than the siltation ponds, is not visibly connected to them by any pipework, and appears to be filled with rainwater. There are no implications for either ecology or the amenities of the area caused by the existence of this small pond. The siltation ponds are located 5-8m below the level of surrounding farmland, so the only discharge available is to ground. There was no evidence of any dewatering of the site on the date of site

inspection. The water table level in the area is clearly the large pond within the former gravel pit to the east and northeast of the appeal site. Drawings submitted with the application, indicate a stream flowing onto the site from the R637, which ultimately flows for approximately 100m before percolating to ground. As noted earlier in this Report, the channel from this stream does at times result in inflow into the settlement lagoons. There is no flow from the site to adjoining watercourses – the closest being the Bealanascartane River some 100m to the west. Surface water within the site penetrates to ground level (outside of the siltation lagoons). No change is proposed to this arrangement. There is no flow from the site at the entrance – the level being slightly below the level of the road at this location.

8.4. Sub-Threshold Environmental Impact Assessment

- 8.4.1. Schedule 5 of the Planning and Development Regulations, 2001 (as amended) sets out development for the purposes of Part 10 of the Act – requiring mandatory EIA. The proposed development would not come within the categories of development set down at Part 1 or Part 2. It is indicated that 88,000 tonnes of gravel are to be processed. I note that an EIS accompanied the application to extend this sand & gravel pit (ref. PL 04.212866). Schedule 7 of the Regulations sets out the criteria for determining whether a development would or would not be likely to have significant effects on the environment. This was considered by CCC. The criteria relate to the characteristics and location of the proposed development and the characteristics of the potential impacts. The red line boundary of the site is located within an existing sand & gravel pit, the use for which has since expired. No new development or plant will be required – the application being for a limited continuation of the use to allow for processing of stockpiled aggregate and restoration of the overall pit. There are no other similar developments in the immediate area. The proposal will not have any significant impact in terms of noise, vibration, dust or water quality. I would be satisfied that the submission of an Environmental Impact Statement with this application would not have been required.

8.5. Appropriate Assessment

- 8.5.1. The closest European site is the Bandon River candidate Special Area of Conservation (Site code 002171). The qualifying features of the site are-

- Watercourses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation.
- Alluvial Forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-padion*, *Alnion incananae*, *Salicion albae*). [Annex I habitat].
- Freshwater pearl mussel (*Margaritifera margaritifera*).
- Brook lamprey (*Lampetra planeri*).

8.5.2. The European site covers an area of 321ha, and is located some 0.7km to the northwest of the quarry site. There is no direct watercourse connection between the pit and the SAC. The closest watercourse is the Bealanascartane River to the west (0.1km at its closest). It is an objective to maintain or restore the favourable conservation condition of the Annex I habitats and the Annex II species for which the SAC has been selected. It should be noted that the Bealanascartane River flows into the Bandon River, downstream of the cSAC.

8.5.3. The application was subjected to appropriate assessment screening by the planning officer of CCC. Having regard to the nature of the proposed development, the long-established use of the pit, the absence of any direct surface water connection between the pit and the SAC, the separation distance of the site from the SAC, and the fact that the Bealanascartane River flows into the Bandon River downstream of the SAC, 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 site no. 002171, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment is not, therefore, required.

8.6. Access & Traffic

The access to this pit is from the R637, a road of appropriate size for the type of HGV traffic generated by a development of this nature. The recessed entrance to this site is in existence, and has been used for extraction of aggregate from this pit. I note that the entrance replaces the original access to the pit, which was located immediately adjacent to the 3rd Party appellant's house. The new access is located

further to the northeast. The R637 comprises a straight section at the site entrance. There is a broken white line in the centre of the road. Sight distance to the southwest is restricted by the roadside boundary hedgerow. Sight distance to the northeast is better. Drawings submitted indicate that the site entrance will be modified to improve sight distance (works to be carried out by August 2017). This has in fact happened – with the new wing walls faced in stone. The application documentation indicates that 7-8 laden HGV movements and 4 car movements would be generated per day. This is an insignificant amount in relation to the carrying capacity of the Regional Road. There is a wheel-wash at the exit from the pit. Concern has been expressed that the wheel-wash is not used by all HGVs, and muck and dirt is carried out onto the carriageway. On the date of site inspection, the pit was not operational. There was no evidence of any significant amount of muck or dirt carried onto the road. There was no evidence of degradation of the road surface, as would be caused by spilled aggregate or muck or dirt carried out on the wheels of HGVs. I would be satisfied that the proposed development does not represent a traffic hazard. A condition should be attached to any grant of permission requiring that the roadside boundary hedgerow to the southwest be trimmed back and maintained in this state, so as to provide a clear 130m distance in either direction for all traffic exiting the site.

8.7. Other Issues

8.7.1. Archaeology

The red line of the site has been so drawn to exclude a ringfort/rath on the western site boundary – indicated on the Sites & Monuments Record of the OPW as CO108-047. This monument is completely overgrown and it was not possible to penetrate the thick vegetation which covers it. Immediately to the north of the site is a standing stone within a grassed field – indicated on the Sites & Monuments Record as CO108-046. This standing stone is separated from the pit by a stout hedgerow, and it has not been impacted by the sand & gravel pit operation. Permission has previously been granted for extraction of sand & gravel on this appeal site. The proposed development will not have any further impact on these National Monuments, over and above the present impact. I note that condition 5 of permission ref. PL 04.126834 required that- “There shall be no further development

or excavation within 15 metres of the boundary of the ring fort, or within 20 metres of the standing stone". Restoration will provide for the return of this part of the site to agricultural use, and this will not have any significant impact on the National Monuments.

8.7.2. Noise & Vibration

The processing plant on this site is driven by an on-site diesel generator. It was not operational on the date of site inspection. The 3rd Party appeal indicates that processing has been ongoing since permission expired at this pit. The plant is located on the pit floor. It is screened from the closest houses by the stockpiles of aggregate and by low earthen berms (2-3m) along the R637 and to the rear of the appellant's house. The location of the washing and screening plant, the intervening noise screening (stockpiles & berms) and the separation distance to the closest house (that of the 3rd Party appellant at approximately 250m) will ensure that noise will not cause a significant nuisance. There is no rock extraction, so the issue of vibration does not arise.

8.7.3. Dust

The location of the washing and screening plant, the intervening dust screening (stockpiles & berms/planting) and the separation distance to the closest house (that of the 3rd Party appellant at approximately 250m) will ensure that dust will not cause a significant nuisance.

8.7.4. Limitation of Duration of Permission

The applicant is seeking a three-year permission to allow for processing of stockpiled aggregate on the site, and completion of the restoration plan. Limited work has already been undertaken to restore to agricultural use, lands immediately to the southwest of the access road into the washing and screening plant. The restoration plan provides for open water in the location of the principal pit (as exists at present) and restored grassland within the western portion of the overall site – some of which is included within the red line boundary of the current appeal site. The drawings indicate a dock/pier within the pond and a small parking area (10 cars) just inside the existing recessed entrance. The restoration drawings submitted indicate a completion date of January 2020. This application has taken a considerable time to progress through the planning system. Having regard to the dates set down in the

drawings submitted, any permission which might issue from the Board should specifically mention these dates – with aggregate to be processed not later than 31st March 2019, and final restoration works to be completed on or before the 31st January 2020.

8.7.5. Financial Contribution

CCC did not attach any condition requiring payment of a financial contribution in line with the Development Contribution Scheme in force for the county. Should the Board be minded to grant planning permission, then no development contribution condition should be attached.

8.7.6. Property Devaluation

The claim by the 3rd Party Appellant that the continued operation of this sand & gravel pit is resulting in devaluation of his property is not borne out by any evidence submitted. The area of the pit closest to the appellant's house is now worked out and some preliminary site restoration has been carried out in this part of the site – the ground continuing fallow. The low earth berms (which have been landscaped) and the stockpiles of aggregate, screen the pit and the washing and screening plant from view. There are similar-sized sand & gravel pits spread throughout the country, with surrounding houses, which do not result in devaluation of property. The continuation of this development would not result in any property devaluation.

8.7.7. Human Health

The 3rd Party appellant has claimed that the operation of this pit has had a serious impact on his health and the health of his family. No evidence to substantiate this claim has been made. Having regard to the separation distance of the appellant's house from the washing and screening plant (approximately 250m), the intervening landscaped berms, location of plant on the pit floor, and intervening stockpiles which provide screening effect, I would be satisfied that the proposed development will not have any significant impact on the health of neighbouring residents.

8.7.8. Interaction with Cork County Council

The relationship between the appellant and officials of CCC is not a relevant planning consideration for the Board. Matters of enforcement on any permission are for the PA.

8.7.9. Hours of Operation

The Notification of decision to grant planning permission did not include any condition restricting the hours of operation at this sand & gravel pit. In the interests of residential amenity, it would be appropriate to attach such a condition restricting hours of operation.

8.7.10. Floodlighting

There does not appear to be any floodlighting at the washing & screening plant. This issue has not been raised in the appeal. I do not consider it necessary to attach a condition relating to floodlighting.

9.0 **Recommendation**

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

10.0 **Reasons and Considerations**

Having regard to the planning history of sand & gravel extraction at this site, the limited extended period for which permission is sought to process existing stockpiles of gravel, the separation distance of the washing & screening plant from the closest houses, and the closed nature of the water handling on the site, it is considered that, subject to compliance with the attached conditions, the proposed development would not be detrimental to the residential amenities of the area, would not be prejudicial to public health, would not be harmful to the ecology of the area, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 **Conditions**

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars submitted to Cork County Council on the 13th day of July 2107, 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. Processing and despatch of existing stockpiles of aggregate shall be completed on or before the 31st day of March 2019. After this date no aggregate shall be exported from the site, and any remaining stockpiled material shall be used for restoration of the site. Final restoration works shall be completed on or before the 31st day of January 2020 – as per restoration plans submitted.

Reason: To allow for the completion of this development in accordance with the timeframe put forward by the applicant, in the interests of visual amenity and of the proper planning and sustainable development of the area.

3. No excavation work shall be undertaken within 15m of the ringfort (CO108-047) on the western boundary of the site. Restoration works in the vicinity of this National Monument shall be undertaken in such a manner so as not to cause any subsidence at this part of the site. The buffer zone shall be delimited by a stout fence to prevent vehicular access.

Reason: In the interest of preserving the archaeological heritage of the area.

4. The hedgerows flanking the recessed entrance to the site shall be trimmed back and maintained, so as to provide for 130m sight distance in either direction for vehicles exiting the site onto the R637 (as measured from a point set back 3m from the edge of the carriageway).

Reason: In the interest of traffic safety.

5. Within one month of the date of this permission, all locations where oil has leaked from generators or tanks/drums, the contaminated ground shall be excavated and removed from the site for disposal at a suitably licenced waste facility.

Reason: In the interest of public health and to avoid contamination of ground water in the area.

6. The effluent treatment facilities shall be decommissioned and removed entirely from this site on or before 31st January 2020, and the waste disposed of to an appropriately licensed facility.

Reason: In the interest of public health and to avoid contamination of ground water in the area.

7. Any over-ground tanks containing liquid fuels shall be contained in a waterproof bunded area, sufficient to contain 110% of the value of the largest tank. In particular, the open shed within which oil drums are stored shall be fully bunded within one month of the date of this permission, or else all fuel/lubricants stored within this shed shall be permanently removed to a bunded area within the site, or else removed from the site altogether.

Reason: In the interest of public health and to avoid contamination of ground water in the area.

8. All HGVs exiting the site shall do so via the wheel-wash facility. No mud or debris from the site shall be carried out onto the R637. Any such deposition on the roadway shall be immediately cleaned up and removed by the developer.

Reason: In the interest of traffic safety.

9. The sand & gravel pit operation, and all activities occurring therein, shall only operate between 07.00-18.00 hours Monday to Friday and 07.00-14.00 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 the area.

10. Advance road warning signs of the pit operation shall be erected on the approaches along the R637. The design, location and wording (bilingual) of the warning signs shall be submitted for the written agreement of the planning authority. These signs shall be erected within one month of the date of this permission.

Reason: In the interest of traffic safety.

11. All waste (including machinery, plant, tanks, metal containers, tyres, spent machinery or parts, rubber conveyor belts etc.) shall be removed permanently from the site, as part of the restoration process.

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

12. 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 the period 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 amenities of property in the vicinity.

13. This permission relates only to the processing of aggregate stockpiled on the site. No aggregate shall be imported to this site for processing of any kind, or for storage/dispatch.

Reason: To limit the extent of the development in the interest of the amenities of the area.

**Michael Dillon,
Inspectorate.**

12th December 2017.