



An  
Bord  
Pleanála

## Inspector's Report ABP-303150-18

### Development

Permission the re-opening of an existing stone quarry for the production of road making and aggregate materials together with all associated site development works.

### Location

Ballymakellett, Ravensdale, Dundalk, Co Louth.

### Planning Authority

Louth County Council

### Planning Authority Reg. Ref.

18226

### Applicant(s)

Arabtec Capital Ltd.

### Type of Application

Permission.

### Planning Authority Decision

To grant.

### Type of Appeal

Third Party

### Appellant(s)

Joseph and Roseleen Mullen.  
Ballymakellett & District Residents Group.

### Observer(s)

G. and J. Malone.  
P.J. and C. Finnegan.

V. Lavery.  
S. McDermott  
G. and A. Moore.  
Bellurgan National School.  
G. and J. Spain.  
A. and C. McKenna.  
A. and J. Duffy.

**Date of Site Inspection**

Monday 8<sup>th</sup> April 2019

**Inspector**

Deirdre MacGabhann

# Contents

1.0 Site Location and Description .....	5
2.0 Proposed Development .....	5
3.0 Planning Authority Decision .....	7
3.1. Decision .....	7
3.2. Planning Authority Reports .....	8
3.3. Prescribed Bodies .....	9
3.4. Third Party Observations .....	9
4.0 Planning History.....	11
5.0 Policy and Context.....	12
5.1. National Policy/Guidance .....	12
5.2. Louth County Development Plan 2015 to 2021 .....	12
5.3. Natural Heritage Designations .....	14
6.0 The Appeal .....	14
6.1. Grounds of Appeal .....	14
6.2. Applicant Response .....	17
6.3. Planning Authority Response .....	17
6.4. Observations .....	18
6.5. Further Responses.....	19
7.0 Assessment.....	19
7.3. Principle/Compliance with Zoning and Policy Context. ....	19
7.4. Precedent.....	20
7.5. Impact on geological heritage. ....	22
7.6. Impact on landscape character and visual amenity.....	22
7.7. Impact on ecology.....	22

7.8.	Impact on green infrastructure. ....	22
7.9.	Impact on residential amenity.....	23
7.10.	Impact on adjoining lands. ....	24
7.11.	Impact on local roads.....	25
7.12.	Restoration and after use.....	25
7.13.	Conditions of the permission.....	26
7.14.	Adequacy of the EIAR.....	26
8.0	Environmental Impact Assessment.....	26
8.5.	Population and Human Health .....	28
8.6.	Biodiversity.....	29
8.7.	Land, Soil, Water, Air and Climate .....	31
8.8.	Material Assets and Cultural Heritage and the Landscape .....	36
8.9.	Interactions.....	39
8.10.	Environmental Impact Assessment – Reasoned Conclusion.....	39
9.0	Appropriate Assessment.....	40
10.0	Recommendation .....	42
11.0	Reasons and Considerations .....	42
12.0	Conditions .....	43

## 1.0 Site Location and Description

- 1.1. The c.3.6ha appeal site lies c. 5km to the north east of Dundalk town on the Cooley Peninsula in the townland of Ballymakellett. It is situated c.3km south of Ravensdale village, west of the R174. The regional road runs from the M1 (junction 19), c.5km north west of the appeal site, to join the R173 c.3.5km to the south east of the site.
- 1.2. The Tain Way, a circular walking route around Carlingford Mountain, leaves the R174 at a crossroads c.240m north west of the site to traverse the lower slopes of the Mountain. Dulargy National School lies c. 1.5km to the north west of the site, on the R174 and Bellurgan National School lies c.2km to the south of the site on the R173. Residential development is located along public roads in the vicinity of the site, particularly at Ravensdale and Ballymakellett, to the north of the site, and Dawestown and Lower Jenkinstown, to the south.
- 1.3. Access to the appeal site is via an existing entrance on the R174. Sightlines at this entrance are restricted, in both directions. The site is triangular in shape and is located at the base of the north slope of Drumenagh Hill. It comprises a disused quarry, with a flat quarried floor and exposed face, central to the site, and a mix of rough pasture and scrub to the south and east of the old extraction area. To the north of the old extraction area is rough pasture. At the time of site inspection there was a small area of standing water on the old quarry floor (see photographs). No water courses were observed on site.
- 1.4. The site is bounded by mature hedgerows. To the west lies a linear agricultural field and a residential property, with coniferous woodland beyond. To the south is residential property, facing the R174, separated from the appeal site by a substantial coniferous treeline. To the east is the R174.
- 1.5. Trumpet Hill pNHA lies to the west of the site, approximately 200m from the appeal site's western boundary.

## 2.0 Proposed Development

- 2.1. The proposed development, as modified by the submission on the 27<sup>th</sup> September 2018, comprises the re-opening of an existing stone quarry for the production of road making and aggregate materials with site development works which include a

temporary office, welfare facilities, weighbridge and wheel wash. Perimeter bunds will be constructed along the eastern and northern boundary of the site for the duration of the operational phase. Aggregate will be extracted above water table from the southern area of the site from a series of benches, around the County Geological Site Drummenagh, which is to be preserved within the working area. The site will be worked initially in a southerly direction, through the highest part of the site, and then easterly, towards the R174. It is proposed to restore the exposed upper back face at the earliest opportunity. Material will be extracted by non-explosive techniques (expansive agents, ripping and hydraulic rock breaking) and extracted rock will be crushed and screened by mobile plant. Processed aggregates will be stock piled on site.

- 2.2. It is estimated that the quarry has workable reserves of c.515,000 tonnes and will be worked to a depth of 49m AOD (which corresponds to the adjoining road level, R147). The applicant proposes an annual export of 116,000 tonnes per annum (406 tonnes/day) over a five-year period. A further two years is proposed to ensure completion and monitoring of the final restoration scheme.
- 2.3. Surface water will be directed to three linked lagoons on site (lined with geotextile membrane), with final percolation to ground from the third lagoon. Lagoon water will also be used for dust suppression and in the wheel wash. Water supply is proposed from a well on site (north west of site entrance). Hours of operation are stated to be 8am to 6pm Monday to Friday and 8am to 1pm Saturday. It is estimated that 42 truck movements (in and out) and 8 car movements (in and out) per day will be associated with the development. Peak hour flow to and from the quarry is calculated to be 16 vehicles. A haul route is proposed from the R174, southwards via the Carlingford Regional Road (R173) and M1 National Road (see Figure 1, EIAR). It is proposed to strengthen the R174 for c.2.5km and provide advance warning signage on the R174.
- 2.4. A cess pit storage tank will hold waste from staff facilities and will be emptied weekly. Fuel will be stored within bunded storage tanks. An Environmental Management System will be developed which will include regular monitoring of activities (noise, dust and groundwater monitoring stations are shown in Figure 3.4, EIAR).

- 2.5. On completion, the site will be restored for agriculture with perimeter woodland and grassland habitats and areas for natural recolonization. The existing vertical rock face will be broken up into a series of 6m benches, with these planted with native species and shrubs. The County Geological Site will be preserved on site as a remnant 'island', with exposure of geological faces.
- 2.6. The application is accompanied by an Environmental Impact Assessment Report and Appropriate Assessment Screening Report (Appendix 5.2 of EIAR).

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. On the 15<sup>th</sup> November 2018 the planning authority decided to grant permission for the development subject to 21 conditions, including the following:
- No. 2 – Operational period granted for 5 years, with a further 2 years for restoration works to be completed.
  - No. 3 – Requires all mitigation measures to be complied with.
  - No. 4 – Requires details of phasing of restoration scheme to be submitted to the planning authority for written agreement.
  - No. 5 – Requires applicant to submit details of information panels for the public of the geological features on the site.
  - No. 6 – Precludes work between the period 1<sup>st</sup> September to end of February, and where unavoidable, procedures to minimise damage to breeding birds.
  - No. 7 – Requires archaeological monitoring of all topsoil stripping.
  - No. 8(b) – Precludes washing of aggregates on site.
  - No. 9 – Requires monitoring of surface and groundwater.
  - No. 10 and 11 – Control dust and noise respectively.
  - No. 13 and 14 – Require implementation of visibility splays at entrance to the site prior to commencement of work on site.

- No. 20 and 21 – Respectively require payment of a special development contribution (cost of strengthening the R174) and general development contribution (infrastructure and amenity).

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

- 30<sup>th</sup> April 2018 – This report includes a summary of the planning history of the site, its policy context and submissions and technical reports made. It considers the merits of the application under a number of headings including principle, heritage, precedent, design, scale and form, impact on adjoining properties, environmental impact assessment, appropriate assessment, infrastructure and flooding. It considers that the proposed development is a resource based development and in principle acceptable in the Zone 2 lands, that to re-work the site would not undermine the Area of High Scenic Quality, that specific measures (in consultation with Geological Survey Ireland, GSI) are proposed to protect the geological heritage of the site and that the application differs significantly from that proposed under PA ref. 14/350. The report also considers that the development would not generally give rise to significant environmental effects or impact on any Natura 2000 site. It recommends further information in respect of an updated carriageway survey, sightline provision and entrance details and observations by third parties of Pine Martins and Red Squirrel in the area of the site.
- 14<sup>th</sup> November 2018 – Considers that the further information addresses outstanding issues and recommends granting permission for the development subject to conditions.

### 3.2.2. Other Technical Reports

- Infrastructure (2<sup>nd</sup> May 2018) – Floor of quarry is subject to pluvial flooding. Will be resolved by surface water provision within the development. Recommends further information in respect of sightlines (will require significant clearance works), entrance details, update of carriageway assessment previously carried out in 2015. Subsequent report (11<sup>th</sup> October 2018) raises no objections, subject to conditions.



- Environmental Compliance (4<sup>th</sup> May 2018) – No objections, recommend conditions.
- Heritage Officer (12<sup>th</sup> October 2018) – No further comments.

### 3.3. Prescribed Bodies

- DCHG (27<sup>th</sup> April 2018) – Impact on breeding habitat of species protected under the Wildlife Act and Birds Directive, peregrine falcon and Kestrel (known to nest in the quarry). Recommend limiting the extraction period to 1<sup>st</sup> September to last day of February or, if unavoidable, procedures to minimise damage to any breeding species present.
- DCCAE (1<sup>st</sup> May 2018) – No comments.
- GSI (1<sup>st</sup> May 2018) – Do not consider that the Drummenagh Quarry CGS would be adversely affected by the proposed development. Requests that the operator consult with GSI and assist in geoheritage goals for the site.
- An Taisce (11<sup>th</sup> May 2018) – Application requires *de novo* consideration. Question the suitability of the site for quarrying given the proximity of housing to it.

### 3.4. Third Party Observations

3.4.1. The following third-party observations on the planning application were made by local residents, Dunlaryg NS, Bellurgan NS and Ballymakellett and District Residents Group:

- Impact on residential amenity (proximity to quarry, noise, traffic, vibration, dust, structural integrity, impacts on well water quality and quantity, depreciation) and health (including young children with asthma). Conflict with extant permissions for housing (e.g. PA ref. 16901).
- Effects on roads from quarry traffic, safe use of it by children walking/cycling to school, congestion during morning and afternoon runs, impacts on walkers/cyclists on the road, impact of noise/vibration from traffic on National School. Restricted sightlines at entrance to site/location on a bend. Damage to surface of road and bridge structures.

- Impact on natural beauty of the area, wider landscape of the Cooley Mountains, Tain Trail (hill walkers) and tourism. Site is situated in Carlingford and Feede Mountains Areas of Outstanding Natural Beauty. Development would conflict with Policy HER 60 of County Development Plan.
- Precedent that was set by PL15.245568. No significant change to the nature of the development previously refused by the Board.
- Precedent that would be set, if permission was granted, for the extension of the quarry into adjoining lands.
- Impact on site of geological heritage and conflict with Policy HER 8 and HER 9 of the County Development Plan (including from working methods and risk of accidental damage). Development would diminish the value of the geological site as potential extension of the Trumpet Hill pNHA.
- No financial commitment to restoration.
- Impact on wildlife in Trumpet Hill pNHA and Tipping's Wood (including Pine Martin and Red Squirrel). Impact on unique flora and fauna in quarry (including badger sett and red squirrels). EIAR does not compare the ecological value of the restored site to the current pre-development level or the impact on local biodiversity as the proposed landscaping becomes established.
- Conflict with zoning of the site (Zone 2) and rural development policies of the County Development Plan (RD 33 and RD 34). No evidence of demand for the development. Development does not sustain the local rural community. Development is substantial in scale and comprises an intensive industrial form of development.
- Enforcement of any environmental conditions (e.g. route of HGV traffic).
- AA screening report refers to site inspections which are out of date, does not refer to the proposal within the context of other plans or projects or to Trumpet Hill pNHA and does not differentiate between impacts arising during operational and decommissioning phases.
- Proliferation of quarries in north Louth. No reason/assessment of site selection.

- Limited proposals for monitoring of the site after restoration or maintenance of geological site after restoration.
- Impact on operation of Irish National Seismic Network seismic station (close to quarry).
- Conflict with policy documents for the extractive industry (Department of Environment, Heritage and Local Government, Geological Survey of Ireland).
- GSI provides inappropriate tactic support for the development. Letter is vague and lacks specific detail.
- Applicant has no experience of quarry and commitments given may not be put in place if quarry is operated by another operator.

## 4.0 Planning History

4.1. The following planning applications have been determined in respect of the appeal site (see PA report and attachments):

- PA ref. 82/465 (PL16/5/63183) – Permission granted for re-opening of quarry/new access.
- PA ref. 91/526 (PL15/5/88063) – Permission granted for re-opening of quarry.
- PA ref. 06/162 (PL15.218624) – Permission granted by the Board for the temporary re-opening of the existing quarry to extract c.350,000 tonnes over a period of 16 months. (Extension to this permission sought by the applicant in 2012. Planning authority considered that an EIA and AA was warranted and therefore that a new application for the development was required – see page 6, EIAR).
- PA ref. 14/350 (PL 15.245568) – Permission refused by the Board for the re-opening of the quarry (for c.580,000 tonnes of reserves, worked over 2 to 5 years) on the grounds that the Board was not satisfied that the development would not result in the direct loss of the features of geological interest of the site that was recommended for designation as a geological Natural Heritage Area. The development would therefore fail to comply with the ‘Geological Heritage Guidelines for the Extractive Industry’ and policy HER 8 of the County Development Plan.

4.2. Permission was granted in 2017 for a new dwelling house, under PA ref. 16901, on land to the north of the entrance to the appeal site.

## 5.0 Policy and Context

### 5.1. National Policy/Guidance

5.1.1. The following national policy/guidance documents are relevant to the appeal:

- Quarries and Ancillary Activities – Guidelines for Planning Authorities, DoEHLG, 2004.
- Development Management Guidelines for Planning Authorities, DEHLG, 2007.
- Geological Heritage Guidelines for the Extractive Industry, GSI, 2008.
- Environmental Management in the Extractive Industry (Non-Schedule minerals), EPA, 2006.

5.1.2. Each of the above policy documents seek to protect environmental resources in the wining and working of minerals, notably including the protection of scheduled sites.

### 5.2. Louth County Development Plan 2015 to 2021

5.2.1. The appeal site is situated within 'Zone 2' lands of the County Development Plan, the objective of which is '*To protect the scenic quality of the landscape and facilitate the development required to sustain the existing rural community*'. Within this zone, policies RD33 and RD 34 apply (see attachments). These, respectively, permit only essential resource and infrastructure-based developments and developments necessary to sustain the existing local rural community and prohibit large scale intensive industrial, agricultural and commercial developments or other developments of a similar scale or nature.

5.2.2. Policies in respect of extractive industries are dealt with in section 3.8 of the Plan. These acknowledge that the County has significant deposits of minerals, with substantial reserves in the Cooley area, and state that the Council will facilitate the recovery of this important resource subject to the overall protection of the

environment. This policy emphasis is reflected in polices RD 25 to RD 28 of the Plan (see attachments).

5.2.3. Chapter 5 of the Plan deals with policies in respect of natural and built heritage.

- Natural Heritage Areas – Table 5.3 lists proposed Natural Heritage Areas in the County. These include Trumpet Hill (site code NH1468) a pNHA that lies to the north of the appeal site (see attachments). Proposed NHAs are afforded protection by policy HER 7 of the Plan.
- Sites of geological interest – Table 5.4 of the Plan lists sites of geological interest in the county including Drumenagh Quarry (site code LH16). It is intended that the sites will be designated by the NPWS as Natural Heritage Areas or County Geological Sites and it is indicated that Drumenagh Quarry will be designated as an NHA. Policies HER 8 and HER 9, respectively, promote the designation of the identified sites of NHAs or CGS and protect and promote awareness of the areas of geological interest.
- Landscape Character – The appeal site falls within the Lower Faughart, Castletown and Flurry River Basin Landscape Character Area, which is considered to be of Local Significance. Policies HER 10 to HER 12 afford protection to landscape character.
- Trees, woodland and hedgerows – Trumpet Hill is identified as a tree/woodland of Special Amenity Value (TWSAV5). It lies c.210m to the west/southwest of the appeal site. It is afforded protection by policies HER 13 of the Plan.
- Historic Gardens – Bellurgan Park, which lies to the west of the appeal site (western side of Trumpet Hill) is identified as an historic garden and afforded protection under Policy HER 55 of the Plan.
- Areas of High Scenic Quality – The appeal site falls within a designated Area of High Scenic Quality, AHSQ 1, Feede Mountains and Cooley Area. Policy HER 61 seeks to protect unspoiled rural landscape for the benefit and enjoyment of current and future generations.
- Scenic Routes and Views – Two key scenic routes are identified near the appeal site (i) the R174 as it passes the site is part of SR2 which runs from Drumad to the north of Ravensdale to Rockmarshall to the south of the

appeal site, (ii) Ballymakellett (SR8) R174 (see attachments). These are afforded protection by policy HER 62. A view and prospect of special amenity value, VP 12, Ballymakellett (from top of local road towards Dundalk Bay).

- Green Infrastructure – The County’s green infrastructure (described as a network of connected, high quality, multi-functional open spaces, corridors and the links between that provide environmental services and multiple benefits for people and wildlife) are afforded protection under Policy HER 65 of the Plan.

5.2.4. Chapter 6 of the Plan sets out policies for economic development. These include policies to support the development of a geo tourism project centred on the landscape and cultural heritage of the Mourne/Cooley/Gullion Region (policy EDE 16) and to protect the integrity and scenic quality of existing (and future) walking and cycling routes and their setting (policy EDE 22).

5.2.5. Chapter 7 of the Plan deals with transport and in section 7.3.6 sets out minimum visibility standards for entrances on to the Regional road (Table 7.4) of 125m in both directions at 4.5m back from the edge of the carriageway (non-domestic developments).

### 5.3. Natural Heritage Designations

5.3.1. The nearest pNHA lies to the north west of the appeal site and comprises Trumpet Hill pNHA (above). Nearest Natura 2000 sites lie c.1km to the north of the site (uphill of it), Carlingford Mountain SAC (site code 000453), and c.2km to the south (downstream of it), Dundalk Bay SAC/pNHA and SPA (site codes 000455 and 004026).

## 6.0 The Appeal

### 6.1. Grounds of Appeal

There are two third party appeals in respect of the proposed development. They raise the following matters:

- Precedent – The proposed development is materially identical to that previously refused by the Board under PL15.245568. Only the location of settlement ponds has changed.
- Conflict with policy guidance – Development conflicts with national guidelines on quarries, geological heritage, development management, environmental impact assessment and Louth County Development Plan 2015 to 2021 (impact on geological heritage).
- Impact on amenity – Quarrying ceased at the site in the 1960s and the area has developed with many properties in close proximity to the quarry. The quarry will adversely impact on the rural character and setting of the surrounding area, existing residential amenity and safety of road users.
- Planning application should be considered *de novo* by the Board. Submission by An Taisce was not addressed in the planning authority’s report.
- Zoning/policy context – The development is substantial in scale and conflicts with the zoning objectives for the site (Development Zone 2), related rural development policies of the County Development Plan (RD 33 and RD 34) and will not sustain/contribute to the local community.
- Inadequacy of EIAR/Impact on geology – In respect of baseline information to justify selection of site over others, protection of geological heritage feature on the site during extraction. Endorsement by GSI is based on insufficient information e.g. nature of quarrying operations, restoration and post-work phases. Development will conflict with GIS and DoEHLG Guidelines which seek to protect geo-heritage from inappropriate development.
- Impact on ecology – The appeal site supports a unique habitat which is worthy of protection in its own right and within the context of its eventual incorporation into Trumpet Hill pNHA (impacts on transient faunal species have not been considered). Site inspections for Appropriate Assessment Screening Report are out of date. Screening Report does not refer to or assess the development in the context of other plans or projects, refer to Trumpet Hill pNHA or differentiate between operational and decommissioning impacts. Report is too generic and fails to meet European and national regulatory legislation/guidance. Impacts on the ecology of the site (and

related sites) is understated, including the applicant's response to potential impacts on Pine Martin and Red Squirrel. The EIAR contains no comprehensive floral survey of the site. Rare species recorded on the site have not been referenced in the EIAR. Impact of the development on the ecology of Trumpet Hill pNHA

- Green infrastructure - The planning authority failed to consider the impact of the proposed development in the context of their Green Infrastructure Strategy (development will result in the loss and fragmentation of habitat and important ecological corridors within and surrounding the site).
- Restoration and after use – Proposals for restoration and after use will provide a man-made landscape. There is no assessment of whether the restoration proposals will return the ecology of the site to predevelopment levels or the effects on biodiversity for the period the proposed re-landscaping will take to mature. Details in respect of restoration are insufficient and should not be left to condition. Ongoing monitoring of restoration is insufficient to ensure that landscaping has been established. There is no bond to ensure that the site is properly restored. The restoration of the quarry is inconsistent with its geo-conservation.
- Planning conditions – A number of conditions do not comply with the Department's guidelines on development management. Condition no. 6 is not precise or sufficiently coherent to ensure compliance. Condition no. 20 provides no guarantee that the level can or would be immediately available to address damage to the public road.
- Undesirable precedent – The development would set an undesirable precedent for the further development of adjoining lands.
- Impact of quarry on adjoining lands – Risk of subsidence on adjoining lands, impact of blasting on property (12m from quarry boundary), impact on residents and management of surface water arising on site.



## 6.2. Applicant Response

6.2.1. The applicant responds to the two appeals made. I refer to the arguments made in my assessment below.

## 6.3. Planning Authority Response

- 20<sup>th</sup> December 2018 – Appeal by Joseph and Rosaleen Mullen, no further comments made.
- 22<sup>nd</sup> January 2019 – Appeal by Ballymakellett and District Residents Group, comment as follows:
  - Proposed development differs significantly from that proposed under PL15.245568 (retention of remnant ‘rock island’ and other mitigation measures in respect of geology).
  - The Heritage Officer has no concerns regarding the applicant’s response to the FI request.
  - Acknowledge that the potential for geotourism/recreational use of the site, will require future planning applications/relevant consents.
  - Condition nos. 20 and 21 provide for significant contributions. Conditions nos. 1 to 5 are precise and enforceable. However, the planning authority have no objections to a condition requiring payment of a bond.
  - Condition no. 6 precludes commencement of the development between September and February to avoid disturbance of breeding habitats. It does not precluded development being undertaken during these months.
  - The application of a special condition, under condition no. 20, will ensure that any damage to the R174 will be repaired (i.e. the monies are ring fenced).

## 6.4. Observations

6.4.1. There are 8 no. of observations on the appeal by residents and one by Bellurgan NS. Observations generally repeat concerns raised during the appeal. Additional points raised are:

- Impact of the development on scenic routes (SR2, SR8) and protected views (VP12) and related policies of County Development Plan.
- Support of application by GSI is unfounded.
- Context for the appeal site has changed since previous determinations by the Board (further residential development, including extant permission opposite the site).
- Houses within 500m of the development use gravity feed water supply systems. The source is a local river which is at risk of dust pollution.
- Since 2006 the applicant has submitted three applications for planning permission for the quarry under different identities.
- Irish Seismic National Network are now under control of GSI and are not allowed to challenge the grant of permission. Under PL20.082988<sup>1</sup> permission was refused for a quarry due to the presence of a seismic station.
- Planning authority has insufficient resources to monitor implementation of conditions.
- Newts and frogs found in ponds on site. Two badger setts in vicinity of the quarry and kestrel uses local area. The mountain opposite Drumenagh Quarry has been denuded of c.50 acres of trees. Natural habitats have been disturbed and the wildlife in the area drawn to the quarry and to Trumpet Hill pNHA (in which wildlife is flourishing). Buzzards are nesting above the rock face. Conditions of the permission will result of the loss and fragmentation of Pine Marten habitat and important ecological corridors within and surrounding the appeal site.
- Stress that the application is causing the local area.
- R174 is route to Bellurgan NS for c. half the students. Encouraged to cycle/walk. Will not be possible with increase in traffic.

---

<sup>1</sup> No case listed by the Board under this reference number.

## 6.5. Further Responses

6.5.1. None.

## 7.0 Assessment

7.1. I have inspected the appeal site and reviewed all the information on file. I have assessed the proposed development *de novo* and consider that the key issues to be addressed relate to the following:

- Principle/compliance with zoning and policy context.
- Precedent.
- Impact on geological heritage.
- Impact on landscape character and visual amenity.
- Impact on ecology.
- Impact on residential amenity.
- Impact on adjoining lands.
- Impact on local roads.
- Impact on tourism/trails etc.
- Impact on green infrastructure.
- Restoration and after use.
- Conditions of the permission.
- Adequacy of the EIAR.

7.2. The matter raised by An Taisce, suitability of site given proximity of housing, is also addressed and, as stated, I have examined the case *de novo*.

### 7.3. Principle/Compliance with Zoning and Policy Context.

7.3.1. The government's guidelines '*Quarries and Ancillary Activities, Guidelines for Planning Authorities, 2004*' recognise that the extractive industries make an important contribution to economic development in the country and that minerals can only be worked where they occur. They also acknowledge that quarrying can give

rise to land use and environmental issues and therefore set out best practice guidelines and minimum standards in environmental management and mitigation.

- 7.3.2. Reflecting national policy, Louth County Development Plan acknowledges that the County has significant deposits of minerals, with substantial reserves in the Cooley area, and policies facilitate the recovery of this resource subject to the overall protection of the environment.
- 7.3.3. The appeal site is situated within 'Zone 2' lands of the County Development Plan, the objective of which is '*To protect the scenic quality of the landscape and facilitate the development required to sustain the existing rural community*'. Within this zone, policies RD33 applies which permits '*only essential resource and infrastructure based developments*'. The government's guidelines on quarries recognise minerals as a natural resource and typically quarries are found in rural areas. Similarly, the planning authority consider extraction to be an essential resource and I would share this view and consider, in principle, that quarrying is acceptable within the zoning, and not subject to a requirement that it sustain the local rural community (as argued by the appellant).
- 7.3.4. With regard to the history of the appeal site, I would acknowledge that whilst previously worked, the existing quarry has been disused for over 30 years. Notwithstanding this, there are certain advantages of its re-opening, as set out by the applicant in the EIAR, including proximity to markets, established quarry at the site, opportunity to better restore the site (from current conditions) and preserve the existing exposures of geological importance.
- 7.3.5. Having regard to the above, I consider that the proposed development is acceptable in principle on the appeal site subject to environmental safeguards. These matters are considered in detail below.

#### 7.4. **Precedent.**

- 7.4.1. The appeal site has an extensive planning history, with permission been both granted and refused for quarrying. Most recently, in February 2016 the Board refused permission for the re-opening of the quarry, under PL15.245568, on the grounds that it was not satisfied that the development would not result in the direct loss of features of geological interest on the site, a designated Site of Geological

Interest (best exposure of early stage gabbro in the Carlingford Igneous Complex – see attached GSI Site Report). The development provided for the extraction of quarried material from the entire site, with the progressive restoration of residual faces and the preservation of representative sections of quarry face (within residual faces) in consultation with IGH (Irish Geological Heritage, a partnership between Geological Survey of Ireland and the National Parks and Wildlife Service). The application also proposed future access to the site in the interest of education/research.

- 7.4.2. The proposed development is similar in nature to that previously refused by the Board. However, it differs in that it retains part of the existing quarry face as part of a ‘rock island’ within the centre of the site, to retain and safeguard exposed geological features. The applicant states, and this is supported by submissions on file, that the development has been designed in consultation with the GSI Heritage Programme (see Appendix 5.4 of EIAR). GSI is the statutory body responsible for advising the government on geology within the State and is a division of the Department of Communications, Climate Action and Environment. In correspondence with the applicant, GSI *‘welcome plans to preserve the best existing features in the quarry and to ensure any that any future extraction takes place in consultation with GSI, so that the exposure in the quarry (specifically the gabbro) is enhanced’*. The support is subject to certain conditions set out in their letter to the applicant of the 8<sup>th</sup> November 2017 (appendix 5.4, EIAR), which specifically includes provision of a rock island, so that proportionately more of the quarry face area, and potentially more features of geological interest, are exposed.
- 7.4.3. I would accept therefore, that the proposed development is materially different to that previously proposed and specifically seeks to address the reason given by the Board for refusing permission.
- 7.4.4. I also note that the Board has considered the likely environmental effects of quarrying at the appeal site in previous determinations (PL15.218625), as raised by the appellants in this case. However, given that the permission granted on the site for quarrying, under PL15.218624 was granted over 15 years ago, I consider that it is prudent to re-examine these issues *de novo*, in the current regulatory context.

7.4.5. The appellant raises concerns regarding the precedent that any grant of permission would set for quarrying in adjoining lands. However, this matter would have to be adjudicated on at the time of application within the prevailing physical and policy context.

**7.5. Impact on geological heritage.**

7.5.1. This matter is discussed in detail in the EIAR section of this report below. I conclude that the proposed development would not detract from the geological heritage of the site and would be consistent with government guidelines on quarry development and relevant policies of the Louth County Development Plan.

**7.6. Impact on landscape character and visual amenity.**

7.6.1. This matter is also discussed below. In summary, I conclude that the proposed development will impact on landscape character and visual amenity in the short term. However, this impact will be offset by the proposed progressive restoration of the site and not result in any significant adverse long-term effects. The proposed development whilst inconsistent, in the short term with policies of the County Development Plan which seek to protect landscape character and visual amenity, effects are temporary. In the long term no conflicts with landscape and visual amenity policies arise.

**7.7. Impact on ecology.**

7.7.1. Impact of the proposed development on the ecology of the appeal site, and related habitats, is assessed the EIA and AA sections of this report. I conclude that no significant impacts/effects are likely to arise

**7.8. Impact on green infrastructure.**

7.8.1. The appellant argues that the proposed development will impact on/conflict with the planning authority's Green Infrastructure Strategy. Green infrastructure is defined in the Plan as '*a network of connected, high quality, multifunctional open spaces, corridors and the links in between that provide environmental services and multiple benefits for people and wildlife*'. This strategy is set out in Objective G11 of the

Louth County Development Plan and in policies HER 65 through to 75. Collectively these seek to protect and enhance the existing green infrastructure network, shown in Map 5.17.

7.8.2. The appeal site does not form part of the existing formal network of green space within the County. Further, its use is short term and the applicant proposes a restoration process which protects and enhances the existing geological resource, future public access (outside of this appeal) and provides for the restoration of the remainder of the site with the creation of native species woodland and grassland areas. Subject to the attainment of these objectives, I do not consider that the proposed development would conflict with policies within the Plan for Green Infrastructure. On the contrary, it provides an opportunity to provide in the long term another piece of this jigsaw.

#### 7.9. **Impact on residential amenity.**

7.9.1. The effects of the proposed development, by environmental parameter e.g. noise, dust, traffic etc. are considered in the EIA section of this report below. With regard to overall impacts on residential amenity, I would comment as follows:

- The appeal site is generally removed from residential development. Further, the main working area is generally sited away from the nearest properties<sup>2</sup> (and extant permission) and the site will be progressively worked within the hollow created by the deepening extraction area. Having regard to this physical structure and subject to compliance with proposed mitigation measures, emissions to air (e.g. noise, dust) are unlikely to give rise to significant environmental effects on residential properties, including those nearest to the site.
- I would accept that the proposed development will generate a significant increase in the number of HGVs on the R174, over and above existing levels. Over the duration of the development this will detract from the amenity of the public road, in particular for non-vehicular traffic. However, I

---

<sup>2</sup> There is one property c.50m to the south of the quarry site. It is separated from the appeal site by a substantial coniferous treeline and would be separated from the proposed quarry by a perimeter bund.

also note that this road, south of the appeal site, is already busy, with no pavement, and not an ideal environment for either walking or cycling.

- When viewed from higher ground to the east/north east, the appeal site will widely and readily visible. In the short term, extraction of material will detract from landscape character and visual amenity. However, as the quarry is restored, it will be absorbed into the wider landscape and not be obtrusive. Impacts on residential amenity, will therefore be short term.

7.9.2. Having regard to the above, I consider that the proposed development will not give rise to unreasonable or significant environmental effects on residential amenity to warrant a refusal.

#### **7.10. Impact on adjoining lands.**

7.10.1. One of the appellant's raises concerns regarding the impact of the development on adjoining lands (subsidence and vibration effects on property).

7.10.2. Having regard to the material on file, it is evident that rock will be extracted from the proposed quarry by non-explosive techniques. Impacts on properties as a consequence of vibration will not, therefore, arise.

7.10.3. The extraction area is removed from nearby property, with the working face stepping down into the site and moving away from properties to the north, and towards one property to the south, with final floor levels corresponding to the adjoining road. The material to be removed from the site is also highly resistant (see page 2 of applicant's response to the Mullan appeal) and there is no evidence of any subsidence on site, as a consequence of historic quarrying activity. Restored benches are stated to have been designed to standard criteria, by an experienced engineer, and excavations will be subject to the statutory Safety, Health and Welfare at Work (Quarries) Regulations 2008 (this include management of extraction faces etc.).

7.10.4. Having regard to the above, I do not consider that any adverse effects on the stability of nearby residential properties will arise.



### 7.11. Impact on local roads.

7.11.1. This matter has been briefly discussed above under impact on residential amenity and in the EIA section of this report.

### 7.12. Restoration and after use.

7.12.1. The appellant argues that insufficient detail is provided regarding the restoration and after use of the site.

7.12.2. Drawing no. D03/Figure 3.3. of the EIAR (Restoration Plan) sets out the applicant's intentions with regard to the restoration of the proposed quarry. This includes retention of a rock island and other exposed faces, in conjunction with GSI, and progressive restoration of the worked area around this island to a mix of native woodland and grassland habitats. Restoration will be progressive over the 5 years of the operation of the quarry, with final restoration achieved within 2 years of extraction being completed. Drawing no. D03 also provides for on-going management up to 15 years post restoration (see notes to drawing). The applicant also proposes that the quarry be marketed as part of the Mourne-Cooley-Gullion Geotourism project with appropriate signage provided externally to the site, within 6 months of quarrying ceasing, and arrangements for site access, viewing areas and signage within the site agreed with the Geoheritage Programme/planning authority within 6 months of cessation of operations (due to operational and safety reasons). It is also stated that the applicant is considering use of the site for an adventure centre (e.g. outdoor climbing, clay pigeon shooting), although these proposals do not form part of the application.

7.12.3. Having regard to the above, I consider that the details in respect of restoration and aftercare are sufficient. However, as discussed elsewhere, the merits of the application turn largely on the satisfactory protection of the geological interest of the site and progressive restoration (e.g. to minimise biodiversity and visual effects). If the Board are minded to grant permission for the development, these matters should therefore be explicit conditions of the permission and tied into an appropriate bond to ensure that all of these important undertakings are indeed secured.

### **7.13. Conditions of the permission.**

- 7.13.1. The appellant considers that condition nos. 6 and 20 of the permission do not comply with the departments guidelines for conditions as set out in the Development Management Guidelines i.e. that they are insufficiently precise or coherent to ensure compliance.
- 7.13.2. Condition no. 6 is on foot of the advice of DCHG and requires that works take place outside of the breeding season (1<sup>st</sup> September to February of the following year) or in the event this is not possible, that an ecologist is on site to ensure that procedures are followed to minimise damage to breeding birds.
- 7.13.3. I understand that the condition is proposed in order to ensure that when works commence on site there is no disturbance to breeding birds. However, as stated, I consider that its intention is unclear i.e. that it could intend to prevent any works within the breeding season. This matter could be addressed in any revised condition by the Board.
- 7.13.4. Condition no. 20 requires payment of a Special Development Contribution in respect of the damage that may arise to local roads. I would accept that by virtue of the type of condition used (Special Development Contribution), that these monies will be ring fenced for the specific purpose of upgrading the local road if damaged by the proposed development.

### **7.14. Adequacy of the EIAR**

- 7.14.1. This matter is dealt with below.

## **8.0 Environmental Impact Assessment**

- 8.1. The applicant's EIAR was submitted with the planning application in March 2018. It therefore predated the Regulations transposing Directive 2014/52/EC (amending the EIA Directive 2011/92/EU), which came into effect on the 1st September 2018. However, in May 2017, the Department of Housing, Planning and Local Government advised planning authorities and the Board to consider applying the requirements of Directive 2014/52/EU (circular 1/2017, 15th May 2017). Consequently, my

assessment of the adequacy of the EIAR is based on the requirements of Directive 2014/52EC.

- 8.2. The proposed development is sub-threshold i.e. Article 2(c), Part 2, Schedule 5 of the Planning and Development Regulations, 2001 (as amended) requires EIA for the extraction of stone, greater, sand or clay where the area of extraction would be greater than 5ha. However, having regard to the nature, location and likelihood of significant environmental effects, an EIAR has been sought by the planning authority and has been submitted by the applicant. The appeal site is situated in an area where there is substantial scattered rural development, close to sites of nature conservation interest and the site itself contains a designated site of geological heritage. Having regard to this context, together with the inherent nature of quarrying, which can give rise to significant environmental effects, the approach seems reasonable and consistent with the guidelines set out in the Planning and Development Regulations in respect of sub-threshold development (Schedule 7).
- 8.3. Article 94 of the Planning and Development Regulations 2001 (as amended) requires an EIAR to contain:
- The information specified in Paragraph 1 of Schedule 6, which in summary is, a description of the proposed development, its likely significant effects on the environment, features and measures to mitigate environmental impacts and a description of the reasonable alternatives studies.
  - Any additional information specified in Paragraph 2 of Schedule 6, i.e. an amplification of the information required in paragraph 1, if necessary by virtue of the specific characteristics/type of the development concerned, environmental features likely to be affected and methods of assessment,
  - A non-technical summary,
  - Sources used for the descriptions and assessments in the report, and
  - A list of the experts who contributed to the report.
- 8.4. I have read the applicant's EIAR, as amended by the further information submitted and I am satisfied that it provides sufficient information to comply with the requirements set out in the Regulations in terms of description of the development, its likely significant environmental effects and features and measures to mitigate likely significant impacts, and to carry out environmental impact assessment.

Information on technical competencies are set out in section 1 of the EIAR (Table 1.9-1). Alternatives are considered in section 2 and include 'do-nothing', alternative locations, layout, processes and mitigation measures. Given that the site has been used for quarrying in the past and there remains a proven resource on the site, I do not consider that it is necessary to provide a detailed assessment of alternative sites or further justification for the site itself. Stability of workings is governed by the requirements of the Safety, Health and Welfare at Work (Quarries) Regulations, 2008. Otherwise, I do not consider the development to be particularly vulnerable to the risk of major accidents/disasters. A Non-Technical Summary is also provided.

## **8.5. Population and Human Health**

8.5.1. Impacts on population and human health are dealt with in section 4.1 of the EIAR and in different sections dealing with specific environmental parameters e.g. water, section 4.4, noise and vibration, section 4.7. The effects of the quarry on people as a result of impacts are discussed in detail below under each topic heading. In summary, it is concluded that:

- i. A small number of direct (c.4 no.) and indirect jobs (c.6 no.) are predicted and small positive impacts with job creation will arise. The development will also make a positive contribution to the local economy with the production of road building materials.
- ii. Having regard to the location of the appeal site, proposed working method and mitigation measures, significant impacts on residential amenity are unlikely to arise. However, some properties may experience short term cumulative effects during the operational phase of the project.
- iii. There will be a significant increase in HGVs on the R174. This will have a significant, short term detrimental impact on residential amenity of properties along the haul route and on the amenity of the road itself, for example, for walking and cycling.
- iv. Visual effects will also arise in the wider area, with clear views of the quarry void from elevated land to the north east/east of the quarry (including from Tain Trail), detracting from the amenity of the Area of High Scenic Quality, protected views and scenic routes. These impacts will arise over the short

term i.e. as the quarry is worked. However, in the longer term as the quarry is restored no significant impacts on landscape character or visual impacts will arise.

- v. Due to the visual effects of the development, from viewing points, and increase in HGV traffic on the R174, the development is likely to have a moderate adverse effect on the quality of the tourism product in the area over the lifetime of the quarry. As restoration is completed and vegetation matures, impacts will significantly reduce. Further, there is the potential for a specific tourism product to be development on the site as stated by the applicant, for example, based on its geological interest.
- vi. No direct, indirect or cumulative impacts are likely to arise on human health as a consequence of impacts of different environmental parameters. Further, I note that the quarry will be operated in accordance with all Irish and European legislation/regulations government safety in the work place, including the Health and Safety at Work Act, 2005 and Safety, Health & Welfare at Work (Construction) Regulations, 2013 and reinstated in accordance with an approved scheme, which can specifically address safety and access issues.

## 8.6. Biodiversity.

- 8.6.1. The appellants argue that the proposed development will adversely impact on the ecology of the site which has developed since the cessation of quarrying, the ecology of Trumpet Hill pNHA and the habitat of protected species (Pine Martin and Red Squirrel, alpine-arctic flora, dense fringe moss and Parsley Fern).
- 8.6.2. **Direct effects.** Section 4.2 of the EIAR deals with biodiversity. It refers to the species prevailing on the site based on survey work carried out in July 2014, March 2015 and April 2017. Whilst survey work in 2018 would have been beneficial, I would not consider the level of survey work over three years, to be unreasonable. The habitats found on site are generally consistent with those found in a disused quarry and reflect those in the wider area (e.g. higher scrub). Of the bird species observed on site, the Kestrel was presumed to be nesting on the site in 2015 (absent in 2017). Peregrine falcon was not observed on site during any survey work. Other

butterflies and small mammals were observed on the site, including rabbits and foxes.

- 8.6.3. The applicant concludes that the site was interesting from an ecological perspective (arising from its former use as a quarry), but not of significant value. The appellant argues that a proper floral baseline survey should have highlighted the possible presence of orchids, rare annual perennials etc. and states that other rare species are also occurring on the site (alpine-arctic flora, dense fringe moss and Parsley Fern). However, there is no clear evidence of these species being present and I note that neither the planning authority or National Parks and Wildlife Service object to the proposed development on the grounds that it would result in the loss of rare or protected species. In their observations on the application, the Department of Culture, Heritage and the Gaeltacht state that the development has the potential to destroy the breeding habitat of both peregrine falcon and Kestrels that are known to breed in the quarry. However, the Department do not object to the application but recommend that works should commence outside of the bird breeding season and I would, therefore, accept that this matter could be dealt with by condition.
- 8.6.4. The EIAR considers that the direct effects of the development will be loss of habitat and displacement of species during the duration of works, with recolonization after restoration of habitats.
- 8.6.5. Having regard to the above, notably absence of habitats or species of significant conservation interest on the appeal site, the temporary nature of the proposed development and the opportunity to create a diverse and species rich habitat with the restoration of the site, I would accept the applicant's conclusions and do not consider that the proposed development will have an adverse long term direct impact on the biodiversity of the site.
- 8.6.6. **Indirect effects.** Indirect effects on biodiversity may arise during construction and operation as a result of the use of natural resources (e.g. water) and emissions from the site e.g. noise, discharges to water. The use of natural resources and emissions from the quarry are examined in other sections of this report and, in summary, I do not consider that significant effects will arise e.g. by way of noise, vibration, dust or emissions to water outside the boundary of the site. Significant impacts on habitats and species outside the site are therefore also unlikely to arise.

- 8.6.7. Trumpet Hill is a proposed Natural Heritage Area (site code NH1468). It is situated c.200m to the west of the appeal site and is separated by woodland. Conservation interests of the site include rocky outcrops with mosses and liverworts, scrub trees with ground flora of Wood Sorrel and Honeysuckle and mixed forest dominated by Beech. Having regard to my conclusions in respect of emissions from the proposed development and the distance of it from Trumpet Hill and intervening vegetation, adverse indirect effects of the ecology and biodiversity of the site are unlikely. Similarly, the proposed development would not of itself prevent extension of the pNHA to include the appeal site, if restored with the objectives of nature conservation and geological heritage.
- 8.6.8. The appellants draw particular attention to Red Squirrel and Pine Martin which have been observed in the area of the site. I note that these were not observed on the appeal site in any of the three surveys carried out, although the applicant did acknowledge that they are known in the area (response to FI). Having regard to the absence of evidence to indicate their occurrence on the site, the small area of the site in the context of the wider landscape with its attendant habitats, the absence of concerns raised by bodies with statutory responsibility for nature conservation, I do not consider that it has been demonstrated that the proposed development would adversely impact on these species.
- 8.6.9. **Cumulative effects.** There are no other quarries in the immediate area of the site, large infrastructure developments or other evident developments which would operate in conjunction with the proposed development to give rise to significant environmental effects.

## 8.7. Land, Soil, Water, Air and Climate

- 8.7.1. Section 4.3 of the EIAR deals with impacts on land, soils and geology.
- 8.7.2. The appeal site comprises extraction from an overall site of c.3.6ha in an area where there is no other quarrying activity or developments entailing substantial land take. On cessation the site will be restored to a mix of agriculture, ecological habitats and preservation of geological features. Direct, indirect and cumulative impacts on **land** are therefore unlikely to arise.

8.7.3. The principle impact of the development on **soil** is the loss of bedrock geology and the significance of this, given the designation of the site as a County Geological Site (pNHA, Drumenagh Quarry LH16). Other effects on overlying soils on site are short term and the mitigation of impacts can be readily addressed by standard construction methods and controlled by condition.

8.7.4. With regard to geological heritage, the appellant argues that the EIAR provides:

- No assessment of the development's true impact on the geological interest and value of the site,
- No evaluation of the efficacy of methods to extract rock, robust assessment of extent of Early Gabbro exposure on the site or details/effectiveness of means to protect the Early Gabbro exposure,
- No certainty that the applicant will develop the site (and therefore the assurances given regarding how the site will be worked),
- That the proposed development would conflict with the Department's guidelines on quarry and ancillary facilities which set out a presumption against quarrying in proposed Geological NHAs and Irish Concrete Federation/GSI Geological Heritage Guidelines for Extractive Industries.

8.7.5. The appeal site is designated as a County Geological Site on the grounds that it is the best exposure of the Early-stage Gabbro in the Carlingford Igneous Complex (see attached description). GSI's County Geological Site Report states '*This is the best exposure of the early-stage gabbro in the Carlingford Igneous Complex and as such warrants designation as a CGS. It is immediately northeast of Trumpet Hill and consideration should be given to extending the boundaries of the proposed Trumpet Hill NHA to include this site*' (early-stage gabbros are also exposed at Trumpet Hill).

8.7.6. The applicant proposes retaining a 'rock island' within the site, safeguarding the Early Gabbro exposure and with further excavation, revealing more detail of interest in the formation. The quarry would be worked in a progressive manner (section 3.3.3.6 EIAR), top down initially in a southerly direction and then easterly, with the back face restored in a series of benches '*at the earliest opportunity*'. Mitigation and monitoring measures are set out in section 4.3.5 of the EIAR and provide for active engagement with Irish Geological Heritage during operation and at end stage (restoration). The applicant also proposes further development of the tourism



interest of the site with incorporation into the Mourne-Cooley-Gullion Geotourism project. Correspondence with GSI (IGH) (Appendix 5.4.1, EIAR and submission to PA) indicates that the proposed means to work the site and to protect and enhance its geological heritage are supported by the GSI, subject to condition that the site is worked in the manner proposed in correspondence. Conditions include no direct loss of the existing exposed features of geological interest, preservation of best features of rock exposure via a rock island, exposure of new areas of geological interest with quarrying, information panels at the quarry and co-ordinated restoration process.

- 8.7.7. The applicant's assessment of the geological potential of the site and the proposed means to extract rock are set out in the EIAR and in the response to the appeal. The proposed method of rock breaking (non-explosive techniques), using pre-existing planes of weakness to extract individual blocks is not unreasonable, would appear to better safeguard retention of the 'rock island' than alternative methods (e.g. blasting). In the long term, exposure of the rock would not appear to make it vulnerable to weathering as it is a highly resistant material (see page 32 of EIAR). I also note that the proposed working methodology has not been questioned by GSI.
- 8.7.8. I acknowledge that the applicant may not operate the quarry, nonetheless, if granted, operation of it will be subject to the detailed controls set out in the planning application/appeal and to any conditions of a permission. Details of the phased restoration of the quarry could be actively controlled by condition.
- 8.7.9. Having regard to the above, and subject to condition requiring compliance with conditions to ensure appropriate working/restoration methodology, I do not consider that the proposed development will detract from the geological heritage of the site or conflict with policies set out in government and industry publications or in the County Development Plan to protect this resource.
- 8.7.10. Section 4.4 of the EIAR deals with effects on the **water** environment. Potential impacts arise from the use of water on site (increased abstraction) and discharge of potentially contaminated water (e.g. greater siltation/petrochemicals).
- 8.7.11. The nearest surface waterbody to the site is a field/land drainage ditch that runs along the eastern side of the R174 (see Figure 4.3.2, EIAR). It drains into the Rockmarshall River which itself outfalls into Dundalk Bay. Underlying the site is the

Louth Groundwater Body. This is classified as a Poor Aquifer, generally unproductive in local zones, vulnerability is extreme due to exposed rock.

- 8.7.12. The proposed quarry will be worked above water table (dry). The requirement for water will be met from a new well or brought to site (potable water). All surface water arising on the site will be re-used (e.g. in dust suppression/wheel wash) or allowed to percolate to ground. Surface water within the extraction area will be directed to a series of three lagoons lined with a geotextile membrane, with discharge from the final lagoon to ground. There will be no discharge of surface water runoff from the site. (I note that section 4.4.5.2.1 refers to the use of wash water, however it is stated elsewhere in the application that there will be no washing of materials. I have considered the appeal on this basis and should the Board decide to grant permission for the development, the matter should be addressed by condition). Waste water, from on proposed on site cesspit storage tank, will be disposed of, off site on a regular basis. Standard mitigation measures for the use and handling of fuels and oils are proposed (section 4.4.6, EIAR).
- 8.7.13. Having regard to the above arrangements, I do not consider that any direct, or indirect impacts on the water environment will arise, either from the use or discharge of water (including on off-site wells). Further, having regard to the use of water from lagoons for dust control and the natural on-going percolation of water to ground, via the lagoons, I do not consider that the issue of stagnant water will arise.
- 8.7.14. Potential effects to **air** comprise noise, vibration and dust emissions from the proposed development. Nearest residential properties lie c.75m to 150m to the north/north west of the site and immediately south east of it. An extant permission for a dwelling exists on land to the north of the site (east of the R174).
- 8.7.15. The EIAR identifies the risk of fugitive dust emissions arising from internal haul roads, loading of vehicles, extraction and processing and stripping and restoration. Dust monitoring was carried out in 2014 and 2017. It indicated dust deposition levels of 124.5mg/m<sup>2</sup>/day and 95mg/m<sup>2</sup>/day respectively at D1 (site entrance). Standard mitigation measures are proposed for each of these sources (section 4.6.5), including construction of perimeter berms, location of plant on the quarry floor, damping down internal haul roads, spraying of quarry area in dry conditions etc. Subject to the implementation of these measures, the applicant predicts that dust

emission at site boundaries will be within the standard limit of 350mg/m<sup>2</sup>/day. An Environmental Management System is proposed to include regular dust monitoring at the external boundaries of the site (see Figure 3.4). Having regard to the above, the location of the quarry on the north slopes of Drummenagh Hill, the location of the working area relative to nearby residential property (e.g. property and extant permission to the north of the site), substantial vegetation between the appeal site and the nearest property to the south (see Figure 3.4) and the absence of any other substantial development in the area that is likely to generate dust, I do not consider that any significant direct, indirect or cumulative effects on air quality will arise as a consequence of dust from the proposed development. Impacts to air arising from the increase in HGVs on public roads are unlikely to be significant, given the small increase in traffic predicted (relative to the total volume of traffic already using roads in the area).

- 8.7.16. Noise and vibration are dealt with in section 4.7 of the EIAR. Opening up, working and restoration of the proposed development may result in noise and vibration effects in the local area. Noise monitoring was carried out in 2014 and 2017 at N1 (centre of the existing disused quarry), with noise ranging from 29.0 to 34.31dB(A)L<sub>90</sub> (background noise).
- 8.7.17. Perimeter berms are proposed along the eastern site boundary and part of the north and southern boundaries (between the site and nearest residential properties). The quarry is located on the northern slopes of a hill and will be worked in a southerly, then northerly direction. It will in effect be worked in a hollow created by the progressive quarry faces and perimeter bunds, with mobile crushing and screening plant at a central location behind the rock island (once created). Non-explosive extraction methods are proposed to limit vibration (consequently no impacts on any seismic monitoring station will arise).
- 8.7.18. The applicant's modelling of the predicted noise environment, provides a worst-case assessment of noise at nearest receptors (i.e. with excavator situated at its closest planned position to residence and 10dB allowance for screening). Resultant noise levels are predicted to be within the standard working noise limit for quarrying of 55dB(A) LAeq.

- 8.7.19. As a consequence of the assessment, the applicant proposes adherence to standard noise controls for the industry during initial set up (up to 75dB(A) LAeq one hour e.g. during construction of perimeter berms) and operation (55dB(A) LAeq during working hours), as per conditions of the permission previously granted by the Board under PL15.218624. The full range of mitigation measures for noise/vibration control are set out in 4.7.5.1 and reflect industry best practice.
- 8.7.20. I would accept that the proposed development will have an impact on noise in the area of the quarry, during site set up (construction of perimeter bunds) and during operation. This will be most notable for the residential properties within the immediate area of the site. However, as stated the development will be worked within the hollow of the hill, framed by perimeter berms, with the working area removed from all but the nearest property to the south east. There is also an absence of like development in the area. Having regard to these parameters, the applicant's conservative assessment of likely noise effects, the proposed means of extraction to limit vibration and the proposed mitigation measures of the operation of the site as a whole, I do not consider that significant direct, indirect or cumulative noise or vibrational effects will arise as a consequence of the development. There will be a significant increase in HGV traffic on the R174 (see below). Consequently, noise or vibration effects are likely on the R174.
- 8.7.21. Potential effects to **climate** are dealt with in section 4.5 of the EIAR and I would accept the principle conclusion of the report that the proposed development is a small-scale activity and not sufficient to have any direct, indirect or cumulative effects on climate. Further, I do not consider that development at any particular risk from climate change (assessment of requirement for surface water storage has had regard to predicted storm frequency over the period of operation).

## 8.8. **Material Assets and Cultural Heritage and the Landscape**

- 8.8.1. Impacts on **material assets** are dealt with in section 4.10 of the EIAR. These include impacts on non-renewable resources (minerals/soils), settlement/residential development, land use, built services, transport infrastructure, cultural assets, landscape and natural resources (e.g. water, air).

- 8.8.2. Impacts on minerals, soils, land use, natural resources and land use have been dealt with above. The proposed development would have no effect on built services (section 4.10.3.4 of the EIAR). Impacts on transport infrastructure, cultural assets and landscape are dealt with below.
- 8.8.3. Traffic and transport effects of the proposed development are dealt within in section 4.11 of the EIAR. Direct, indirect and cumulative environmental effects may arise from the increase in traffic on local roads. The proposed quarry has estimated reserves of up to 515,000 tonnes. It is intended that annual extraction will be at a rate of between 100,000 and 262,500 tonnes, with an estimated export of 116,000 tonnes per annum from the quarry over the 5 years of operation. This equates to 21 unladen and 21 laden trucks (20t) per day. It is proposed that HGVs would travel south on the R174 to join the R173 at Rockmarshall, which connects to the M1 at junction 18, north of Dundalk. Sightlines of 125m in both directions would be provided at the entrance to the site.
- 8.8.4. Updated data from surveys original carried out in 2015 estimate, for 2018, average daily two-way traffic flow of 1135 vehicles on the R174 at the quarry entrance (0.5% HGV) and a two-way flow of 1112 at the junction of the R174 and R173 (0.5% HGV). These compare to a two-way traffic flow of 10810 vehicles on the R173 (6.3% HGV). Peak hour flows for the quarry are stated to be 16 vehicles against a peak hour flow of 114 vehicles on the R174 (it is stated that peak hours may not coincide, quarry peak hour 17.30 to 18.30). As concluded in the EIAR, the proposed development would add relatively little by way of volume to existing traffic flows on the R174, junction of the R174/173 and R173 and could be accommodated within the local road network. Traffic associated with the quarry would also be routed away from Dunlary NS (to the north of the site) and add relatively little to the traffic on the R173 (including % of HGVs) which already pass Bellurgan NS).
- 8.8.5. Notwithstanding this quantitative conclusion, current HGV flows on the R174 are estimated to be 0.5% of 1135 i.e. c.6 HGVs/day. The proposed development would add 42 HGV movements per day to this section of the road i.e. a significant increase in HGVs traffic. I would consider therefore that the environmental quality of the section of the R174 between the site and the R173, and therefore its use by pedestrians and cyclists, would be downgraded for the duration of the development.

- 8.8.6. Impacts on **cultural heritage** are dealt with in section 4.9 of the EIAR. The appeal site is physically and visually removed from any sites of known archaeological or architectural heritage (Bellurgan Park, an historic demesne lies to the west of the appeal site but is separated from it by Trumpet Hill). Direct, indirect and cumulative effects on cultural heritage are therefore unlikely. Notwithstanding this conclusion, the applicant proposes archaeological monitoring of all areas of land take and this would prevent any impact of the development on sites of unknown archaeological heritage.
- 8.8.7. Impacts on **landscape** are dealt with in section 4.8 of the EIAR. The appeal site lies in a rural area to the south west of Carlingford Mountain. The site lies in the Lower Faughart, Castletown and Flurry River Basins Landscape Character Area and is overlooked by Carlingford Lough and Mountains including West Feede Uplands. The site also lies within an Area High Scenic Quality, AHSQ 1, Feede Mountains and Cooley Area. A number of scenic routes and protected views overlook the site (SR2, SR8 and VP12). The proposed development could give rise to significant landscape and visual effects as a result of changes to landform, topography and vegetation, affecting landscape character, scenic quality and protected scenic routes/views.
- 8.8.8. The EIAR identifies principle view points to the north and east of the quarry and assesses the likely effects of the development on landscape and visual in Tables 4.8.2 and 4.8.3 of the Report. Landscape impacts range from imperceptible (loss of ecological and cultural habitat), to moderate (change to land form, views of berms and views of back face of quarry). Visual impacts are predicted to range from slight to moderate based on the view change and effect of screening vegetation and mitigation measures.
- 8.8.9. On inspection of the site, I viewed the proposed quarry from each of the identified viewing points and from the wider road network and I would accept that the applicant has identified the most pertinent views of the appeal site. I would also accept that from the elevated land to the north east of the appeal site, the quarry would be very visible (in particular, from the lower slopes closest to the quarry e.g. viewpoint 4 and 5) and this would include from the long-distance walking route, Tain Trail. Further, changes to land form and loss of vegetation would bring about significant changes in the short term and in my view detract from landscape character, scenic quality and protected views for residents and visitors alike. However, quarries are appropriate

rural land uses and in the longer term, as the quarry is worked and progressively restored, landscape and visual impacts will recede and in the long term be absorbed into the wider views of the rural landscape. If the Board decide to grant permission for the development, I would recommend that this be strictly subject to conditions requiring (a) a short duration for works (i.e. 5 years working programme, 2 years for restoration), and (b) active decommissioning and progressive restoration of the site as it is worked. If quarrying continues *ad infinitum* and without effective progressive restoration, I consider that there is potential to seriously erode landscape character and visual amenity in the area, with indirect effects on the tourism product. As no other large-scale operations are proposed in the area, with the potential to have substantial visual and landscape effects, no cumulative impacts are likely to arise.

## 8.9. Interactions

8.9.1. Impact interactions are dealt with in section 4.12 of the EIAR. Key potential interactions are likely to relate to the following during construction and operation:

- People/noise/dust/traffic/landscape effects.
- Noise/dust/water/biodiversity.
- Landscape/material assets.

8.9.2. These impacts have been addressed above.

## 8.10. Environmental Impact Assessment – Reasoned Conclusion

8.10.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submissions from the planning authority, prescribed bodies, appellants, and observers in the course of the application and appeal, it is considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- Impacts on geological heritage, mitigated by the provision of a rock island within the site and measures set out in section 4.3.5 of the EIAR.
- Impacts on residential amenity, mitigated by the measures set out in sections 4.6.5, 4.7.5, 4.8.5 and 4.11.9 of the EIAR.

- Impacts on traffic, mitigated by measure set out in section 4.11 of the EIAR.
- Impacts on landscape, mitigated by measures set out in section 4.8.5 of the EIAR.

8.10.2. Notwithstanding the conclusion reached in respect of the inability of the proposed measures to fully mitigate the visual and landscape effects of the development in the short term and amenity effects of HGV traffic on the R174 over the operation of the development, it is considered that the environmental effects would not justify a refusal of planning permission having regard to overall benefits of the proposed development.

## 9.0 Appropriate Assessment

9.1. Appendix 2 of the EIAR comprises an Appropriate Assessment Screening Report. The Report identifies the following European sites within 15km of the proposed development (see attachments):

- Carlingford Mountain cSAC (site code 000453), c.1.02km to the east of the appeal site.
- Carlingford Shore cSAC (site code 002306) and Carlingford Lough pSPA (site code 004078), 8.41km and 9.04km to the north east of the appeal site.
- Dundalk Bay cSAC (site code 000455) and Dundalk Bay SPA (site code 004026), c.1.83km and 2.12km downstream of the appeal site.

9.2. The report does not consider the effect of the development on Trumpet Hill pNHA as this site is not a European site and appropriate assessment is only required for European sites.

9.3. Qualifying interests are summarised below. Conservation objectives seek to maintain the favourable conservation condition of these habitats and species having regard to stated parameters:

- Carlingford Mountain cSAC – heaths, grasslands, mires and quaking bogs, alkaline fens, scree and rocky slopes with vegetation.
- Carlingford Shore cSAC – vegetation of drift lines and stony banks,
- Carlingford Lough pSPA – Brent goose and wetlands.



- Dundalk Bay cSAC – estuaries, mudflats and sandflats, perennial vegetation on stony banks, Salicornia and other annuals colonising mud and sand, Atlantic sea meadows and Mediterranean salt meadows.
- Dundalk Bay SPA - 23 species of wintering birds and wetlands and water birds.

9.4. Impacts on Carlingford Shore cSAC/SPA are screened out on the grounds that the European site is physically removed from the appeal site and is situated in a different catchment. This approach seems reasonable.

9.5. Impacts on Carlingford Mountain cSAC are also ruled out on the grounds that it lies uphill from the appeal site and that any dust emissions will be of no significant difference in pH. Having regard to the distance of the appeal site from the SAC and intervening land uses (R174, residential development and farmed land), this conclusion also seems reasonable.

9.6. Potential impacts on Dundalk Bay cSAC/SPA could arise from surface water flows arising on the site, ultimately discharging into the Bay. There are no watercourses on the appeal site and the proposed quarry will be worked above water table. Surface water arising on the site will discharge to ground, via a series of three lagoons, lined with geotextile membrane to remove fine particles. Standard arrangements are proposed for the storage and use of fuels on site.

9.7. Having regard to the above, notably the distance of the appeal site from Dundalk Bay, the absence of discharges to surface water and the arrangements to settle and filter any discharges to ground, I do not consider that the proposed development would give rise to any adverse effects on water quality in Dundalk Bay or therefore have a significant effects on the conservation interests of the Dundalk Bay European sites seem highly unlikely.

9.8. No other plans or projects are evident in the area of the appeal site which could give rise to cumulative effects on European sites, having regard to the issues raised in this assessment.

### **Screening Conclusion**

9.1. Having regard to the distance of the appeal site from downstream European sites to which the site is connected and the arrangements in place for the management of surface water arising on site, I consider that it is reasonable to conclude 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 Nos. 000453 (Carlingford Mountain cSAC), 000455 (Dundalk Bay cSAC) and 004026 (Dundalk Bay SPA) or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 10.0 Recommendation

10.1. I recommend that planning permission be granted for a strict operational term of 5 years, protection of geological heritage and subject to the progressive restoration of the site.

## 11.0 Reasons and Considerations

Having regard to:

- The location of the site, nature and scale of the proposed development,
- Means to protect and enhance the geological heritage and control emission from the site,
- The temporary nature of the proposed development and arrangements to restore it in a progressive manner,
- The resource-based nature of the proposed development, and
- The provisions in respect of the extractive industry set out in the Louth County Development Plan 2015 to 2021.

It is considered, subject to compliance with the conditions set out below, that the proposed development would be consistent with the zoning objective for the site and would not detract from the geological interest of the site, landscape character or visual amenity of the area, biodiversity or residential amenity and would not endanger public safety by reason of public health or traffic hazard. The proposed development would, therefore be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1.	<p>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 27<sup>th</sup> day of September 2018, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The operational period of the extraction works shall be for a period of 5 years from the grant of this permission, with a further 2 years for the restoration of the site to be completed.</p> <p><b>Reason:</b> In the interest of orderly development and to protect the amenities of the area.</p>
3.	<p>Progressive working, decommissioning and restoration of the site shall place in accordance with details to be agreed in writing with GSI and the planning authority, prior to the commencement of development. This shall include:</p> <ul style="list-style-type: none"> <li>(a) details of progressive working, decommissioning and restoration of the site (including on-going monitoring of restoration),</li> <li>(b) means to report on compliance with progressive restoration scheme,</li> <li>(c) measures to protect and enhance geological heritage,</li> <li>(d) measures to increase biodiversity within the site, and</li> <li>(e) details of information panels on the geological features of the site to be erected (to be agreed in advance with Mourne-Cooley-Gullion Geotourism Project).</li> </ul> <p><b>Reason:</b> In the interest of orderly development and to protect geological</p>

	heritage and the amenities of the area.
4.	No blasting shall take place on site. <b>Reason:</b> To protect the residential amenities of adjoining dwellings.
5.	No extraction of aggregates shall take place below the level of the water table. No washing of aggregates shall be carried out on site. <b>Reason:</b> To protect groundwater and surface water in the area.
6.	Prior to the commencement of development, a suitably qualified ecologist shall be appointed to ensure that appropriate measures are put in place to minimise damage to any breeding species present. These measures shall be agreed with the planning authority in advance of any works on site and if necessary works on site shall not commence outside of the bird breeding season (1 <sup>st</sup> September to the last day of February). <b>Reason:</b> In the interest of protecting biodiversity.
7.	Vehicles transporting material to and from the site, and accessing the site, shall use the R174 running from the quarry to the R173 only. <b>Reason:</b> In the interest of traffic safety and in order to mitigate the extent of maintenance and upgrading works to the local road network necessitated by vehicular traffic accessing the site.
8.	Mitigation measures set out in the EIAR and in other plans and particulars submitted with the application and appeal shall be (a) set out in a schedule to the planning authority prior to the commencement of development, and (b) implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions. <b>Reason:</b> In the interest of clarity and environmental protection.
9.	The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. This shall include the following: (a) Proposals for the suppression of on-site noise (in order to comply with conditions, set out in this permission).

	<p>(b) Proposals for the on-going monitoring of sound emissions at dwellings in the vicinity.</p> <p>(c) Proposals for the suppression of dust on site.</p> <p>(d) Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.</p> <p>(e) Details of safety measures for the land above the quarry, to include warning signs and stock proof fencing (with works to be carried out within one month of the written agreement of the planning authority to these details).</p> <p>(f) Management of all landscaping with particular reference to enhancing the ecological value of the woodland/grassland on the bunds and buffer areas.</p> <p>(h) Monitoring of ground and surface water quality, levels and discharges.</p> <p>(i) Details of measures to prevent, and if necessary remove, any spillage or deposit of clay, rubble or other debris on the public road.</p> <p>(j) Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.</p> <p><b>Reason:</b> In the interest of orderly development and to safeguard local amenities.</p>
10.	<p>All landscaping, including improvements to boundaries and the provision of any fencing and berms, shall be completed prior to the commencement of extraction on site.</p> <p><b>Reason:</b> In the interest of visual amenity and to safeguard the amenities of adjoining dwellings during the operational phase of the development.</p>
11.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and</p>

	<p>geotechnical investigations) relating to the proposed development, and</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p> <p>(ii) the impact of the proposed development on such archaeological material.</p> <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
12.	<p>The developer shall monitor and record groundwater, surface water flow, noise, ground vibration, and dust deposition levels at monitoring and recording stations, the location of which shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>Monitoring results shall be submitted to the planning authority at monthly intervals for groundwater, surface water, noise and ground vibration.</p> <p>(a) On an annual basis, for the lifetime of the facility (within two months of each year end), the developer shall submit to the planning authority an environmental audit. Independent environmental auditors approved in writing by the planning authority shall carry out this audit. This audit shall be carried out at the expense of the developer and shall be made available for public inspection at the offices of the planning authority and at such other locations as may be agreed in writing with the authority. This report shall contain:</p>

	<p>(i) A written record derived from the on-site weighbridge of the quantity of material leaving the site. This quantity shall be specified in tonnes.</p> <p>(ii) A topographical survey carried out by an independent qualified surveyor approved in writing by the planning authority. This survey shall show all areas excavated and restored. On the basis of this a full materials balance shall be provided to the planning authority.</p> <p>(iv) A written record of all complaints, including actions taken in response to each complaint.</p> <p>(c) Following submission of the audit or of such reports, or where such incidents occur, the developer shall comply with any requirements that the planning authority may impose in writing in order to bring the development in compliance with the conditions of this permission.</p> <p><b>Reason:</b> In the interest of protecting residential amenities and ensuring a sustainable use of non-renewable resources.</p>
13.	<p>All topsoil shall be stripped and stored separately from overburden. Detailed proposals in this regard shall be submitted to and have received the written agreement of the planning authority prior to the commencement of the development.</p> <p><b>Reason:</b> In the interest of orderly development and the protection of the amenities of the area.</p>
14.	<p>(a) The wheels and undersides of all vehicles transporting aggregate from the site onto the public road shall, prior to the exit of such vehicles onto the public road, be washed in a wheel washing facility which shall be constructed to the satisfaction of the planning authority.</p> <p>(b) Vehicles used for the transport of materials from the site shall be so equipped as to prevent spillage and dust blow.</p> <p><b>Reason:</b> In the interest of the amenities of the area and of traffic safety and convenience.</p>
15.	<p>The quarry, and all activities occurring therein, shall only operate between</p>

	<p>0800 hours and 1800 hours, Monday to Friday and between 0800 hours and 1300 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays.</p> <p><b>Reason:</b> In order to protect the amenities of property in the vicinity.</p>
16.	<p>The noise levels generated by on site operations shall not exceed 55 dB(A) Leq,1hr, during working hours, when measured at any noise sensitive receptor in the locality. During construction of screening berms, noise levels up to 75 dB(A) Leq,1hr, may be permitted for a period not to exceed 14 working days relative to any particular noise sensitive receptor and subject to prior notice and agreement of the planning authority.</p> <p><b>Reason:</b> In order to protect the residential amenities of property in the vicinity.</p>
17.	<p>Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details to be submitted shall include monitoring locations, commencement date and the frequency of monitoring results, and details of all dust suppression measures.</p> <p><b>Reason:</b> To control dust emissions arising from the development and in the interest of the amenity of the area.</p>
18.	<p>No work shall commence on site until the visibility splays (Site Layout Drawing No. 1564-111-D) have been provided to the satisfaction of the planning authority.</p> <p><b>Reason:</b> In the interest of traffic safety.</p>
19.	<p>Details of road signage, warning the public of the entrance and of proposals for traffic management at the site entrance, shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of traffic safety.</p>
20.	<p>Scrap metal and other waste material shall be removed at least annually</p>



	<p>from the site in accordance with the written requirements of the planning authority.</p> <p><b>Reason:</b> To protect the amenities of the area.</p>
21.	<p>All over ground tanks containing liquids (other than water) shall be contained in a waterproof bunded area, which shall be of sufficient volume to hold 110 per cent of the volume of the tanks within the bund. All water contaminated with hydrocarbons, including stormwater, shall be discharged via a grit trap and three-way oil interceptor with sump to a watercourse. The sump shall be provided with an inspection chamber and shall be installed and operated in accordance with the written requirements of the planning authority.</p> <p><b>Reason:</b> In order to protect groundwater.</p>
22.	<p>The developer shall implement measures to reduce environmental risks associated with re-fuelling, greasing, and other activities within the site. Such measures may include, but are not restricted to, the use of spillage mats and catch trays. Such measures shall be subject to the written agreement of the planning authority prior to commencement of quarrying works.</p> <p><b>Reason:</b> In order to protect groundwater.</p>
23.	<p>No water from the wheel wash shall be discharged at the development other than to a drainage system that outfalls to the uppermost settlement lagoon.</p> <p><b>Reason:</b> In order to protect groundwater.</p>
24.	<p>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</p>

	<p>determination.</p> <p><b>Reason:</b> To ensure the satisfactory restoration of the site in the interest of geological heritage, biodiversity, visual and residential amenity.</p>
25.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
26.	<p>The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of specific exceptional costs of strengthening the carriageway of the R174. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.</p>

<p><b>Reason:</b> It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.</p>
--

---

Deirdre MacGabhann

Planning Inspector

16<sup>th</sup> April 2019