



An
Bord
Pleanála

Inspector's Report ABP-312510-22.

Development

Permission is sought for the extraction of sand and gravel within a 15.049ha application area. Extraction will extend to an area of ca.8ha and to a maximum depth of 13mOD (ca. 8.6m below the winter water table).

An EIAR and NIS is submitted with the application.

Location

The townland of Knockanemore, Ovens, Co. Cork.

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

21/4669

Applicant(s)

Roadstone Ltd

Type of Application

Permission

Planning Authority Decision

Grant permission

Type of Appeal

Multiple appeals including First Party and Third Parties

Appellant(s)

Roadstone Ltd
Jill Donovan & Liam O'Connell
Knockanemore Residents Group

Observer(s)

None.

Date of Site Inspection

12th April 2022

Inspector

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1.0 Introduction

- 1.1. Planning permission is sought for a lateral extension of the Classis South Quarry for the extraction of sand and gravel within an application site of 15.049ha. The extraction area will extend to approximately 8ha and to a maximum dept of 13mOD (approx. 8.6m below the winter water table). The development proposes the provision of an on-site temporary conveyor to connect to the existing fixed conveyor. The development proposal does not include blasting and an operational phase of 7 years is sought with a 2-year rehabilitation period.
- 1.2. The site lies immediately to the east of an existing quarry permitted under ABP ref: PL04.205925 (PA ref: 03/4253) and PA ref: 14/4728. The development seeks the extraction of 1.369 million cubic meters of sand and gravel.

2.0 Site Location and Description

- 2.1. The subject site is located to the north side of the key village of Ovens in Co. Cork, approximately 12km to the west of Cork City and to the south of the N22, approximately 2.5km from the Ballincollig interchange. Ovens, with Killumney, is identified in the Blarney Macroom MD LAP as a key village and the preferred route for the N22, which divides the two villages, lies to the south of the proposed site, and the existing houses. The site lies outside the settlement boundary and within the Metropolitan Cork Greenbelt.
- 2.2. The site comprises a greenfield site which lies immediately to the south of the N22 primary road in an area which has a large concentration of quarries, both worked out as well as currently operational. The site lies immediately to the east to the Classis South Quarry which was operated by Roadstone in the area, and the development is described as a lateral extension of same. The existing Classis South Quarry is approximately 11.9ha in area and currently comprises a man-made water feature in accordance with the site decommissioning plans under ABP ref: PL04.205925 (PA ref: 03/4253).
- 2.3. There is a fixed conveyor which runs through the Classis South Quarry from the Dineens Quarry, Garryhesta Quarry and Casey's Quarry to the west where it runs under the local road, the L-2208 and into the Classis South Quarry. The conveyor

then turns in a northern direction and runs under the N22, through the Roadstone operated Classis West Quarry and Classis Quarry, which occupy a large area to the north of the primary road, to the processing plant. The L-2208 divides the Casey's Quarry into a western and eastern section. The western area of this quarry is currently operational while the eastern section remains greenfield.

- 2.4. The access to the site is proposed via an existing entrance on the L-2208, in proximity and to the south of existing residential properties. The wider area comprises a number of one-off houses to the west, the N22 to the north, agricultural fields to the east and the settlement of Ovens/Killumney to the south. The southern boundary of the site runs up to the zoned land area of the settlement, including the boundaries of a number of residential properties and lands zoned for residential purposes. The Ovens National School lies within approximately 100m of the site while the GAA grounds and facilities are approximately 50m from the site boundary.

3.0 Proposed Development

- 3.1. Permission is sought as per the public notice:

The proposed development will consist of the lateral extension of the Classis South Quarry (planning references 03/4253, PL04.205925 and 14/4728) for the extraction of sand and gravel (aggregate) within a ca. 15.049 ha application area. The extraction area will extend to ca. 8 ha and to a maximum depth of 13 mOD (ca. 8.6 metres below the winter water table).

The aggregate will be transported by a proposed on-site temporary conveyor to the existing, authorised fixed conveyor (permission 19/4530).

An initial construction phase of up to 12 weeks will include:

- the stripping of topsoil,
- installation of on-site temporary welfare facilities (port-a-loo ca. 6m² by 2.3m),
- two concrete parking plinths (ca. 56m² and 36m²),
- concrete refuelling plinth (ca.80m²) and associated interceptor and drainage, and installation of an access road to connect the existing

Classis South Quarry to the proposed extension ca.101 m long by ca. 5 m wide incorporating a culvert (ca. 4 m in height),

- installation of screening embankments to a height of 3.1 m,
- installation of fencing and all associated site works.

The operational phase of up to 7 years duration will include extraction and then transport of aggregate via conveyor.

The proposed development will include a rehabilitation phase of up to 2 years duration to form a water body, united with the existing Classis South Quarry water body.

An Environmental Impact Assessment report and Natura Impact Statement will be submitted with the planning application

All in the townland of Knockanemore, Ovens, Co. Cork.

3.2. The planning application was accompanied by the following documents:

- Application form and relevant plans and particulars
- Letter of Consent from Landowner
- Environmental Impact Assessment Report – 3 volumes
- Stage 2 Appropriate Assessment - Natural Impact Statement
- Photomontages

3.3. Following a request for further information, the applicant submitted a response on the 20th of October 2021 seeking to address the issues raised in terms of roads and traffic, surface water management proposals, dust issues, noise issues, landscaping proposals, potential impacts on wells and noise monitoring. The response also included an Environmental Management System report (EMS).

4.0 **Planning Authority Decision**

4.1. **Decision**

The Planning Authority decided grant planning permission for the proposed quarry subject to 21 conditions including:

Condition 4:

Prior to the commencement of development, revised proposals including drawings shall be submitted for the written agreement of the Planning Authority for a 70m buffer zone between the edge of third-party properties and the proposed extraction area.

Reason: To protect residential amenity

Condition 20:

A Site-specific Dust Management Plan (DMP) shall be prepared following consultation with stakeholders and the local community and incorporated into the site Environmental Management System. This DMP shall have regard to Guidance on the Assessment of Mineral Dust Impacts for Planning (IAQM, 2016), and establish visual trigger levels with the potential for dust complaints necessitating deployment of appropriate mitigation measures. The effectiveness of this plan shall be reviewed annually at the Annual EMS Management Review. A 70m buffer zone shall be established from the quarry extraction area to the edge of the third-party property.

Reason: To protect amenities and the environment.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The initial planning report provides a full description of the development and details of the site location as well as the policy context. The report summarises all the third-party submissions as well as technical reports submitted in relation to the proposed development and includes a planning assessment of the proposed development. The report notes that the justification for the proposed development focuses on the specific geology of the site and the fact that the existing conveyor belt can be utilised. In terms of assessment, the report concludes that further information is required. The Board will note that the Planning Officers report is countersigned by the Senior Executive Planner who agreed with the assessment and recommendation to request further information.

The Planning report notes the report from the Ecologist in terms of an Appropriate Assessment Report and an Environmental Impact Assessment (EIA) is presented in Appendix 1 of the report.

Following receipt of the response to the further information request, the Planning Officer concluded recommending that permission be granted for the proposed development subject to 21 conditions. The Board will note that the Planning Officers report is countersigned by the Senior Executive Planner who agreed with the assessment and recommendation to grant planning permission. These reports informed the decision of the Planning Authority to grant planning permission for the proposed quarry.

4.2.2. **Other Technical Reports**

NRDO: The report notes that access to the site during the construction and operations phase will be via the local link road network and that the existing access onto the N22 is not proposed to be used. During the operational phase, material from the site will be transported via the existing conveyor belt network. No objections noted.

Area Engineer: The report notes that the number of traffic movements through the entrance on the L-2208 have not been detailed. The applicant should be required to quantify the traffic type and anticipated numbers and clarify how the material for the existing of the conveyor will be brought on site. Further information required in terms of traffic movements during the operational phase. In addition, further information is required in relation to details of the existing entrance. The report also submits that several complaints about drainage issues and the speed and volumes of traffic on the L-2208 have been received. A special contribution charge may be applied.

Following the submission of the response to the FI request, the Engineering Report concluded that the development was satisfactory. Permission is recommended subject to conditions, including the imposition of a Special Development Charge for the future upgrading of the L-2208, €15,000 (30% of total cost of reinstating 500m of roadway).

Environment Section: There are two reports noted on the PAs file.

The first report, dated 28/04/2021, deals with EIAR Section 6 – Ground and Surface Water and Section 7 Air Quality (Dust). The report recommends that the application be deferred to request further information in relation to matters air quality.

The second report deals with the issue of noise impact. The report recommends that the application be deferred to request further information.

Following the submission of the response to the FI request, both Environment Reports concluded that the development was satisfactory. Permission is recommended subject to conditions.

Ecologist: The County Ecologist presents a comprehensive report which considers the information presented in the EIAR with regard to ecology and biodiversity. The report presents an AA assessment and concludes that there is no objection to permission being granted subject to conditions.

Following the submission of the response to the FI request, the Ecology Report concluded that the development was satisfactory. Permission is recommended subject to conditions.

4.3. **Prescribed Bodies**

Geological Survey Ireland: The report notes the close proximity of the site to an unaudited county geological site (CGS) –

Killumney Moraine – major moraine and fluvioglacial terraces associated with local ice-cap expansion from the Cork/Kerry mountains. It may represent a retreat position rather than a discrete ice maximum levels.’

The report notes that with the current plan, there are no envisioned impacts on the integrity of the CGS, although further information may become available following the audit process. Conditions are recommended in relation to the CGS.

The report also notes details in terms of groundwater, geohazards, geochemistry of soils, surface waters and sediments and geophysical data. The report concludes that should the development go ahead, GSI would appreciate a copy of any additional reports detailing any site investigations carried out. Should any significant bedrock

cuttings or exposures be created, it is asked that they be designed to remain visible as an exposure rather than covered with soil and vegetated.

Inland Fisheries Ireland: The report asks that if the application is granted, conditions ensure there can be no impact on baseflow in the nearby Bride River or any polluting discharge to these or any waters.

HSE: The submission includes a report from the HSE and the HSE Emergency Planning section.

The first report deals with Environmental Health impacts as outlined in the EIAR and the adequacy of the EIAR from the Environmental Health viewpoint. The report makes a number of recommendations in terms of further information required and the inclusion of conditions relating to mitigation measures should permission be granted. Of note,

- It should be confirmed if the two identified groundwater wells located within 1km of the site are drinking water supplies with sampling required before and works and biannual monitoring required.
- Dust monitoring data for 2016 and 2020 should include details of the average dust deposition over a thirty-day period as specified in the standards.
- Ovens National School should be included as a dust monitoring location.
- Noise monitoring measurements results should be provided in LAEQ 1 hour for ease of comparison with historical monitoring results.
- Noise has been an issue of concern by local residents in the submissions made on the application with the conveyor running through the site having been the subject of complaints over a number of years. The EIAR notes that the writer was not informed of any noise or vibration complaints during the operation of the Roadstone Classis South Quarry. A copy of a complaints log has not been submitted with the EIAR.
- Noise monitoring conditions advised.
- In terms of the restoration of the proposed quarry, the HSE recommends that an alternative use of the quarry void such as infilling for agricultural land or public amenity be considered and regard should be had to the guidance

issued by the HAS on 'Quarrying – Trespass, Boundary Fencing and Prevention of Drowning'.

The Second report is from the HSE South Emergency Management section and while noting that the department function does not have any specific observations to make, a number of recommendations are set out.

An Taisce: The submission requests that all issues of planning compliance with existing permissions be addressed as a preliminary matter.

Transport Infrastructure Ireland: No observations.

4.4. **Third Party Submissions**

There are 33 third party observers, noted on the planning authority file as detailed in the Planning Officers report. The issues raised are summarised as follows:

- Negative impacts on the community and if permitted, will result in an area of quarried landscape of 171.75ha which undermines the vision for Killumney/Ovens village as outlined in the 2017 LAP.
- Landscaping including trees should be proposed immediately adjacent to the boundaries of Crannog Housing Estate.
- The development will reduce opportunities for sustainable community development. The area is saturated with quarries.
- Noise issues associated with the proposed development, with levels already over the recommended thresholds. The submitted noise modelling is not sufficiently robust, and the information presented is confusing. Annual noise monitoring results have not been accessible for the residents.
- The existing operations in the area have operated in breach of planning conditions in relation to permitted noise levels.
- Issues raised with regard to dust and air quality. It is noted that when the dust survey was undertaken, the quarry on Casey's Road was not operational and traffic levels were reduced due to Covid.
- The EIAR lacks detail regarding the cumulative impacts of the operation of all existing quarries in the area.

- Issues raised regarding opening hours due to close proximity to residential properties.
- Issues raised regarding the continued use of the conveyor belt which was meant to be temporary when granted.
- Significant impacts on residential amenity highlighted, including security, devaluation, light pollution, noise, and impact on roads. Further concerns in terms of stability and subsidence are also raised.
- The application omits the proposal and details relating to the proposed new single permanent access onto Casey's Road. This is not the approved entrance and previous applications make no reference to an entrance onto Casey's Road.
- Casey's Road is a substandard busy road and not suitable as a sole access for the proposed development. It is also not necessary having regard to existing access points into the quarry.
- Issues raised in relation to the long-term maintenance of the site. It is unclear who will be responsible for same as Roadstone is detailed of having a legal interest to apply for permission. Who is the long-term owner post rehabilitation?
- Issues raised with regard to the NIS and the impact of the development in terms of impact on local natural wildlife habitat and the geological impact and threat of water contamination to the groundwater flows and flooding.
- Issues raised in relation to the timing of bird surveys and the lack of detail in the EIAR relating to the presence of protected bird and other species using the site, including curlew, buzzard, peregrine falcon, and bats.
- Details of procedures and contingency plans which will be set up to deal with emergency accidents or spills are not provided for the residents to consider. The language of the NIS does not provide certainty in terms of risks.
- Issues raised in terms of the proposed rehabilitation.

5.0 Planning History

5.1. Subject site:

The Board will note that the following cases relate to land that is partly located within the current proposed development site, which are also in the ownership / operation of the current applicant.

PA Reg. Ref. 19/4530: Permission granted by Cork County Council to Roadstone Ltd for the continuance of use of an existing conveyor system to facilitate the continued transport of sand and gravel to the nearby processing plant and culvert under the N22 roadway in the townland of Knockanemore, Ovens, Co. Cork.

PA Reg. Ref. 14/4728: Permission granted by Cork County Council to Roadstone Ltd. to extend the duration of permission granted under Planning Ref No. 03/4253 and An Bórd Pleanála Ref. No. PL 04.205925.

ABP ref PL.04.205925 (PA Reg. Ref. 03/4253): Permission granted on appeal to develop and operate a sand and gravel pit to include: sand and gravel extraction, conveyor system, portacabin, portaloo, culvert under road and associated site works.

The above cases relate to the quarry area referred to as Classis South Quarry. The subject appeal essentially seeks to extend this quarry to the east.

5.2. Lands to the west:

ABP ref PL.04.240756 (PA Reg. Ref. 11/5642): Permission granted on appeal to develop a new sand and gravel quarry (extraction and processing) to be developed as two pits, one pit on the eastern side of the local road, Casey's Road, the second pit on the western side of the local road; two new site entrances from Casey's Road, one each on the eastern and western side of the road; internal haul roads; a conveyor system; a culvert under Casey's Road to facilitate the conveyor system; a garage-workshop building; a portacabin building for use as site office with staff canteen and toilets; processing plant including screening/washing plant, sludge thickener and filter plant; surface water drainage system including a Klargestar class 1 full retention hydrocarbon interceptor and 3-compartment settlement lagoon; a groundwater-abstraction pumped well; a Biocycle foul wastewater treatment plant with percolation area; a diesel fuel tank with bund; a wheel was; a weighbridge; noise barriers; security fencing; internal site lighting; car parking for staff/visitors;

truck parking; extension of current traffic calming scheme eastwards and upgrade of N22-Casey's Road junction with improved sightlines, including removal of trees along the northern boundary of the western portion of the sit; ancillary site development and comprehensive landscaping works; and signage.

The Board will note that the above permission relates to a permitted quarry which is not in the ownership / operation of the current applicant.

5.3. Wider Area:

The Board will note that there are a number of quarries in the wider vicinity, and to the north of the N22 identified as Classis, and Classis West quarries.

There is a permitted conveyor system which is to be used as part of the current proposed appeal development, located to the west of the proposed site, and which comprises part of the larger conveyor belt system that links the quarry pits in the area to the Roadstone Classis processing plant.

Details of all relevant planning history pertaining to the wider quarrying operations in the vicinity of the subject site, including details of S261 Registration are detailed in Table 2-1: Planning History of the submitted EIAR (Pages 17-19).

6.0 Policy and Context

6.1. National Guidelines

6.1.1. Quarry and Ancillary Activities, Guidelines for Planning Authorities, DoEHLG, 2004:

These guidelines note the economic importance of quarries and the demand for aggregates arising from the needs of the construction industry with particular reference to house building and infrastructure provision. It is further noted that aggregates can only be worked where they occur and that many pits and quarries tend to be located within 25km of urban areas where most construction takes place.

Chapter 2 identifies appropriate development plan policies and objectives with regard to the development of quarries.

Chapter 3 identifies the potential environmental issues associated with the development of the extractive industry / quarries and recommends best practice / possible mitigation measures in respect of:

- Noise and vibration
- Dust deposition / air quality
- Water supplies and groundwater
- Natural heritage
- Landscape
- Traffic impact
- Cultural heritage
- Waste management

The Guidelines also recommend Environmental Management Systems (EMS) as a quality assurance system to measure a company's operations against environmental performance indicators.

Chapter 4 refers to the assessment of planning applications and Environmental Impact Statements. It provides guidance on the information to accompany an application and the inclusion of possible planning conditions.

Chapter 5 refers to the implementation of the registration procedures set out in Section 261 of the Act.

6.1.2. Environmental Management Guidelines, Environmental Management in the Extractive Industry (Non-Scheduled Minerals), EPA, 2006:

These guidelines are intended to complement existing national guidance and to be of assistance to operators, regulatory authorities, and the general public (They are also complemented by the 'Environmental Management in the Extractive Industry – Guidelines for Regulators'). The guidelines provide general advice and guidance in relation to environmental issues to practitioners involved in the regulation, planning, design, development, operation and restoration of quarry developments and ancillary facilities.

These environmental management guidelines also represent a summary of current environmental management practices for quarries and ancillary facilities (including manufacturing of concrete and bituminous mixes/asphalt products, and processing of dimension stone). They are based on a review of current environmental management practice in Ireland, the UK and Europe. Under each of the key environmental issues, good environmental practice is summarised together with recommendations for the use of environmental management systems (EMSs), and emission limit values (ELVs), where appropriate.

6.1.3. Guidelines on the Information to be contained in Environmental Impact Statements' EPA, 2002:

These guidelines provide developers, competent authorities, and the public at large with a basis for determining the adequacy of Environmental Impact Statements within the context of established development consent procedures and also serve to address a wide range of project types and potential environmental issues. The accompanying 'Advice Notes on Current Practice (in the preparation of Environmental Impact Statements, 2003') subsequently provide further detail on many of the topics covered by the Guidelines and offer guidance on current practice for the structure and content of Environmental Impact Statements. The Board will note that the subject site is a sub-threshold development.

6.1.4. Guidelines for Planning Authorities and An Bord Pleanala on carrying out Environmental Impact Assessment, August 2018

These guidelines coincide with the making of the European Union (Planning & Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018) and the coming into operation of the Regulations on 1st September 2018 in order to transpose the Directive into Irish law. The Guidelines replace *Guidelines for Planning Authorities and An Bord Pleanala on carrying out environmental impact assessment* issued by the DoECLG in 2013. The purpose of the guidelines is to give practical guidance on procedural issues and the EIA process arising from the requirements of Directive 2014/52/EU.

6.2. Cork County Development Plan 2022

6.2.1. The Board will note that the Elected Members of Cork County Council made the Cork County Development Plan 2022-2028 and adopted the Plan on the 25th of April 2022. The Plan came into effect on the 6th of June 2022. It is noted that the application, the subject of this appeal, was submitted under the provisions of the previous County Development Plan.

6.2.2. The primary designation of the subject site, which lies immediately to the north of, and outside the settlement boundary of Killumney/Ovens, is Metropolitan Cork Greenbelt. The site is also located within the Metropolitan Cork Strategic Planning Area.

6.2.3. Chapter 5 of the current CDP deals with Rural (primarily associated with housing) and Section 5.5 deals with Greenbelts. The purpose of the greenbelt designation is set out in Section 5.5.4 and the overall zoning objective for Greenbelt land is indicated to be for agriculture, recreation or open space uses. That said, the presence of long-established commercial uses within the greenbelt is noted and it is not the intention of the Plan to restrict their continued operation or to prevent appropriate proposals for expansion / intensification of the existing uses, subject to normal proper planning considerations. With regard to the Metropolitan Greenbelt the following objectives are considered to be relevant:

- **RP 5-13: Land Uses within the County Metropolitan Greenbelt**

Preserve the character of the Metropolitan Greenbelt as established in this Plan and to reserve generally for use as agriculture, open space, recreation uses and protection / enhancement of biodiversity of those lands that lie within it.

- **RP 5-15: Active Uses of Greenbelt Lands**

Facilitate active uses of the County Metropolitan and Town Greenbelts generally and to encourage proposals which would involve the development of parks, countryside walks or other recreational uses within the Greenbelt. Any built development associated with such uses should not compromise the specific function and character of the greenbelt in the particular area.

- **RP 5-16: Long Established Uses**

Recognise the requirements of long established commercial or institutional uses located entirely within the Greenbelt which may make proposals for expansion / intensification of existing uses. Such expansion proposals of an appropriate scale will be considered on their merits having regard to the overall function and open character of the Greenbelt and where development would be in accordance with normal proper planning and sustainable development considerations.

- **RP 5-17: Strategic and Exceptional Development**

Recognise that there may be development of a strategic and exceptional nature that may not be suitably located within zoned lands and that such development may be accommodated successfully in Greenbelt locations. In such circumstances, the impact on the specific functions and open character of the Greenbelt should be minimised.

6.2.4. Chapter 8 of the Plan deals with Economic Development and Section 8.15 deals with the Rural Economy. The Plan notes that within the countryside, employment in agriculture and other resource-based activities such as forestry, mineral extraction, etc are particularly important. The following County Development Plan Objectives are considered relevant in this regard:

- **EC: 8-13 Rural Economy –**

- a) Encourage employment growth in County towns to support the population of the towns and their wider rural catchments.
- b) Strengthen rural economies through the promotion of innovation and diversification into new sectors and services including to ensure economic resilience and job creation.
- c) New development in rural areas should be sensitively designed and planned to provide for the protection of the biodiversity of the rural landscape.

- **EC: 8-14 Business Development in Rural Areas –**

The development of appropriate new businesses in rural areas will normally be encouraged where:

- The scale and nature of the proposed new business are appropriate to the rural area and are in areas of low environmental sensitivity.
- The development will enhance the strength and diversity of the local rural economy.
- The proposal will not adversely affect the character, appearance, and biodiversity value of the rural landscape.
- The existing or planned local road network and other essential infrastructure can accommodate extra demand generated by the proposal.
- The proposal has a mobility plan for employees' home to work transportation.
- Where possible the proposal involves the re-use of redundant or underused buildings that are of value to the rural scene.
- The provision of adequate water services infrastructure; and
- Provision of a safe access to the public road network.

6.2.5. Section 8.17 deals with Mineral Extraction and Section 8.17.3 notes that there are 230 quarries registered under Section 261 of the Planning and Development Act 2000, as amended, operating within the County, primarily engaged in sand and gravel and stone quarrying. Distinct clusters are noted, including at Ovens, and in the vicinity of the subject site.

6.2.6. County Development Plan Objective EC: 8-16 Safeguarding Mineral Reserves seeks to:

- a) Protect and safeguard the county's natural mineral resources from inappropriate development, by seeking to prevent incompatible land uses that could be located elsewhere, from being located in the vicinity of the resource, since the extraction of minerals and aggregates is resource based.

- b) Prepare a Minerals Strategy Plan to support a sustainable extractive industry during the lifetime of the plan. This strategy will be prepared taking account of environmental, nature, conservation, heritage, landscape, and other planning considerations

6.2.7. Chapter 14 deals with Green Infrastructure & Recreation and Section 14.10 relates to Prominent and Strategic Metropolitan Cork Greenbelt Areas where the following stated objective is relevant:

- GI 14-16: Prominent and Strategic Metropolitan Greenbelt Map

Protect those prominent open hilltops, valley sides and ridges that define the character of the Metropolitan Cork Greenbelt and those areas which form strategic, largely undeveloped gaps between the main Greenbelt settlements. These areas are shown on the Prominent and Strategic Metropolitan Greenbelt (Figure 14-3), and it is an objective to preserve them from development.

6.3. **Natural Heritage Designations**

There is no designated site within the proposed development site. The closest Natura 2000 site is the Cork Harbour SPA (Site Code: 004030) which is located approximately 15km to the east of the subject site. The Gearagh SAC (Site Code: 000108) lies approximately 20km to the west.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. This is a multiple appeal including as follows:

- First party appeal against conditions attached to the grant of permission
- 2 no. Third party appeals against the decision of the Planning Authority to grant planning permission for the proposed development.

7.1.2. The Board will note that a Third-Party sought an Oral Hearing. The Board determined that there was sufficient written evidence on file to enable an assessment of the issues raised and therefore that an Oral Hearing should not be held.

7.1.3. With regard to the third-party appeals, from Jill Donovan & Liam O'Connell and Knockanemore Residents Group, the issues raised reflect those reported to the Planning Authority during its assessment of the proposed development. The issues are summarised as follows:

- Lack of consultation with the community.
- Contravention of the CDP
- Significant negative effects to the receiving environment and community in terms of noise pollution, dust management, operating hours, health and safety, ground stability, rehabilitation and natura impacts.
- The complaints from the current adjoining quarry have not been addressed and concerns are noted that any future complaints will go unactioned. Noise complaints go as far back as 2008 and the assertion in the EIAR that there are no complaints informed to the writer raises concerns.
- The noise modelling is not sufficiently robust to reflect the reality of the operation and the extension of the conveyor.
- The proposal is contrary to the proper planning and sustainable development of the area.
- The scale of the activity would result in significant effects to property, home and the health and safety of family/community.

- The locality is littered with ‘worked out’ quarries, and each quarry that is approved further erodes the remaining local environment and amenities for local families and children as well as increases noise and dust pollution in the area.
- The cumulative effects of each quarry are detrimental to the locality and contravenes the CDP which identifies Ovens/Killumney as a key site for residential growth.
- There is a 45% local penetration of quarrying in the locality of Knockanemore. Residents will be forced out of the area.
- There has been no local engagement, contrary to planning guidelines.
- Issues raised in terms of visual impacts and that the quarry facing property does not have a full berm on the drawings. The PA did not include a condition for same.
- Concerns regarding the proposed N22 corridor and that if the quarry is permitted, 80/100 homes will be wedged between these sites.
- Issues raised in relation to ground stability and the proximity of the quarry to houses.
- Health and safety issues in terms of the perimeter fencing.
- It is raised as a concern that matters relating to impacts on wildlife and natural habitats, geological and potential groundwater contamination, flooding, and geological impacts have not been addressed by the planning authority in their conditions attached to the approval granted to the applicant.
- The cumulative effect of a fully scaled out Casey’s Quarry and Classis South Quarry operating at full capacity at the same time has not been comprehensively dealt with.

It is requested that if the appeal is unsuccessful, that the board take a number of points into consideration relating to health and safety, community engagement, provision of a full berm, condition that the quarry cannot extend further as this will eliminate the last green field in the locality and to restrict Saturday operations.

The appeals include a number of enclosures.

7.1.4. In terms of the first party appeal, the Board will note that the First Party has appealed two conditions of the grant of permission as follows:

Condition 4:

Prior to the commencement of development, revised proposals including drawings shall be submitted for the written agreement of the Planning Authority for a 70m buffer zone between the edge of third-party properties and the proposed extraction area.

Reason: To protect residential Amenity

Condition 20:

A Site-specific Dust Management Plan (DMP) shall be prepared following consultation with stakeholders and the local community and incorporated into the site Environmental Management System. This DMP shall have regard to Guidance on the Assessment of Mineral Dust Impacts for Planning (IAQM, 2016), and establish visual trigger levels with the potential for dust complaints necessitating deployment of appropriate mitigation measures. The effectiveness of this plan shall be reviewed annually at the Annual EMS Management Review. A 70m buffer zone shall be established from the quarry extraction area to the edge of the third-party property.

Reason: To protect amenities and the environment.

7.1.5. The grounds of appeal are summarised as follows:

Condition 4:

- It is evident that the Environment Directorate primary concerns are in relation to potential dis-amenity occurring at the closest residential properties to the extraction area.
- It should be noted that there will be no track-out, blasting or crushing/screening activities, significantly reducing the sources of fugitive dust at the site.
- Extraction below the water table will be wet aggregates which further reduces potential for fugitive dust.
- The EIAR identified all potential impacts to occur as not significant.

- The appellant has sought the inclusion of the word ‘residential’

Condition 20:

- The language is considered to be ambivalent and there is a concern that it may be misrepresented.
- The condition is non-enforceable as the inclusion of terms such as ‘stakeholders’, ‘local community’ and establishment of ‘visual trigger levels’ are undefined and not prescribed in the relevant Irish Guidelines.
- A DMP is committed to within the EIAR, and a condition to impose this in agreement with the LA is enforceable.
- With the current language of Condition 20, the applicants’ future compliance would be open to interpretation, and would leave the applicant vulnerable to unreasonable or unscientific requests.
- Standard practice for monitoring of fugitive dust emissions is to utilise the Bergerhoff Gauge in accordance with the DoEHLG (2004) and the EPA (2006) guidelines for the quarrying industry.
- The applicant is agreed to the implementation of a real-time continuous Particulate Matter monitor to comply with Condition 21 to allay local concerns.
- It is requested that Condition 20 be amended to read as follows:
 - A site-specific Dust Management Plan (DMP) shall be prepared and agreed with the Local Authority. This DMP shall be incorporated into the site Environmental Management System. This DMP shall have regard to National Guidance issued by Department of Environment Heritage and Local Government¹ (DoEHLG) -Quarries and Ancillary Activities: Guidance for planning Authorities, 2004, and the Environmental Protection Agency (EPA) Environmental Management in the extractive industry (Non-Scheduled Minerals) 2006 and establish triggers with the potential for dust complaints necessitating deployment of appropriate mitigation measures. The

¹ The Board will note that the appeal document says ‘Community’ here, but it should be Government – DoEHLG.

effectiveness of this plan shall be reviewed annually at the Annual EMS Management Review. A 70m buffer zone shall be established from the quarry extraction area to the edge of the third-party residential property.

- It is submitted that the amended wording is reasonable and would align with Irish guidelines, would present a more clearly defined condition and permit conformance by the applicant.

7.2. First Party Response to Third Party Appeals

Malone O'Regan, on behalf of the applicant Roadstone, submitted a response to the third which is summarised as follows:

- It is the opinion of the applicant that all statutory responsibilities for public participation were fulfilled during the application process, and there was engagement by phone and email with local residents that contacted them.
- The proposed development is considered in line with the objectives and policies of the relevant development plan.
- The proposed berm was amended to address third party concerns following a request for further information.
- The proposed N22 Corridor is in no way related to the proposed development.
- In terms of ground stability, the proposed slopes designed are in line with other local operations and are deemed secure. The 35m buffer is sufficient to provide security to adjoining lands.
- In terms of Health and Safety issues, the chain link fence has been extended along the entire southern and south-western boundaries.
- Roadstones land ownership is outlined in Blue on the submitted plans.
- The EIAR submitted details in relation noise pollution and dust management.
- Opening hours were amended following a request for further information.

- In terms of the long term impact and rehabilitation, the applicant submits that as Roadstone will own the land, they will be responsible for the long-term maintenance of the site.
- Rehabilitation plans have been provided and will be undertaken in four phases
- A Natura Impact Statement was prepared as part of the planning application and concluded that the development will not adversely affect the integrity, or conservation status of any of the qualifying interests of any Natura 2000 sites.
- Issues raised in relation to the wildlife and natural habitat impacts are addressed in section 3.10 of the submitted first party response to the third party appeals.
- With regard to geological impacts and potential groundwater contamination concerns, it is submitted that the EIAR and response to the FI request have been deemed sufficient by the PA to assess the impacts of the proposed development.
- Section 6.3.6 of the EIAR outlines the results of a Flood Risk Assessment.
- No impacts on geology are expected.

7.3. Planning Authority Response

The PA has responded advising that all the relevant issues have been covered in the technical reports already forwarded to the Board. No further comments to make.

7.4. Observations

None.

8.0 Planning Assessment

8.1. Introduction

8.1.1. I have read the entire contents of the file including the EIS and NIS submitted with the application and have had regard to the issues raised in the observations submitted. I have also had regard to the planning history associated with this area.

8.1.2. Having regard to the nature of the proposed development, the details submitted with the planning application and appeal documents, together with my site inspection, I conclude that issues arising for consideration should be addressed under the following headings:

- The principle of the proposed development & compliance with policy
- Residential & general amenity issues
 - Residential amenity
 - Noise & Vibration
 - Air Quality
 - Visual Impacts and landscape
- Other issues
 - First Party Appeal Issues
 - Roads & Traffic
 - Biodiversity
 - Impacts on Archaeology & Cultural Heritage
 - Hydrology & Hydrogeology
 - Hours of operation
 - Development Contributions

8.1.3. The Board will note that Environmental Impact Assessment and Appropriate Assessment are presented in separated sections of this report.

8.1.4. At the outset, I wish to note the submissions of third parties, during the PAs assessment of the proposed development, and including in the 2 third party appeals

received by the Board. Both appeals have raised concerns in terms of the lack of response to complaints associated with the existing operations in the area, some of which date back to 2008. It is considered by the third parties that the EIAR does not address this matter and notes that the writer of the EIAR indicates that no complaints were informed to them in the preparation of the document. The concerns of the third parties are therefore compounded on the belief that any future complaints will also go unactioned. In addition, the cumulative effect of the existing and permitted quarries in the area are not considered to have been comprehensively dealt with.

- 8.1.5. I also note the indication that the existing operations in the area have operated in breach of planning conditions, particularly in relation to permitted noise levels. Notwithstanding these submissions, and acknowledging the third party comments, I could not find any evidence of unauthorised development action having been undertaken by the Council. I refer the Board to Section 10.1 of the 2007 Development Management Guidelines which state as follows:

“Enforcement of planning control is the responsibility of the planning authority, and this is the case, of course, whether the planning decision, including conditions, was made by the planning authority or the Board.”

- 8.1.6. As such, it is not within the remit of the Board to determine whether or not unauthorised activity is taking place on the appeal site. The Board has no role in enforcement matters, and it appears that the Planning Authority is satisfied that no enforcement is necessary at the site. As such, I propose to restrict my assessment to the merits, or otherwise, of the development proposed which are the subject of this appeal.

8.2. The principle of the proposed development & compliance with policy:

- 8.2.1. National and Regional Guidance, and the Quarries and Ancillary Activities, Guidelines for Planning Authorities, DoEHLG, 2004, recommend that local authorities identify and protect important strategic mineral reserves in development plans while also acknowledging the economic importance of the quarry industry in supplying the construction sector with aggregates and stone. It is accepted that major infrastructure projects will create a demand for aggregates that will support the

continuing economic and social development of the country and maintain Ireland's international competitiveness.

8.2.2. In terms of compliance with the current Cork County Development Plan, 2022, the Board will note that the Plan, Section 8.17 which deals with Mineral Extraction, recognises the importance of the extractive industry and Objective EC: 8-16 Safeguarding Mineral Reserves seeks to:

- a) Protect and safeguard the county's natural mineral resources from inappropriate development, by seeking to prevent incompatible land uses that could be located elsewhere, from being located in the vicinity of the resource, since the extraction of minerals and aggregates is resource based.

Section 8.17.3 of the Plan notes that there are 230 quarries registered under S261 of the Planning and Development Act, as amended, operating within the County, with distinct clusters noted at a number of locations including Ovens and in the vicinity of the subject site.

8.2.3. The subject site is located within a semi-rural area of Co. Cork and the Board will note that quarrying at this location, is longstanding. The wider area is characterised by a small number of one-off houses on large sites and farm holdings on the local road network in the vicinity, as well as the existing small housing estates, primary school, GAA pitches and facilities, church and other services associated with the settlement boundary of Killumney/Ovens and in the townland of Knockanemore, which bound the southern side of the site. To the north and west, while there are a number of one-off houses, the area is dominated by the N22 to the north and quarries to the north of the N22 and to the west of the site. All the quarries in this area appear to be connected via the conveyor belt system which transports extracted aggregate to the Roadstone Processing plant located to the north-east of the subject site.

8.2.4. The primary designation of the subject site is Metropolitan Cork Greenbelt. The site is also located within the Metropolitan Cork Strategic Planning Area. Chapter 5 of the CDP deals with Rural (primarily associated with housing) and Section 5.5 deals with Greenbelts. The purpose of the greenbelt designation is set out in Section 5.5.4 and the overall zoning objective for Greenbelt land is indicated to be for agriculture,

recreation or open space uses. That said, the presence of long-established commercial uses within the greenbelt is noted and it is not the intention of the Plan to restrict their continued operation or to prevent appropriate proposals for expansion / intensification of the existing uses, subject to normal proper planning considerations. The areas within the Metropolitan Cork Greenbelt are noted in the CDP to require the highest degree of protection.

- 8.2.5. In accordance with the provisions of the Landscape Character Assessment undertaken as part of the Draft Cork Landscape Strategy (2007), the subject site is located within the LCT6a 'Broad Fertile Lowland Valleys'. This landscape is identified as having a High Landscape Value, High Landscape Sensitivity and Landscape Importance at a County Level. Such high sensitivity landscapes are noted in the current Cork CDP as vulnerable landscapes with the ability to accommodate limited development pressure. In this rank landscape quality is at a high level, landscape elements are highly sensitive to certain types of change. If pressure for development exceeds the landscape's limitations the character of the landscape may change. I would also note that the CDP does not seek to preclude quarry activities in such areas.
- 8.2.6. In principle, therefore, it can be concluded that the proposed development would not, in principle, contravene the wider policies or objectives in the development plan, as they relate to the extractive industry and generally complies with the main objectives of the plan in seeking to support and encourage the development of quarries in order to benefit the economic development of the county.
- 8.2.7. In terms of the above, I am satisfied that in principle, the proposed development can be considered as being acceptable and in general compliance with national, regional, and local policies. There are a number of site-specific issues however, which will require to be addressed further in terms of the proposed quarry development, including the protection of amenities of property in the vicinity. These, and other site-specific issues will be dealt with further below in this assessment.

8.3. Residential & general amenity issues

Residential Amenity:

- 8.3.1. There are a number of residential properties located in proximity to the subject appeal site. The third-party appeals submitted against the proposed development, cite the impact on residential amenity as a significant concern. Impacts on residential amenity including noise, dust, visual impacts, devaluation of property as well as impacts on the cumulative effects of the worked-out quarries in the area.
- 8.3.2. I refer the Board to policy EC: 8-16 which seeks to protect and safeguard mineral reserves, since the extraction of minerals and aggregates is resource based. Having regard to the level of existing quarrying which exists in the immediate vicinity of the subject site, it is clear that this area of Co. Cork is resource rich for sand and gravels. I would accept the nature of quarrying presents a difficulty in that it is a necessary and vital resource for the future development of the area but where that operation gives rise to concerns, residential, environmental, and visual considerations have to be weighed against economic, employment and development considerations. It is required that the Board consider whether or not the operation of the quarry results in significant adverse effects on the local community.
- 8.3.3. While there are a number of elements of the proposed development which have the potential to negatively impact the existing residential and general amenities of the area, I note and accept the historical presence and ongoing quarrying in the wider area over many decades. In terms of the visual impacts associated with the proposed development, I would accept that given that the proposal is to further extend the existing quarry eastwards, and into a greenfield site, visual impacts associated with the development from publicly accessible locations in the vicinity will potentially arise. Operational impacts in terms of noise and dust, as well as impacts on archaeology, groundwater, property values, visual amenity and landscape are issues which require to be considered.

Noise & Vibration

- 8.3.4. The subject site is located in a semi-rural area of Co. Cork, and in an area where the predominant uses include existing quarrying – both working and exhausted quarries - one-off low-density housing, agriculture, and the settlement of Killumney / Ovens to the south. The process of quarrying generates a variety of noises which have the

potential to impact on the residential amenity of local residents. The closest residential properties lie immediately adjacent to the boundary of the site and will be located approximately 70m from boundary of the proposed extraction area. The Board will note the resources at this location are sand and gravel and therefore, no blasting is required as part of the operations. The development will include the use of two pieces of plant equipment at any one time and the extracted aggregate will be transported off-site via the conveyor belt system which is in place and serves other quarries to the west. All processing of the aggregate will take place in the existing processing plant located within the Roadstone Classis Quarry located to the north-east of the site.

8.3.5. Chapter 8 of the EIAR deals with noise and vibration and the grounds of appeal submission from third parties cite noise as a significant concern with regard to the existing operations in the area, with noise complaints noted to date from 2008. It would appear that the operation of the conveyor belt system is the primary source of noise complaints. Historical acoustic monitoring results from the Classis South Quarry, undertaken between 2016-2020, and submitted by the applicants, would indicate that the existing development in the area complies with conditions of planning permission. It is also noted that the Classis South Quarry, located immediately to the west of, and partly within, the current proposed development site, ceased quarrying in 2016. The permitted fixed conveyor belt system continues to operate through this site. The historic and baseline acoustic environment information is presented in sections 8.3.2 and 8.3.3 of the EIAR.

8.3.6. In terms of predicted noise levels, I note that a noise monitoring survey was undertaken at the site on the 24th of February 2020 in order to establish the baseline ambient sound levels at 6 identified noise sensitive receptors. 2 readings were taken during the daytime – 30 minutes each – at each monitoring point and the monitoring was conducted between 11.30am and 20.00pm. Further monitoring was carried out in June 2021 in response to the PAs further information request. The predicted noise levels for the construction and operational phases of the development are indicated in Tables 8-7 and 8-8 of the EIAR. It is concluded that during the construction phase of the development a short term minor negative impact is predicted to occur at some of the closest properties with results of between 60dB to 65dB without mitigation. I am generally satisfied that the modelling seeks to present the worst-case scenario

and assumes all machinery in operation at once including the proposed temporary conveyor belt system.

8.3.7. The cumulative assessment is presented using the highest predicted impact from the site operations. Table 8-12 of the EIAR presents the details of the predicated cumulative sound levels. The assessment of cumulative impacts in terms of noise shows negligible to no change in the existing ambient sound environment with the dominant noise source in the area continuing to be road traffic. I would note that with the implementation of the mitigation measures as proposed, including the creation of the embankments in the construction phase, will aid in the reduction of noise emissions from the site. The Board will note that these embankments / berms will fully encircle the proposed extraction area (following the request for further information from the PA) and are depicted on drawing P612 Revision P1. In addition, I note the inclusion of condition 4 in the PAs grant of planning permission (and the subject of a first-party appeal). I will discuss this matter further below in section 8.4.1 of this report and will recommend that the 70m buffer zone between the edge of third-party properties be retained.

8.3.8. While I would acknowledge the submission of the third parties with regard to the robustness of the noise modelling, I am generally satisfied that with the incorporation of the mitigation measures, the development is reasonably anticipated to operate within the compliance levels of the EPA 'Environmental Management in the Extractive Industry (Non-Scheduled Minerals) 2006' and 'A Guidance Note for Noise in Relation to Scheduled Activities, EPA 1996', which recommend that noise from quarrying activities do not exceed the following noise limits at the nearest noise-sensitive receptor:

Daytime	0800 – 20.00 hrs	LAeq(1h) = 55dBA
Night-time	20.00 – 08.00 hrs	LAeq(1h) = 45dBA.

8.3.9. In terms of vibration, I note that the extraction methods at the proposed quarry do not include blasting. Vibration is described in terms of ground vibration, which occurs due to the explosive energy released from the fragmentation of rock during blasting operations and air vibration (air overpressure). I am generally satisfied that in the event of a grant of planning permission, the proposed development will not have a significant adverse impact on residential properties arising from noise or vibration.

Air Quality

- 8.3.10. Chapter 7 of the EIAR deals with air quality and climate, including the effects of dust and other atmospheric emissions associated with the proposed development. I note that the proposed development relates to the extension of a quarry which will include encroachment into the green field sites located to the east. The air quality assessment specifically focuses on the potential likely and significant effects of air emissions from the site on nearby sensitive receptors and ambient air quality in terms of suspended particulate matter and dis-amenity dust.
- 8.3.11. PM₁₀ ambient monitoring was carried out over a period of 12 days at two locations during June 2020 and the EIAR notes that the adjacent Casey's Quarry was not operational during the time of the monitoring. Background PM₁₀ at the site was measured to be 5.3 µg/m³, which results in the estimated maximum annual PM₁₀ of 22.3µg/m³, which is lower than the AQS of 40µg/m³. The results therefore suggest that the proposed development will have no significant impact on concentrations of suspended dust particles which may pose a risk to human health in the vicinity of the site.
- 8.3.12. In addition to the above, the EIAR also presents a Disamenity Dust Risk Assessment associated with the construction, operational and rehabilitation phases of the development. The Board will note that the assessment carried out, and the magnitude of residual source emissions determined, was based on the scale of the anticipated operations, including a site less than 10ha with peak production of 400,000m³ per annum, 2 active on-site plant and no blasting or HGV traffic movements. All receptors are considered to have a high sensitivity to dust and the estimated dust impact risk at the receptors are considered to be negligible to low, with the magnitude of dust impact considered to be slight adverse.
- 8.3.13. In terms of quarrying, I would note that significant levels of dust can be generated due to the transportation of materials on and off site, as well as the operation of machinery during the process of extraction. In this regard, I note that the development proposes the use of 2 pieces of plant in the extraction process and that the development will not give rise to any significant HGV traffic on the local roads, which may contribute negatively to air quality. Mitigation measures are noted in Section 7.5 of the EIAR with regard to minimising the potential dust impact. As such,

it may be reasonable to conclude that the proposed works will not give rise to any further fugitive dust or air pollution at the existing residences in the vicinity.

- 8.3.14. Having regard to all of the information presented, and subject to ongoing monitoring as proposed, I am inclined to accept the findings of the EIAR and subject to the implementation of mitigation measures as presented in Section 7.5 of the EIAR, the impact of dust and air quality in general can be considered acceptable in terms of residential amenity.

Visual Impact & Landscape

- 8.3.15. The Board will note that the subject appeal site lies within a landscape which has been subject to extensive quarrying. Chapter 9 of the EIAR assesses the landscape and visual impacts associated with the proposed development and a detailed landscape assessment was undertaken. I have previously noted that the subject site lies within a Landscape Character Area which has a high value and high sensitivity rating, with a landscape imported at a County Level. Such vulnerable landscapes are noted to have the ability to accommodate limited development pressure and are highly sensitive to certain types of change. The CDP does not, however, seek to preclude quarry activities in such areas.
- 8.3.16. While it is accepted that the wider area has a high concentration of quarrying, the area includes a high level of screening including tree lines and hedgerows which minimise visibility into quarried areas from the surrounding public roads. The views into the current proposed development site will arise from the N22 to the north, and from the local road to the south. In the absence of any mitigation measures, including the creation of the embankments / berms, I would consider that the visual impacts associated with the proposed development would be high.
- 8.3.17. However, the Board will note that the EIAR indicates that the creation of the berms will occur in the first phase of the development with the soils removed from the site being used to create them. The berms will be planted using native species to support biodiversity. The rehabilitation plan follows that of the adjacent Classis South Quarry with the extension of the waterbody which has been established by way of natural flooding of the quarry floor. All plant and the temporary conveyor system will be removed from the site during this phase.

8.3.18. I would accept that the landscaping plans, designed into the proposed scheme will offer some visual buffering from the quarry pit when viewed from the adjacent homes. I am satisfied that the proposed development will not represent any additional visual impacts in the event of a grant of planning permission. Should the Board be minded to grant planning permission in this instance, a condition requiring the implementation of the rehabilitation plan should be included.

8.3.19. In addition to the above, the Board will note that the County Ecologist has recommended that a landscaping bond be attached to any grant of planning permission to ensure that landscaping works are implemented. The bond required is recommended to be €10,000. The applicant has not appealed this condition. I also note that the planning authority decision did not include a condition requiring the payment of a contribution under the General Development Contribution Scheme. In this regard, should the Board be minded to grant planning permission, a condition requiring the provision of a bond in the amount of €10,000 as detailed above, should be included.

8.4. Other Issues

8.4.1. First-party appeal

The Board will note that the First party submitted an appeal against the inclusion of conditions 4 and 20.

In relation to Condition 4, the appellant has sought the inclusion of the word 'residential', so that the condition will read '..... a 70m buffer zone between the edge of third-party 'residential' properties and the proposed extraction area.'

Should the Board be minded to grant planning permission in this instance, I do not recommend agreeing to this amendment. The subject appeal site lies immediately to the north of the zoned land area of Killumney/Ovens and the zoning afforded to this land is 'Existing Residential / Mixed Residential and Other Uses. The proposed extraction area comes within approximately 34m of this zoned land, which is currently in agricultural use. The inclusion of the word 'residential' as requested may be construed as applying only to the existing houses in the vicinity of the site and would significantly affect the development potential for the zoned lands identified above. I would not agree with the first party that the condition as written is in any way

unclear or provides any potential for the extent of the separation buffer to be misconstrued. As such, I consider that the 70m buffer should be required between the extraction area and all third-party properties as provided for in the Planning Authority's condition.

In terms of Condition 20, I am inclined to agree with the first party regarding the language used. I consider that the condition as written may present difficulties for the applicant in terms of compliance. Should the Board be minded to grant planning permission in this instance, I recommend the inclusion of the Boards condition relating to Quarry Dust Levels, with the requirement to prepare a Dust Management Plan in accordance with the provisions of the EIAR as detailed.

8.4.2. Roads & Traffic

The Board will note that Chapter 11 of the submitted EIAR deals with Material Assets, and specifically, Traffic & Transport. The EIAR submits that as all aggregate transport will be via conveyor belt, including a proposed temporary conveyor within the subject site, which will connect to the existing fixed conveyor which runs through the Classis South Quarry, there will be no use of HGVs for aggregate transportation on the L-2208 or surrounding road network during the operational phase. The development, during the operational phase, will give rise to one or two vehicles associated with on-site staff, and intermittent visits by a truck to service the on-site porta-loo, and a refuelling truck for the plant which will be located on site. As such, there will be very low traffic volume associated with the proposed development.

The construction phase of the development will result in limited traffic movements associated with the establishment of the necessary infrastructure and will include an excavator, front-loading shovel, tractor, bulldozer, and dumper. Truck delivering materials and fencing will be periodic and finally, operatives cars complete the traffic associated with the establishing of the site. Following the cessation of quarrying, the traffic movements associated with the rehabilitation phase will be minimal to remove plant.

Having undertaken a site inspection, I note the nature of the surrounding local road network, and the third party submissions in relation to roads and traffic. I would also note the detail of conditions attached to other quarrying operations in the area which preclude traffic leaving Casey's Quarry from travelling south on the L-2208. The

vehicle movements associated with the initial site set up are estimated to range between 8-10 trips per day (van or equivalent) – 4-5 trips in and 4-5 trips out. The construction period is estimated to run for a period of 8 – 12 weeks. During this construction period, it is estimated that there will be approximately 38 HGV or equivalent trips – 19 in and 19 out – over the 8-12 week period. During the operational phase, the applicant submits that there will be an average of 4 trips per day – 2 in and 2 out – with 12 trips per week. As the proposed development will use the conveyor belt system, there will be no HGV / trucks required for the haulage of materials.

Having considered all of the information presented in relation to the proposed development, I am satisfied that impacts on traffic arising from the proposed development in conjunction with existing, planned, or proposed developments, are unlikely to arise.

8.4.3. Biodiversity

I note that Chapter 5 of the EIAR deals with biodiversity, and the Board will note that a Natura Impact Statement (NIS) was also submitted in support of the proposed development. The EIAR is considered further in Section 9.0 and the NIS in Section 10.0 of this report. There will be an element of overlap on the issue of biodiversity in terms of the EIAR and the NIS. I also note that breeding birds are noted to use the manmade waterbody associated with the worked-out Classis South Quarry to the west of the subject site. As such, the Cork County Ecologist suggests that the site should be considered as having a high local value. The Board will note that the waterbody to the west of the conveyor track will be retained during the proposed extraction of resources from the currently proposed site.

Having regard to the nature of the proposed development site, being an arable greenfield site, and in terms of Annex I habitats or protected plant species, none were recorded within the study area during the site survey. The proposed development will result in the loss of an extensive area of tree lines and hedgerows, which currently comprise the boundaries between the two fields the subject of this appeal. The value of these features is considered to be high in the local context.

With regard to fauna, the bat survey noted, that while bats were noted to forage and commute within and through the site, it did not identify bats roosting within any of the

trees. With the presence of trees which are considered suitable for roosting however, the EIAR sets out a number of mitigation measures to provide protection for bats and to provide suitable foraging and commuting habitats. No badger sets or badger activity was noted within the subject site during the surveys and no amphibians were noted within the waterbodies on the site.

As such, no protected mammals, or signs, were recorded during the site survey either within the application site or on the adjacent lands. In addition, no plant species protected under the Flora Protection Order were noted within the site.

The Board will note that the EIAR presents a suite of mitigation measures which have been devised and included in order to minimise the potential effects of the proposed development on biodiversity. A particular set of mitigation measures are identified specifically for the protection of bats during the construction phase as well as specific mitigation measures proposed in relation to the sand martin and waterfowl to ensure no potential impacts or disruption occurs to birds using the adjacent waterbody or the aggregate slope. In terms of designated sites, I am generally satisfied that the proposed development is located at a remove from any designated site so as not to have a significant impact.

I have considered all of the written submissions made in relation to biodiversity, and in particular, the third-party concerns with regard to the impact of the development on local natural wildlife habitat. I also note the comments raised in relation to the timing of bird surveys. The Board will note that the County Ecologist raised no objections to the proposed development having considered the information presented in both the EIAR with regard to ecology and biodiversity, as well as the Appropriate Assessment submitted. In addition, I note the recommendations in terms of monitoring.

Overall, I am satisfied that any potential impacts would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions including monitoring conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative effects in terms of biodiversity, subject to appropriate conditions.

8.4.4. **Impacts on Archaeology & Cultural Heritage**

The EIAR, Chapter 10, includes an assessment on the impact of the development on cultural heritage, including archaeology. It was established that there was no visible indication of any cultural heritage material. There are no Recorded Monuments noted within the application area with the closest RM being the St. John the Baptist Church (RMP CO073-072----) located approximately 173m to the south-west of the site. It is considered that this RM is too far distant to be impacted by the proposal.

There are two structures listed in the Record of Protected Structures located within the study area which include the St. John the Baptist Catholic Church which is located approximately 228m to the south-west of the application site, and the Former St. Mary's Church of Ireland Church, which is approximately 700m to the east of the site. It is noted that there are no views of the application area from either of these structures.

I am generally satisfied that the development is unlikely to have significant adverse archaeological impacts.

8.4.5. **Hydrology & Hydrogeology**

Chapter 6 of the EIAR relates to impacts on water, soils, and geology. Having undertaken a site inspection, I did not note any naturally occurring surface water bodies, drains, streams or rivers in the immediate vicinity of the proposed quarry extension, other than the waterbody in the adjacent quarry floor. The site, therefore, has no direct hydrological connection to any natural surface water features. It is noted that the nearest river is the River Bride is located approximately 1km to the south of the quarry. The river ultimately discharges to and Cork Harbour via the River Lee. The site is located within the River Bride sub-catchment (a sub-catchment of the River Lee, Cork Harbour and Youghal Bay catchment), within Hydrometric Area 19, of the South-Western River Basin District.

In terms of hydrogeology, the site is located within the Lee Valley Gravels GWB (IE_SW_G_094), which overlies the Ballincollig GWB. The GSI has classified the pure unbedded limestones which underlie the site as a Regionally Important Karstified Aquifer (RKd), with groundwater vulnerability for the area indicated as High. There are no karst features mapped near the site. Groundwater quality in the

Lee Valley Gravel GWB achieved 'Good' status under the Water Framework Directive 2013-2018, while the Ballincollig and Ballinahassig GWBs also achieved 'Good' status. The Lee Valley Gravel aquifer is noted to be at risk under the WFD Groundwater Body Risk rating. Groundwater samples noted that the quality was acceptable from all samples.

Threats to water quality from the quarry include the potential for increased suspended solids in any discharge and the potential for accidental spillages of fuels and other hydrocarbons used in the operation of the plant and machinery within the quarry. The proposed development will maintain a barrier between the Classis South water body and the proposed excavation area until the final phase of the development and the very end of the excavation works. No impacts on surface water bodies are anticipated with the pre-mitigation impacts considered to be indirect, negative, imperceptible, and short-term. The potential pre-mitigation impact on water quantity is also considered negligible given the scale of flows in the River Bride.

Having regard to the information presented, I am generally satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative effects in terms of water environment.

8.4.6. **Hours of operation:**

The initial hours of operation at the quarry were proposed as being 07:00 hours to 18:00 hours Monday to Friday and 07:00 hours to 14:00 hours on Saturdays and no operations to occur on Sundays. Following a request for further information, the hours of operation were altered to commence at 08.00am Monday to Saturday.

In terms of hours of operation, the Board is referred to Section 4.7 of the 'Quarries and Ancillary Activities, Guidelines for Planning Authorities, 2004' which states the following:

'It is recommended that normal operations should be confined to the hours between 07:00 and 18:00, Monday to Friday inclusive (excluding Bank Holidays) or as may be agreed with the planning authority, and between 07:00 and 14:00 on Saturdays, with no quarrying, processing or associated activities being permitted on Sundays or public holidays. Where market conditions to the nature of particular ancillary processes (such as concrete batch

manufacture) would require greater flexibility of working hours, it is imperative that such flexibility be discussed with the planning authority at the pre-application stage and addressed in the planning application'.

Notwithstanding the above, given the level of third party complaints advised to the Cork County Council with regard to noise issues, together with the proximity of existing residential properties to the subject site, I consider that the earlier start time would have a negative impact on existing residential amenities.

As such, should the Board be minded to grant permission in this instance, I am satisfied that the hours of operation should be from 08.00 hours to 18.00 hours Monday to Friday and 08:00 to 14:00 hours on Saturdays. This matter can be dealt with by way of condition.

8.4.7. Development Contributions:

The development is a class of development which is identified in the Development Contribution Scheme, 2004 of Cork County Council. The proposed use is not covered under the General Scheme but is included as Special Contribution with Appendix 1 setting out particular types of developments where special contributions will be levied, and the amounts of the contribution calculated on the basis of the criteria set down.

In terms of Quarries and Pits, the scheme provides that special contributions for quarries and gravel pits shall be based on the following criteria:

- The scale of the proposed development, i.e. the volume of materials that it is proposed to supply from and deliver to the site;
- The condition of the road serving the development;
- The length of the road or roads from the development to the nearest major road which is in good condition;
- The cost of bringing the road or roads up to a standard necessary to facilitate the development and not cause an adverse impact on other road users.
- And the cost of traffic control measures.

- Buildings provided as part of a quarry or gravel pit development will however also be subject to the provisions of the general Contributions Scheme (i.e. based on the gross floor area of the buildings).

The Councils Engineering Report submits that a special development charge shall be imposed for future upgrading of the L-2208, amounting to €15,000. This figure was calculated as 30% of the total cost of reinstating 500m of roadway.

I am generally satisfied that the above can be considered to come within the parameters of what may be considered as a special contribution in accordance with Section 48(2)(c) of the Planning and Development Act 2000 (as amended) and the guidance provided in paragraph 7.12 of the Development Management Guidelines, 2007. The applicant has not appealed this condition. I also note that the planning authority decision did not include a condition requiring the payment of a contribution under the General Development Contribution Scheme. In this regard, should the Board be minded to grant planning permission, a condition requiring the payment of a development contribution as detailed above, should be included.

8.5. Conclusion

- 8.5.1. Overall, I consider that the principle of the proposed development is acceptable at this location. I have noted the recommended mitigation measures presented in the EIAR and consider same to be acceptable and appropriate. In addition, I note the first-party appeal against the inclusion of conditions 4 and 20.
- 8.5.2. With regard to the impact on the local population, I would note that quarrying is an established activity within this landscape. In addition, I note the proposed landscaping plans, including the creation of embankments / berms which will minimise the visual impacts associated with the operation. I am generally satisfied that the development will be subject to best practice and mitigation measures which will ensure that noise and dust impacts in particular, will not have an adverse impact on the residential amenities of adjacent properties.

9.0 Environmental Impact Assessment

9.1. Introduction

9.1.1. This application was submitted after the 1st September 2018, the date that Directive 2014/52/EU amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment was transposed into Irish legislation as part of the provisions of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018). These Regulations transpose the requirements of the EIA Directive into planning law, providing a clear definition of EIA, further clarity regarding the process and the need to identify, describe and assess the direct and indirect significant effects of the project on specified environmental factors. The Minister for Housing, Planning and Local Government has published updated 'Guidelines for Planning Authorities and An Bord Pleanála on carrying out environmental impact assessments (EIA)', replacing the 2013 Guidelines.

9.1.2. The new legislation did not make any changes to Annex I or II of Directive 2011/92/EU, which identifies projects for the purposes of EIA. Therefore, Schedule 5 of the Planning and Development Regulations 2001-2019, for the purposes of EIA, still applies. The proposed development falls within the category of prescribed development for the purposes of Part 10 under Schedule 5. Part 2(2) of Schedule 5 of the Planning and Development Regulations 2001 relates to 'Extractive Industry' and part (b) states as follows:

- (b) Extraction of stone, gravel, sand or clay, where the area of extraction would be greater than 5 hectares.

9.1.3. I note that the development relates to a proposed lateral extension of an existing quarry at Knockanemore, Ovens, approximately 5km to the south-west of Ballincollig. The overall subject site has a stated area of 15.1ha, which includes part of the adjacent Classis South Quarry (4.3ha) which is located to the west of the main subject site and is no longer operational. The extraction area is proposed to be ca. 8ha and comprises essentially a greenfield lands (10.8ha). The inclusion of the area of existing quarry is required for access and removal of the aggregate. Transportation of the extracted aggregate will be via the existing quarry

infrastructure, and the existing conveyor belt system at the now worked out quarry. The development will involve the extraction of sand and gravel to approximately 8.6m below the winter water table level, over a period of seven years. The proposed development, therefore, comprises a development which requires the submission of a mandatory EIAR in terms of Part 1(19) or Part 2(2)(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001-2019.

9.2. **Environmental Impact Assessment Report:**

- 9.2.1. The EIAR submitted with the planning application is presented in three volumes including Volume 1: Non-Technical Summary, Volume 2: Main EIAR Report and Volume 3: Appendices.
- 9.2.2. The main report of the EIAR (Volume 2) provides 13 chapters, with chapter 13 listing all references used, and seeks to address all environmental matters associated with the proposed development in a grouped format. The EIAR is advertised in the public notices, and I have read this EIAR in its entirety.
- 9.2.3. The EIAR seeks to:
- Describe the proposal, including the site, and its surroundings, as well as the development's design and size;
 - Describe the likely significant effects of the project on the environment;
 - Describe the features of the project and measures envisaged to avoid, reduce and, if possible, remedy significant adverse effects;
 - Describe the main alternatives studied and the main reasons for the choice of site and development, taking into account the effects on the environment.
 - A non-technical summary is also provided.
 - The EIAR also includes, at Section 1.9, details of the EIAR Project Team Contributors involved in the preparation of the document.
- 9.2.4. The Non-Technical Summary is presented in a separate volume (Volume 1), provides an introduction, and seeks to describe the proposed development, as well as provide a summary of the findings about each of the environmental topics that are examined in the EIAR. The information in the NTS is presented in clear and non-technical language. I am satisfied that the NTS is generally acceptable.
- 9.2.5. The main EIAR report is presented under the following chapter headings:

1. General
2. Planning Context & the Need for the Proposed Development
3. Description of the Proposed Development
4. Consideration of Alternatives
5. Biodiversity
6. Water, Soils & Geology
7. Air Quality & Climate
8. Noise & Vibration
9. Landscape & Visual
10. Cultural Heritage
11. Material Assets - Traffic & Transport
12. Schedule of Commitments.

9.2.6. **Chapter 1** of the EIAR provides an introduction to the proposed development, provides information in relation to the application site, project background, the applicant, EIAR scope, methodology and structure, as well as the EIAR Team. Section 1.7 provides details of the non-statutory consultation undertaken by the team in the preparation of the document.

9.2.7. **Chapter 2** deals with the planning context and sets out the need for the proposed development. The chapter includes details of the planning history of this area, and lands in the ownership / control of Roadstone, who advise that they have had a presence in this area since the 1940s. It is submitted that the site is strategically located within County Cork with proven quality aggregates in the environs for supply purposes, close to the N22. The subject site is identified as the only expansion possible for the proven aggregate reserve in the area. Roadstone has a connected series of quarries in this area, and the lateral extension of the Classis South Quarry will make the best use of the continued operation and processing of aggregates in this location for Roadstone and maintaining existing transportation methods to the centralised processing plant.

- 9.2.8. **Chapter 3** of the EIAR provides a description of the development while **Chapter 4** presents a consideration of the alternatives in terms of locations, access and uses, including a do-nothing scenario.
- 9.2.9. **Chapter 5 to 12** of the EIAR seek to address the main likely significant direct and indirect effects arising from the proposed development, and the interaction of the environmental aspects in accordance with the requirements of Schedule 6 of the Planning & Development Regulations, 2001 as amended. A consideration of the interactions is presented at the end of each chapter, as are the mitigation measures and monitoring proposals.
- 9.2.10. The requirements of Article 3(2) of the Directive require a consideration of the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned. Section 1.8 advises that the risk of accidents and unplanned events which may be either caused by or have impact on the proposed development have been considered using a risk-based approach. Based on this risk assessment, accidents and unplanned events relating to environmental topics are incorporated into the chapters of the EIAR where relevant. In the context of the proposed development, and the scale of the proposed project, as well as the environmental controls in place and those proposed to be implemented, the risk of disasters, for example associated with severe weather events or natural catastrophes, or accidents for example in terms of fuel spills, traffic accidents, is considered low.
- 9.2.11. I note that the quarry site is not regulated or connected to or lies in proximity to any SEVESO site which is regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations. Therefore, there is no potential effects in this context. It is considered that having regard to the nature and scale of the development itself, it is unlikely that any major accident will arise. There are unlikely to be any effects deriving from major accidents and or disasters.

Alternatives

- 9.2.12. In terms of the requirements to consider alternatives, the following is relevant:
- Article 5 (1) (d) of the 2014 EIA Directive requires:

“(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;”

- Annex (iv) (Information for the EIAR) provides more detail on ‘reasonable alternatives’:

“2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size, and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for electing the chosen option, including a comparison of the environmental effects.”

9.2.13. Chapter 4 of the EIAR seeks to address the matter of alternatives considered. In terms of alternative locations, the EIAR submits that within the local market area, there are limited sites that meet a range of criteria including:

- The presence of the required quality of aggregate
- Contamination with other rock or soils
- Depth of aggregates below surface
- Presence of groundwater
- Access to necessary haulage routes / transport options, including access to the existing fixed conveyor
- Proximity to markets, and
- Historical unauthorised activities.

The proposed lateral extension of the Classis South Quarry was deemed the optimal option in the context of the above criteria, and it was concluded that any sourcing of sand and aggregates from outside the site would require significant increases in transportation.

9.2.14. In terms of alternative design and layout, it is noted that variations to the layout considered including the positioning of embankments, planting of shrubbery, trees and grass on the boundary lands and the proximity of proposed excavations to the N22 and to the residential dwellings to the south-east and north-west. In terms of the

process, the EIAR submits that the operation of a sand and gravel quarry is a well-established process and variations can include alterations to the slope on the boundaries and to the depth of the excavations. Best practice in terms of slope stability both above and below the water level is implemented and detailed in the submitted drawings. Due to the proximity of the existing Roadstone processing plant and the existing infrastructure within the Classis South Quarry, the development of a new processing plant and the transportation of aggregate by road have been discounted.

9.2.15. Access to the site is via the N22 to the north, and the L-2208 local road to the west. Alternative access options were considered including the use of the existing gate on the N22, to use the culvert under the N22 and the use of an access point to the west of the culvert which is currently used by maintenance personnel. The EIAR discounted all three options as follows:

- Direct access onto the N22 is not considered favourable with all associated traffic implication and the design would need to be significantly altered to accommodate such an access.
- The use of the culvert would require extensive works under a national road.
- The access to the west of the culvert was discounted as the creation link with the site would require a new road along the aggregate causeway at Classis South Quarry.

All of the above options were discounted and deemed inappropriate on the basis that there was another viable option present. The proposed use of the existing gate on the L-2008 was therefore deemed the most viable option.

9.2.16. A do-nothing option would leave the Classis South Quarry as is and would preserve the agricultural farmland as it is. In order to replace the aggregate that it is proposed to supply, additional sources within the local area would have to be identified and may not have the transport infrastructural advantages presented by the existing fixed conveyor and the proximity to the existing quarry.

9.2.17. I am generally satisfied that the EIAR has been prepared by competent experts, is generally complete and of acceptable quality, and that the information contained in the EIAR, and supplementary information provided by the developer, adequately

identifies and describes the direct and indirect effects of the proposed development on the environment and complies with article 94 of the Planning and Development Regulations 2001-2019 for the majority of environmental aspects considered.

9.3. Environmental Impact Assessment

9.3.1. This assessment has had regard to the application documentation, including the Environmental Impact Assessment Report, and all other supporting reports submitted, as well as all written submissions. In accordance with the requirements of Article 3 of the EIA Directive and Section 171A of the Planning and Development Act, 2000 (as amended), the environmental assessment is carried out against the following factors:

- (a) population and human health,
- (b) biodiversity, with particular attention to protected species and habitats protected under the Habitats Directive and the Birds Directive,
- (c) land, soil, water, air and climate,
- (d) material assets, cultural heritage and the landscape,
- (e) the interaction between the above factors.

9.4. Population and Human Health

9.4.1. The Board will note the concerns of the third parties with regard to the impact of the proposed development, and the negative associated impacts, on the local community, particularly due to the existence of a number of similar developments in the area and in terms of noise pollution, dust management, operating hours, health and safety and ground stability.

9.4.2. The EIAR, at section 1.5.5 sets out the scope of the EIAR and advises that population and human health as an environmental attribute has been scoped out. The reason given is that the proposed development is within an area of ongoing operational quarry, and as such there will be no significant change to employment compared to current operations in the Knockanemore area. It is suggested however, that should permission be refused for the proposed development, it could potentially

lead to a loss of jobs in downstream processing services, which would have a negative impact on the local economy.

- 9.4.3. All potential impacts on human health in relation to water quality, noise and vibration, air quality, landscape and visual effects are noted to be assessed in the relevant specialist chapters of the EIAR. I propose to consider the impacts on Population and Human Health as part of my consideration of the EIARs chapters where relevant.

9.5. **Biodiversity**

- 9.5.1. Chapter 5 of the EIAR deals with biodiversity and the Board will note that a Natura Impact Statement (NIS) was submitted in support of the proposed development application. The NIS is dealt with in section 9 of this report below but there will also be a degree of overlap. The methodology employed to prepare this chapter of the EIAR is set out as well as the planning and policy context. The methodology included a desk top study, and specific consultations were undertaken with a number of bodies particularly in terms of the preparation of the bat report. Habitat surveys were carried out over three days, 25th February, 13th March and 26th June 2020, with targeted bird surveys of the adjacent waterbodies undertaken on 4 days from June to September 2020. Surveys were carried out in relation to the following ecological receptors:

- Designated sites
- Habitats
- Badgers
- Bats
- Birds
- Amphibians
- Invasive Species

- 9.5.2. In terms of constraints, the EIAR notes that access to some areas within the western boundary of the site were inaccessible due to the steep topography and security fencing. The value of the ecological receptors was determined using the ecological

evaluation guidance in the NRA Ecological Assessment Guidelines. The significance of impacts is also assessed using the stated guideline criteria.

Receiving Environment

- 9.5.3. The existing environment is set out in section 5.3 of the EIAR. There are no designated sites within the proposed development site or within 15km of the subject site. There is a potential hydrogeological connection via groundwater baseflow beneath the site to the River Bride, approximately 500m to the east. The River Bride discharges into the River Lee, and ultimately to Cork Harbour which forms part of the Cork Harbour SPA (Site Code: 004030). Table 5.2 includes details of the 2 pNHAs located within 5km of the site also, and Table 5-3 presents details of protected and/or notable species within the 2km Grid Square of the site, as noted in the NBDC records.
- 9.5.4. Habitats present on the site comprise a section of the no longer operational Classis South Quarry, and two arable fields. The two fields make up the majority of the proposed development site and include arable crops (BC1), hedger / treeline (WL1 / WL2), Scrub (WS1), Artificial Lakes and Ponds (FL8), Spoil and Bare Ground (ED2) and Recolonising Bare Ground (ED3).

Likely Significant Impacts

- 9.5.5. Table 5-5 of the EIAR sets out the findings of the valuation of important and legally protected receptors with each receptor assessed and a scoping justification for each receptor provided for the construction, operational and rehabilitation phases of the development combined.
- 9.5.6. In terms of the **habitat** evaluations, the EIAR notes that the loss of 570m of mature treeline and 280m of hedgerow required to accommodate the development, and which are considered to have a high local value, mitigation measures are required.
- 9.5.7. In terms of **designated sites**, I refer the Board to Section 10 of this report which deals with the Natura Impact Statement and deals with impacts to SACs and SPAs. The EIAR addresses the potential impact to other designated sites, noting that there are two pNHAs within 5km of the site. It is noted that there are no impact pathways between the subject site and the Ballincollig Cave pNHA and that impacts on the Lee Valley pNHA can be discounted given the mitigation measures for groundwater detailed in Chapter 6 of the EIAR. It is concluded that no pNHA is likely to be

significantly affected due to the proposed development due to the distance and the absence of said connectivity.

9.5.8. In terms of **fauna**, the following is relevant:

Bats: In terms of bats, the EIAR notes the loss of treelines and hedgerows as potentially having an impact on the species which are considered to have a high local value. In terms of additional potential impacts on bats, the EIAR notes that the use of vehicle lights in the winter months, security lighting and additional lighting during any maintenance of the conveyor belt may affect nocturnal species.

While the initial field surveys and tree inspection survey for bats identified a number of trees with the potential roosting features, follow up dusk emergence and dawn re-entry surveys did not identify any bats roosting within the trees. The surveys did identify bats foraging and commuting within the site however and given the presence of trees suitable for roosting bats, it is considered possible that bats could utilise these features in the future.

Having regard to the proposed removal of the existing treelines and hedgerows, the proposed development includes the planting of additional hedges / trees which will provide suitable foraging and community habitats for bats.

Badgers: Given the absence of badger setts on the site and the availability of habitats more suited to this species in the wider area, the EIAR considers it unlikely that any impacts on badgers will occur. It is submitted that should signs of badger activity or unidentified mammal holes be encountered, a suitable qualified ecologist will be consulted before works within the area continue.

Birds: In terms of birds, the EIAR notes the loss of treelines and hedgerows as potentially having an impact on birds which are considered to have a high local value, in terms of nesting and foraging habitat. While no sand martins were noted to be nesting within the site, the species was noted flying over the waterbodies during the bird surveys. There is potential for the site to provide suitable nesting habitat within the cliff faces along the slopes adjacent to the waterbody and as such, mitigation measures are to be implemented.

Potential indirect effects are noted on the species observed nesting within the eastern waterbody, including coot, little grebe and moorhen, as well as the waterfowl species observed foraging within the waterbody. The EIAR notes that the bird species that use the artificial waterbody will continue to use the western waterbody during all phases of the development and mitigation measures will be put in place to prevent any impacts to nesting birds within the site.

Amphibians: No amphibians were noted within the waterbodies on the site. While the site has a waterbody habitat, it is considered to be sub-optimal to support amphibian species. Should amphibians be encountered during the proposed development works, the project ECoW will be consulted.

9.5.9. No protected mammals, or signs, were recorded during the site survey either within the application site or on the adjacent lands. In addition, no plant species protected under the Flora Protection Order were noted within the site. The potential impact in this regard is considered unlikely to be significant.

Mitigation Measures

9.5.10. Section 5.5 of the EIAR sets out the mitigation measures as they relate to biodiversity. Mitigation measures have been devised and included to ensure that the works do not result in contravention of wildlife legislation.

9.5.11. In terms of the protection of retained hedges / treelines, the mitigation measures provide for their protection from unnecessary damage. As part of the rehabilitation plan, approximately 900m of hedgerow / treeline will be planted during the site preparation phase. The planting will include a mix of native species which will be planted on the 3.1m high berms created as part of the soil stripping works during the construction phase.

9.5.12. To ensure that the proposed works do not have significant impacts on bats, a number of construction procedures and mitigation measures are proposed to be implemented including updated bat surveys, the felling of mature trees will be supervised by the ECoW and will be felled using hand tools only, the ECoW will inspect the site during the tree and hedge removal works and the management and removal of trees will be undertaken in a manner to ensure that retained trees are not damaged. Appendix C of Volume 3 of the EIAR presents the Bat Report which

includes full results of the surveys undertaken. Five of the nine bat species known to Ireland, including common pipistrelle, soprano, pipistrelle, lesser noctule, brown long eared and Daubenton's bat were recorded foraging and commuting within the site during the bat surveys. No bats were noted to be roosting at the site. Overall, the site is considered to be of low-moderate importance to bats in the area.

9.5.13. In terms of the protection of birds, the following mitigation measures are proposed:

- The removal of trees / hedgerows will be restricted during the nesting and breeding season for birds and wildlife.
- If works require to be undertaken during this time, the project ECoW will be consulted.

Specific mitigation measures are proposed in relation to the sand martin and waterfowl to ensure no potential impacts or disruption occur to birds using the waterbody or the aggregate slope.

9.5.14. Following cessation of the quarry activities at the site, a rehabilitation plan will be implemented. The rehabilitation plan has been developed considering the species that are likely to use the area following the completion of the works and will incorporate beneficial measures for bird and mammal species. Such measures include the creation of a lake habitat, provision of additional treeline, hedgerow and scrub plantings and ecological enhancements such as floating bird platforms and bat boxes.

9.5.15. With regard to unplanned events, the EIAR notes the potential for material contaminated with invasive species to be imported to the site during the construction phase. Ongoing ecological monitoring and training of site operatives will form part of the on-going site operations.

In-combination Effects

9.5.16. Section 5.6 of the EIAR deals with cumulative and in-combination impacts. No significant geological and/or hydrogeological cumulative effects are considered likely due to the proposed development in combination with other operational quarries in the area. Following the extraction of the target aggregate resource, the site will be restored to benefit local flora and fauna and increase biodiversity value of the area. The agricultural land to be lost is considered to be of limited ecological value and

following the implementation of the rehabilitation plan, the loss will be compensated by the creation of the lake and ecological enhancements. The EIAR concludes that it is unlikely that any significant cumulative impacts will arise as a result of the proposed development.

Interactions with other Environmental Attributes

9.5.17. In light of the above, the EIAR concludes that the environmental attributes which with which flora and fauna interact include:

- **Water, Soils & Geology:** The potential impacts on downstream water quality features, such as the River Bride, from the proposed development are assessed through potential hydrological and hydrogeological pathways.
- **Air Quality & Climate:** Mitigation measures and further assessment on potential impacts is presented in chapter 8.
- **Noise & Vibration:** Given the ongoing activity from nearby and adjoining quarries, it is considered likely that species using these areas would have become habituated to noise arising from quarry activities. Acoustical influence on biodiversity has been considered and integrated into the ecological assessment.
- **Landscape and Visual:** Mitigation measures will ensure that in the long-term the benefit to biodiversity from the development can be maximised and that any adverse impacts on the landscape can be minimised.

Residual Impacts

9.5.18. The significance of residual impacts is considered to be negligible / slightly positive in the long term subject to the appropriate mitigation measures.

9.5.19. Section 5.9 of the EIAR sets out the details of proposed monitoring works to ensure that the proposed development complies with the recommendations of the EIAR.

9.5.20. No difficulties were noted to be encountered in undertaking the assessment on biodiversity.

Conclusion

9.5.21. The Board will note the third-party concerns raised in relation to the impact of the proposed development on local natural wildlife habitat, and the timing of bird

surveys. It is also submitted that the EIAR is lacking in detail relating to the presence of protected bird and other species using the site including the curlew, buzzard, peregrine falcon and bats. The Board will note that the County Ecologist raised no objections to the proposed development having considered the information presented in both the EIAR with regard to ecology and biodiversity, as well as the Appropriate Assessment submitted.

9.5.22. I note that the EIAR recommends that monitoring be carried out at a number of periods during the development, including an annual review of the sites rehabilitation following the cessation of the quarrying works, and for a period of 6 years. Annual breeding bird monitoring will be undertaken starting in year one of the development and will continue for a period of 5 years following the cessation of works.

9.5.23. Overall, I am generally satisfied that the EIAR has adequately considered the development site and surrounding area for biodiversity, including habitats, flora and fauna. Having regard to the information submitted, I consider that the EIAR is adequate to allow for an evaluation of impacts to be completed. I have considered all of the written submissions made in relation to biodiversity, and I am satisfied that any potential impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions including monitoring conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of biodiversity.

9.6. **Water, Soils & Geology**

9.6.1. In terms of likely significant impacts arising with regard to water, soils and geology, I refer the Board to Chapter 6 of the submitted the EIAR. The assessment is based on a desk top study and site visits and the chapter sets out the methodology to assess the impacts of the development on the relevant receptors. Site investigation works were carried out between January and June 2020 and included a walkover survey, groundwater monitoring wells, 12 months of continuous groundwater level monitoring, a topographical survey and the taking of field hydrochemistry measurements.

- 9.6.2. The EIAR notes the IFI concerns in terms of the proposed works below the water table and the lack of proposed dewatering or discharge from the site and the existing environment is described, noting the presence of a number of both active and exhausted gravel quarries in the locality. The EIAR discusses the topography, geology and hydrology as well as describes the land uses associated with the surrounding area. A preliminary Flood Risk Assessment noted that no areas at or near the site are noted to be prone to flooding, with the closest record noted to be approximately 0.5km to the east of the site, recorded in 1986. This event was linked to an extreme rainfall event.
- 9.6.3. The bedrock geology in the area is predominantly Waulsortian Limestones Formation (Carboniferous) while to the north of the site, the bedrock is described as Old Head Sandstone Formation (Devonian). There is one mapped fault within the underlying bedrock at the site and there is visible bedrock outcrop noted approximately 420m to the south-west, 335m to the north, 580m to the east and 475m to the north-east of the site. Subsoil encountered during the drilling of the boreholes comprised mainly clean sand and gravel. In terms of Geological Heritage, one site is noted approximately 690m to the south of the site, Killumney Moraine. This is a major moraine and fluvio-glacial terraces associated with local ice-cap expansion from the Cork / Kerry mountains.
- 9.6.4. In terms of hydrogeology, the site is located within the Lee Valley Gravels GWB (IE_SW_G_094), which overlies the Ballincollig GWB. The GSI has classified the pure unbedded limestones which underlie the site as a Regionally Important Karstified Aquifer (RKd). There are no karst features mapped near the site, with the closest feature noted as 2 no. swallow holes to the southern side of the River Bride, approximately 1.5km to the south of the site.
- 9.6.5. Groundwater quality in the Lee Valley Gravel GWB achieved 'Good' status under the Water Framework Directive 2013-2018, while the Ballincollig and Ballinahassig GWBs also achieved 'Good' status. The Lee Valley Gravel aquifer is noted to be at risk under the WFD Groundwater Body Risk rating. Groundwater samples noted that the quality was acceptable from all samples.
- 9.6.6. There are two local wells noted within 1km of the site, the first approximately 1km to the north-west of the site and the second approximately 700m to the south.

Impact Assessment

9.6.7. In terms of the likely significant impacts on water, soils and geology, the following is considered relevant:

Topsoil & Vegetation: The development will result in the stripping of topsoil and vegetation prior to extraction of the sand and gravel resources. The construction phase will see the removal of approximately 73,000m³ of topsoil / overburden, which will be used in the construction of the on-site planted berms. The development will result in the permanent loss of agricultural land.

Access Road & Conveyor Belt: The construction of the access road will result in a limited amount of construction and gravel compaction to create the surface. The works will involve the use of heavy machinery with the potential impacts noted to be in terms of compaction of soil and hydrocarbon leaks / spills. The potential impacts are deemed to be negative in the medium term.

Subsoils Excavation: The proposed development will see the extraction of 1,369,000m³ of sand and gravel from the site, permanently altering the existing land use. The impacts are considered to be negative, moderate and direct on soil, subsoil and water with a permanent impact on groundwater vulnerability due to the depth of the removal of the sub-soil.

Groundwater Quality of Aquifer and Wells: In terms of wells, due to the location of the site, it is likely that most dwelling have access to mains water. As the development does not propose a permanent fuel tank on site, it is submitted that the potential risk to groundwater quality at the site will principally from hydrocarbon spillage and leakage from tanks or during refuelling, if mitigation measures are not in place. The pre-mitigation potential impact is considered to be negative, imperceptible, indirect and unlikely in the long term.

Hydrogeological impact: The EIAR considers that the only designated site that is potentially connected to the proposed development is the Lee Valley pNHA which includes a boundary with part of the River Lee. This site is approximately 3.7km to the east of the site. It is concluded that the groundwater baseflow to River Bride will not be altered and there will be no net change in baseflow ratio. In terms of the indirect pathway to SPA and

SAC, it is considered that over the distance, the pathway is negligible. Ultimately, no impacts on designated sites are anticipated.

Hydrological Receptors: It is acknowledged that during the construction and operational phases of the development, there is a potential to generate sediments which can be transported offsite by surface water run-off. The site, however, is noted to have no direct hydraulic connection by any natural surface water features. The EIAR acknowledges the current practice of the pumping of water from the water body at Classis South Quarry into the water body that lies to the north of the N22, Classis West, during periods of high rainfall. The proposed development will maintain a barrier between the Classis South water body and the proposed excavation area until the final phase of the development and the very end of the excavation works. No impacts on surface water bodies are anticipated with the pre-mitigation impacts considered to be indirect, negative, imperceptible and short-term. The potential pre-mitigation impact on water quantity is also considered negligible given the scale of flows in the River Bride.

Release of Cement based products: Entry of cement-based products into surface water run-off, and hence to watercourses or directly into subsoils represents a risk the aquatic environment and to groundwater quality. The design proposes the use of off-site prefabricated plinths and culverts to minimise cement use. With no surface water pathways, no potential impacts are identified. With groundwater pathways through infiltration to the underlying aquifer, low probability impact to groundwater quality is considered to be indirect, negative and imperceptible.

Mitigation Measures

9.6.8. Section 6.4.3 of the EIAR sets out the mitigation measures proposed to limit the effects of proposed development in terms of water, soils and geology. The measures will include as follows:

- The reuse of stripped topsoil for the formation of the edge berms.
- Refuelling at designated refuelling plinth.

- Detailed mitigation measures for the protection of groundwater quality, and to ensure no impacts on hydrogeological and hydrological impacts.
- Additional mitigation measures with regard to the release of cement-based products.

In addition, and by way of monitoring, it is proposed that groundwater levels should continue to be monitored throughout the duration of the Construction and Operational phases.

In-Combination Effects

- 9.6.9. No significant geological, hydrological or hydrogeological cumulative effects are noted to be likely. Standard mitigation measures which are also in place for other nearby developments are proposed. No in-combination impacts of the quarry and adjacent quarries, both active and exhausted are identified.

Interactions with Other Environmental Attributes

- 9.6.10. In light of the above, the EIAR concludes that the environmental attributes which with which flora and fauna interact include:

- Biodiversity: The potential impacts on hydrology, geology and soils may impact on ecological conditions and designated sites.
- Landscape and Visual: Potential impacts noted in terms of the change in land use and the integration of the development within the landscape.

Residual Impacts

- 9.6.11. The significance of residual impacts is considered to be negative, direct, moderate and long-term with regard to topsoil and vegetation while the impact in terms of the access road is considered to be negative, indirect, imperceptible and short term. No impacts are noted with regard to groundwater quality, designated sites or hydrological receptors.

- 9.6.12. Subject to proven mitigation measures, the EIAR submits that the proposed development will not result in a significant impact on the geological, hydrological or hydrological regime in the area.

- 9.6.13. No difficulties were noted to be encountered in undertaking the assessment on biodiversity.

Conclusion

- 9.6.14. I have read and considered all of the submissions made in relation to water, land and soils. The EIAR has presented adequate information in relation to the proposed development in terms of land, soils, geology and hydrogeology, including mitigation and monitoring proposals. I am satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of land and soil. I am also satisfied that cumulative effects are not likely to arise, and no significant residual impacts are anticipated.
- 9.6.15. With regard to the potential impact of the development on water, overall, I am satisfied that any potential impacts would be avoided, managed and mitigated by the measures proposed as part of the project, the proposed mitigation measures and through suitable conditions including monitoring conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of water environment.

9.7. Air Quality & Climate

- 9.7.1. Chapter 7 of the EIAR deals with Air Quality & Climate.
- 9.7.2. The air quality assessment specifically focuses on the potential likely and significant effects of air emissions from the site on nearby sensitive receptors and ambient air quality in terms of suspended particulate matter and dis-amenity dust. The site is noted to be located within the Cork Conurbation, approximately 5km from the closest urban environment, and as such, the subject site lies within 'Zone B' category based on the EPA Clean Air for Europe Directive. PM₁₀ ambient monitoring was carried out over a period of 12 days at two locations during June 2020 and the EIAR notes that the adjacent Casey's Quarry was not operational during the time of the monitoring.
- 9.7.3. The results of the monitoring suggest that the concentration of the PM₁₀ detected at both locations was significantly below the 24-hour mean AQS limit of 50µm/m³, and that the average for the baseline monitoring period was below the annual AQS limit of 40µm/m³. The EIAR notes that historical information relating to the operation of the Classis South Quarry, and in particular the monthly ambient dust deposition monitoring data collected between January 2016 and August 2020 at 3 monitoring

locations, noted that the limit for ambient dust of 350mg/m²/day was elevated on 24 occasions, equating to 16% of all measurements.

- 9.7.4. Sensitive receptors are identified as houses, the school, sports fields and cemetery occurring within 250m of the site boundary. In an assessment of the receptors, the EIAR considered a number of elements, including separation distance, weather conditions, average wind speeds and prevailing wind directions to determine that those located to the north-east, east and south-east were the most sensitive to potential dust emissions. Table 7-7 of the EIAR sets out the details of the 8 receptors considered.
- 9.7.5. In terms of climate, the EIAR, Section 7.3.5 notes that climate change is recognised as one of the most serious global environmental problems and notes the aims of the Paris Agreement 2015. The targets set out in the EU Climate Change and Energy Framework are noted.

Impact Assessment

- 9.7.6. The EIAR notes that the main potential effects on air quality from quarries are dust emissions. In addition, the use of machinery and on-site plant are noted to have the potential to impact air quality. However, given the proposed operation will be completed primarily using two vehicles – either a front-loading shovel or long arm excavator and a bulldozer during the construction phase –emissions from this equipment are not considered to be significant.
- 9.7.7. It is submitted that the background PM₁₀ at the site was measured to be 5.3 µg/m³, which results in the estimated maximum annual PM₁₀ of 22.3µg/m³, which is lower than the AQS of 40µg/m³. The results therefore suggest that the proposed development will have no significant impact on concentrations of suspended dust particles which may pose a risk to human health in the vicinity of the site.
- 9.7.8. The EIAR also presents a Disamenity Dust Risk Assessment associated with the construction, operational and rehabilitation phases of the development. The Board will note that the assessment carried out, and the magnitude of residual source emissions determined, was based on the scale of the anticipated operations, including a site less than 10ha with peak production of 400,000m³ per annum, 2 active on-site plant and no blasting or HGV traffic movements. All receptors are considered to have a high sensitivity to dust and the estimated dust impact risk at the

receptors are considered to be negligible to low, with the magnitude of dust impact considered to be slight adverse.

- 9.7.9. With regard to climate, the EIAR submits that the activities at the site have the potential to impact due to emissions from the plant on-site. No real assessment is presented in this regard with the EIAR concluding that the emissions can be considered insignificant, as a maximum of only two plant will operate at the site any time and the conveyor belt will be used to transport the extracted material to the processing plant. It is submitted that the planting of trees, shrubs and wild-flower meadows during the site preparation works and rehabilitation phase will reduce dust levels and absorb carbon, providing a degree of mitigation for diesel emissions. Mitigation measures are however, proposed.

Mitigation Measures

- 9.7.10. Section 7.5 of the EIAR presents the proposed mitigation measures in terms of air quality and climate and note that a Dust Management Plan is to be prepared for the site and agreed with the local authority prior to commencing development at the site. The mitigation measures are divided into Design Measures, Construction Phase, Operational Phase and Rehabilitation Phase.
- 9.7.11. These measures mainly relate to the enhancing of existing boundary hedgerows, planting of exposed surfaces and the construction of embankments as part of the design measures. Other measures during the construction and operational phases include the recording of all complaints, training of site personnel, regular inspections of works, communication with the local community and maintenance of internal roads and machinery amongst others. Dust generation is not anticipated during the rehabilitation phase.
- 9.7.12. Section 7.5.3 of the EIAR sets out the mitigation measures to be implemented with regard to climate. It is submitted that Roadstone has a comprehensive sustainability policy in place with energy usage and carbon emissions noted to be key environmental issues. The company measure these environmental issues at each of their sites and annually report the findings in their publicly available Sustainability Report. The specific carbon emissions target (-25%) for 2020 was reached in 2019 when carbon reduction was estimated to be 26%. Targets have been set to -33% by 2030 in line with the Paris Agreement.

In-Combination Effects

9.7.13. In terms of cumulative impacts, the proposed quarry development is predicted to result in a negligible impact on sensitive receptors with regard to dis-amenity from dust. As the distance from the Casey Quarry to the west of the subject site is greater than 250m, as is the Roadstone processing plant to the east / north-east and given the existing treelines which lie between the subject site and these locations, the risk of adverse impacts from dust is considered to be negligible.

Interactions with Other Environmental Attributes

9.7.14. In light of the above, the EIAR concludes that the environmental attributes which with which air quality and climate interact include:

- **Human Beings:** Air quality can impact human health and well-being. It is submitted however, that the assessment presented has demonstrated that the proposed development will have no negative impacts on the relevant AQS for PM₁₀ for the protection of human health.
- **Biodiversity:** There is potential of impacts on ecosystems, however, no designated sites are located within the vicinity of the site and therefore, no negative impacts were identified.
- **Material Assets - Traffic:** Potential impacts arise in terms of increased traffic volumes. However, changes to traffic volumes as a result of the development are low and will not impact on local or regional air quality.

Residual Impacts

9.7.15. Subject to the implementation of the stated mitigation measures, no significant negative residual impacts are predicted.

9.7.16. Monitoring is proposed as part of the mitigation measures and will be agreed with the PA and included in the Dust Management Plan prior to the commencement of development.

Conclusion

9.7.17. I have read and considered all of the submissions made in relation to air quality. The Board will also note that the Planning Authority sought additional information with regard to dust and air quality during its assessment of the proposed development. In

response to the request, the applicant submitted further information and sought to address the concerns raised. I note that the Councils Environment Section continued to have concerns with regard to dust impacts and in particular, the history of complaints from residents in the area as well as the sensitivity of the school in proximity to the site and the risk of health to vulnerable persons.

9.7.18. I note the monitoring proposals submitted by the applicant and would accept the conditions requested to be included by the Council as they relate to this matter. It is also noted that the PAs condition 21 requires the provision of real-time continuous Particulate Matter monitoring at the national school, or other location as agreed with by the PA. I consider this condition to be reasonable.

9.8. Noise & Vibration

9.8.1. The issue of noise and vibration are considered in Chapter 8 of the EIAR. In terms of the critical noise impact, the EIAR notes that the guideline limits for noise will be applied in terms of noise impact. In addition, the proposed development will not require the use of rock breaking, blasting or pile driving which are noted to be common sources of vibration. The EIAR notes historical activities at the Roadstone Classis South Quarry site and cites EPA issued best practice guidance for quarry noise control. In terms of road traffic noise, the EIAR notes that as the use of the conveyor will limit road traffic to and from the site during the operational phase, with the plant on site being a single front-loading shovel or a single long reach excavator. As such, no road traffic noise impacts are identified as being likely. I note that following a request for further information, the operational hours for the proposed development were amended to 08.00 to 18.00 Monday to Friday, 08.00 to 14.00 on Saturday and closed on Sundays and Public Holidays.

9.8.2. Noise modelling was carried out using Bruel and Kjaer Predictor Version 2020.1 software, with the modelled noise emissions broadly split into construction phase emissions and operational phase emissions. A noise monitoring survey was undertaken at the site on the 24th of February 2020 in order to establish the baseline ambient sound levels at 6 identified noise sensitive receptors. 2 readings were taken during the daytime – 30 minutes each – at each monitoring point and the monitoring was conducted between 11.30am and 20.00pm. Further monitoring was carried out in June 2021 in response to the PAs further information request.

9.8.3. It is also notable that Roadstone have provided historic acoustic monitoring results for the Classis South Quarry which was undertaken from 2016-2020 and was completed quarterly to ensure compliance with conditions of planning permission. While it is noted that the quarrying ceased at the Classis South Quarry in 2016, the conveyor has continued in operation. The location of the N22 is also noted in the context of noise at this location and it is submitted that the area is not a Quiet Area as specified in the Environmental Noise Directive and Noise Regulations 2018. The historic and baseline acoustic environment information is presented in sections 8.3.2 and 8.3.3 of the EIAR. It is noted that traffic represents a significant factor in the ambient noise environment and that during the monitoring periods, other factors contributing to the acoustic environment included the conveyor belt and noises associated with quarrying, school children playing, activity at the GAA sports ground and general agriculture and animal sounds.

Impact Assessment

9.8.4. The predicted noise levels for the construction and operational phases of the development are indicated in Tables 8-7 and 8-8 of the EIAR. It is concluded that during the construction phase of the development a short term minor negative impact is predicted to occur at some of the closest properties with results of between 60dB to 65dB without mitigation. As there will be no requirements for piling within the development area, together with the separation distance between the site and the nearest noise sensitive receptors, vibration during the construction phase is not deemed as a potential impact and is therefore negligible. The Board will also note that there is no blasting proposed for the subject site.

9.8.5. In terms of operational phase noise, the EIAR notes that future acoustic emissions are the extraction of sand and gravel and transportation of the aggregate. The equipment which will provide the operational noise sources are noted to be the conveyor, loading shovel, excavator and dumper truck with associated sound pressure levels presented in Table 8-9 of the EIAR. The modelling maps sought to present a scenario where all plant would be operational at the pit area and at specified elevations. In addition, the modelling assumed the proposed temporary conveyor in place and fully operational with Table 8-10 presenting the operational predicted noise values. The Board will note that further clarification of the modelling

outputs was presented in the response to the PAs further information request, and I would accept that the model seeks to present the worst-case scenario.

Mitigation Measures

- 9.8.6. In terms of mitigation measures, the EIAR notes that a Construction and Environmental Management Plan will be prepared for the site. In addition, the EIAR submits a number of common noise control measures will be put in place during the construction phase of the development.
- 9.8.7. In terms of the operational phase, it is noted that the equipment associated with this phase will be mobile, which will aid in the reduction of noise emissions. The creation of the embankments will also aid in reducing noise emissions from the site. Other measures include the maintenance of plant, and other standard measures associated with quarrying. It is anticipated that the incorporation of the relevant mitigation measures will result in the development complying with the relevant guidelines, the EPA 'Environmental Management in the Extractive Industry (Non-Scheduled Minerals) 2006' and 'A Guidance Note for Noise in Relation to Scheduled Activities, EPA 1996' which recommend that noise from quarrying activities do not exceed the following daytime (0800 – 20.00 hrs) noise limits at the nearest noise-sensitive receptor, of LAeq(1h) = 55dBA.
- 9.8.8. There are no proposed sources of vibration and therefore, no mitigation measures for vibration are identified.
- 9.8.9. No mitigation measures are noted as being required during the rehabilitation phase of the proposed development.

In-Combination Effects

- 9.8.10. In terms of cumulative effects, the EIAR submits that the proposed development has been assessed in relation to the potential variation in ambient noise levels and found no significant effects. Existing noise emissions, including those associated with the existing Roadstone operations were incorporated into the ambient noise values used. The cumulative assessment is presented using the highest predicted impact from the site operations. Table 8-12 of the EIAR presents the details of the predicated cumulative sound levels. The assessment of cumulative impacts in terms of noise shows negligible to no change in the existing ambient sound environment with the dominant noise source in the area continuing to be road traffic.

Interactions with Other Environmental Attributes

9.8.11. In light of the above, the EIAR concludes that the environmental attributes which with which flora and fauna interact include:

- Population & Human Health: Noise is closely linked with human beings with residential properties the primary noise sensitive receptors.
- Biodiversity: Noise can influence fauna through the disturbance of animals and the progression towards the anthropogenic emissions within a previously grassland habitat.

Residual Impacts

9.8.12. No adverse residual impacts are identified in terms of noise or vibration. The EIAR concludes that the impact is deemed to be medium term, negligible negative, local and reversible during the main operational phase of works. The development will comply with the typical noise limits for the operation of a quarry for the lifetime of the project.

9.8.13. General activities will be monitored on an annual basis at a minimum of 3 locations, with 95% of all noise levels to comply with the specified limit value and no noise level exceeding the limit by more than 2dB. The existing compliance monitoring positions are proposed to be amended to include for 2 additional locations (N4 and N5) and to re-position N2 and N3 to cover the extended extraction area. Such details will be agreed with the Planning Authority.

Conclusion

9.8.14. Having regard to the information available and based on the analysis undertaken, the Board will note that the applicant concludes that the predicted noise levels from the proposed development will have a negligible noise impact at all receptors. All noise levels will operate within the existing noise limits and within the EPA guidelines. Vibration is not considered to have an impact. Overall, I am generally satisfied that the proposed development will not have a significant adverse impact on residential properties arising from noise or vibration. I am further satisfied that the information submitted in the EIAR is acceptable.

9.9. Material Assets – Traffic & Transport

9.9.1. Chapter 11 of the EIAR deals with Material Assets. The description of Material Assets in the EPA Guidelines, 2002, include architectural, archaeological and cultural heritage, designed landscapes, natural resources of economic value, buildings and structures and infrastructure. Having regard to the format of the EIS submitted these aspects of the environment are covered under a number of chapters as follows:

Chapter 6: Water, Soils & Geology

Chapter 9: Landscape & Visual

Chapter 10: Cultural Heritage

Such matters are discussed elsewhere in this assessment.

9.9.2. Chapter 11 of the EIAR deals with Traffic & Transport. The EIAR submits that as all aggregate transport will be via conveyor belt, including a proposed temporary conveyor within the subject site, which will connect to the existing fixed conveyor which runs through the Classis South Quarry, there will be no use of HGVs for aggregate transportation on the L-2208 or surrounding road network during the operational phase. The development, during the operational phase, will give rise to one or two vehicles associated with on-site staff, and intermittent visits by a truck to service the on-site porta-loo, and a refuelling truck for the plant which will be located on site. As such, there will be very low traffic volume associated with the proposed development.

9.9.3. Access to the site will be via an existing access which currently serves the Classis South Quarry, which is located approximately 330m to the north of the junction of the L-2208 and the L-6226 which runs through the settlement of Ovens. The junction with the N22 is located approximately 750m to the north and there are a small number of one-off houses located immediately to the north of the entrance. Across the road from, and approximately 80m to the south of the entrance, is the large, splayed entrance which provides vehicular access to the Garryhesta quarry and the Eire Og GAA pitches on Casey's Road. The conveyor belt which transports the aggregate in this area travels under the public road via culvert in this area,

connecting the quarries to the west of Casey's Road (L-2208) and the Classis South Quarry to the east.

- 9.9.4. The construction phase of the development will result in limited traffic movements associated with the establishment of the necessary infrastructure and will include an excavator, front-loading shovel, tractor, bulldozer and dumper. Truck delivering materials and fencing will be periodic and finally, operatives cars complete the traffic associated with the establishing of the site. Following the cessation of quarrying, the traffic movements associated with the rehabilitation phase will be minimal to remove plant.
- 9.9.5. In terms of electrical demand, the EIAR notes that there is no need for alteration to the substation, other than the installation of cabling and the additional demand associated with the operation of the temporary conveyor. It is concluded that there will be an imperceptible impact on both demand and electrical infrastructure.

Mitigation Measures

- 9.9.6. The sole mitigation measure proposed relates to the provision of advance warning signage of the access to the proposed development.

Cumulative & In-Combination Impact

- 9.9.7. Access and egress to the Casey's Quarry (currently under development and located to the west of the subject site) will be via two entrances on the L- 2208. Traffic leaving this new quarry (which is dissected by the L-2208) is only permitted to travel north towards the N22. HGVs from the Casey's Quarry are not permitted to travel south on the L-2208 by condition of planning permission (ABP ref: PL04.240756 refers). It was also a condition of the above permission that improvements are made to the junction of the L-2208 and the N22.
- 9.9.8. As the traffic associated with the proposed development is minimal, it is concluded that it will be imperceptible during the operation phases. The cumulative and in-combination impact is therefore considered to be minimal to negligible.

Interactions with other Environmental Attributes

- 9.9.9. In light of the above, the EIAR concludes that the environmental attributes which with which traffic and transport including the temporary conveyor belt, interact include, noise and air.

Residual Impacts

9.9.10. No residual impacts are noted within the EIAR in relation to traffic and transport.

9.9.11. Due to minimal traffic impacts, no monitoring is deemed necessary.

9.9.12. The temporary conveyor will be subject to regular maintenance checks and a preventative maintenance programme will be maintained to ensure the conveyor works to duty capacity without undue noise, dust or other impacts occurring.

Conclusion

9.9.13. The Board will note that the NRDO raised no objections to the proposed development. I note the initial concerns of the Area Engineer with regard to the lack of clear details of the traffic type and anticipated numbers and that further information was required in terms of traffic movements during the operational phase. Following the receipt of further information, the applicant sought to clarify the detail of traffic trips associated with the initial construction works, trips associated with the security and landscaping works and those associated with other construction works including refuelling, parking, culvert and maintenance. The vehicle movements associated with the initial site set up are estimated to range between 8-10 trips per day (van or equivalent) – 4-5 trips in and 4-5 trips out. The construction period is estimated to run for a period of 8 – 12 weeks. During this construction period, it is estimated that there will be approximately 38 HGV or equivalent trips – 19 in and 19 out – over the 8-12 week period.

9.9.14. During the operational phase, the applicant submits that there will be an average of 4 trips per day – 2 in and 2 out – with 12 trips per week. As the proposed development will use the conveyor belt system, there will be no HGV / trucks required for the haulage of materials.

9.9.15. The works to the entrance will include the replacement of the existing agricultural gate with a palisade gate along the access track. The palisade gate will be set into the access track to prevent the need for vehicles to stop on the L-2208. The response to the FI request also included details relating to the dealing with surface water at the entrance.

9.9.16. Having considered all of the information presented in support of the proposed development, I am satisfied that impacts on traffic arising from the proposed

development in conjunction with existing, planned or proposed developments, are unlikely to arise.

9.10. Cultural Heritage

9.10.1. Chapter 10 of the EIAR deals with cultural heritage. The chapter sets out the methodology employed in the preparation of the study, noting that a field assessment was carried out on the 27th of May 2020 to identify and assess any known archaeological monuments.

Receiving Environment

9.10.2. Section 10.3 of the EIAR sets out the detail of the receiving environment, the archaeological and historical background, the provisions of the Cork County Development Plan 2014-2022 and Archaeology. In terms of the field inspection, it was established that there was no visible indication of any cultural heritage material. There are no Recorded Monuments noted within the application area with the closest RM being the St. John the Baptist Church (RMP CO073-072----) located approximately 173m to the south-west of the site. There are no direct or indirect impacts identified due to the separation distance.

9.10.3. There are two structures listed in the Record of Protected Structures located within the study area which include the St. John the Baptist Catholic Church which is located approximately 228m to the south-west of the application site, and the Former St. Mary's Church of Ireland Church, which is approximately 700m to the east of the site. It is noted that there are no views of the application area from either of these structures.

9.10.4. A review of the NIAH established that there are no structures within the application area listed in the NIAH. There are 5 NIAH listed structures noted in the wider study area including 4 houses and a post box, with the closest structure approximately 520m to the north-west of the site. The EIAR considers that the structures are too far distant to be directly or indirectly impacted by the proposal. Following the field inspection, the team identified 3 structures which were identified as corresponding to structures marked on the 1939 OS map that are deemed not to be of heritage interest. These structures include a farm building and two houses.

Impacts of Development

9.10.5. There are no direct or indirect impacts on any known items of cultural heritage, archaeology or buildings of heritage interest in the application area or its vicinity during the construction or operational phases of the proposed development. No direct impacts are anticipated during the closure phase of the development.

9.10.6. No indirect impacts are predicted at any stage of the development.

Mitigation Measures

9.10.7. No mitigation measures are warranted.

Interactions with other Environmental Attributes

9.10.8. No interactions are identified

Residual Impacts

9.10.9. No residual impacts are identified.

9.10.10. Monitoring is recommended during the all soil-stripping in the green fields due to the possibility of the survival of previously unknown sub-surface archaeological deposits or finds within the application area.

Conclusion

9.10.11. I am generally satisfied that the conclusions of the EIAR in terms of impacts on cultural heritage and archaeology are acceptable I have considered all of the written submission made in relation to Cultural Heritage and I am satisfied that the development would not have any significant adverse archaeological impacts and no significant residual impacts are likely to arise.

9.11. Landscape & Restoration

9.11.1. Chapter 9 of the EIAR deals with landscape and visual and seeks to assess the likely landscape and visual impacts associated with the proposed development. Landscape and visual impacts are assessed separately, and the chapter sets out the methodology employed in the preparation of the chapter.

Receiving Environment

- 9.11.2. A study area of 3km radius was used in the assessment. The site is noted to be located on the northern side of the flat to gently undulating base of the River Bride Valley. The predominant land use in the study area is agriculture with a concentration of extractive industries within the Bride Valley, including facilities for processing quarried material. The closest and most relevant centre of population lies immediately to the south / south-west of the site at Knockanemore with the centre of the village of Killumney approximately 1km further south. Ovens forms part of a more built-up area in the eastern portion of the study area and merges with the urban centre of Ballincollig.
- 9.11.3. A detailed landscaping assessment was undertaken to assess the impact of the existing development on the surrounding landscape. In accordance with the provisions of the Landscape Character Assessment undertaken as part of the Draft Cork Landscape Strategy (2007), the subject site is located within the LCT6a 'Broad Fertile Lowland Valleys'. This landscape is identified as having a High Landscape Value, High Landscape Sensitivity and Landscape Importance at a County Level. Approximately 1km to the north is the LCT8 'Hilly River and Reservoir Valleys'. This landscape is identified as having a High Landscape Value, High Landscape Sensitivity and Landscape Importance at a National Level.
- 9.11.4. This Landscape Character Type, LCT6a 'Broad Fertile Lowland Valleys', is described as 'The valleys in these areas are created by the rivers flowing east to west and are surrounded by low well-spaced ridges. These shallow and flat valleys wind as they follow the course of the river, rising to the north and south with gentle slopes where the valley is wide but with steeper faced slopes where the valley narrows. Further upstream to the west, the broad flatness narrows and winds between low hills'. Within the LCT6a Landscape Character Type, the site is noted to be located within Landscape Character Area: 'LCA 27 River Bride West. which is described as a 'Broad Shallow Patchwork Valley'. The subject site is also located within a prominent and strategic Metropolitan Cork Greenbelt area
- 9.11.5. In terms of the visual baseline, a computer-generated Zone of Theoretical Visibility (ZTV) map has been prepared to illustrate where the proposed development is potentially visible from. The EIAR submits that this is a bare-ground ZTV map and is

theoretical. As the proposed development is predominantly in-ground, it is submitted that it will be considerably screened by surrounding and intervening hedgerow vegetation, trees and numerous buildings, walls etc, resulting in a much lesser degree of actual visibility. Five Viewshed Reference Points (VRPs) are selected to reflect a range of different receptor types, distances and angles.

Impact Assessment

- 9.11.6. In terms of **Landscape Impact**, it is submitted in terms of the landscape quality, that the landscape within the study area and particularly within the immediate valley context, has been highly altered as a result of the multiple active / historical quarries. The study area also contained an intensively management agricultural landscape reflective of the last century with multiple field boundaries having been removed to increase field sizes. This landscape is continually evolving and the expansion of development in the eastern part of the study area is a clear indication of urban influence on this hinterland landscape.
- 9.11.7. In terms of scenic quality, the most dramatic views are those in the environs of the Inniscarra Reservoir and River Lee in the northern part of the study area. Within the base of the Bride valley, the scenic quality is considered limited, particularly around the site due to the limited integrity of the immediate landscape. The EIAR submits that the assessment of the landscape sensitivity is much more localised than that undertaken as part of the Cork Landscape Character Assessment. Overall, in terms of the sensitivity of the landscape, it is deemed to be medium – low.

Magnitude & Significance of Landscape Effects

- 9.11.8. It is submitted that the development, including the boundary treatments and landscaping proposals will result in localised elevated topography, while the extraction area will create a depression where it will encounter the winter groundwater table. Ultimately, the development will result in an extension of the existing sand and gravel quarry immediately to the west of the subject site. The landscape impacts are classified as negative and their duration permanent.
- 9.11.9. The proposed new screening berms will detract slightly from the gently undulating pastoral setting in the immediate surrounds of the quarry, but they are preferable to views of the extraction area and associated activity. Given the location of the site within this area, it is not considered that the extraction area will noticeably detract

from the integrity of landscape patterns or the productive landscape character that prevails in the area. The magnitude of landscape impact as a result of the proposed development is assessed as medium -low, decreasing with increasing distance. The EIAR concludes, with regard to the significance of landscape effects, that the development will result in an overall significance of no greater than moderate-slight.

9.11.10. In terms of **visual impact**, aided by photomontages where relevant, the EIAR assesses the identified five VRPs. The findings of the assessment conclude as follows:

- Visual Receptor Sensitivity: from Medium – low to Medium
- Visual Impact Magnitude: from Low Negligible to Negligible
- Significance of Visual Impact: from Slight Imperceptible to Imperceptible

Rehabilitation Phase

9.11.11. Section 9.4.4 of the EIAR deals with the rehabilitation phase of the proposed development and submits that there will be no additional impacts on the landscape during this phase. Final rehabilitation will involve the removal of all plant, paved areas and plinths from the site and the cessation of quarrying will increase tranquillity in the vicinity. Rehabilitation will have a positive effect in relation to the future baseline scenario immediately post-extraction and will reduce the overall landscape impact from Moderate-Slight at operational phase to Slight. No visual impacts are identified for the rehabilitation phase.

Mitigation Measures

9.11.12. The primary landscape and visual mitigation measures relate to the proposed perimeter berms which will be planted with native vegetation and will aid screening of the exaction area and associated operational phase activity within the site.

In-combination Effects

9.11.13. The EIAR submits that the established landscape character has been heavily influenced by quarrying and as such, cumulative impacts relate to the extension of such activity within the landscape. It is submitted that this is an effect on the overall landscape fabric of the area that is not so readily perceived from within the surrounding landscape. As the development will not be readily visible from the

surrounding landscape, perceived cumulative impacts on the character and visual impacts are reasonably restricted.

9.11.14. It is concluded that the cumulative impacts are no significant.

Interactions with other Environmental Attributes

9.11.15. No interactions identified.

Residual Impacts

9.11.16. The proposed constructed embankments and planting aids visual integration. No monitoring is considered necessary.

Conclusion

9.11.17. I have had full regard to the EIAR as it relates to landscape and visual impact. While I would generally accept that the document has adequately addressed the issue of landscape and restoration, I consider that the impact of the proposed development on the population who live in close proximity to the subject site has not been adequately acknowledged. However, I would accept that the landscaping plans, designed into the proposed scheme will offer some visual buffering from the quarry pit when viewed from the adjacent homes. In addition, I acknowledge that the creation of the berms will be undertaken in the first phase of the development works. As such, I am satisfied that the EIAR is acceptable in this regard.

9.12. Interaction of the Foregoing

9.12.1. The Board will note that the EIAR considered the interactions of the environmental aspects within each individual chapter rather than presenting an independent matrix or table setting out the potential for interactions to occur. As such, I have extrapolated the information from the EIAR for ease of reference for the Board with interactions noted between the following aspects:

- Biodiversity: Water, Soil & Geology, Air Quality & Climate, Noise & Vibration, Landscape & Visual
- Water Soils & Geology: Biodiversity, Landscape & Visual
- Air Quality & Climate: Human Beings, Biodiversity, Material Assets - Traffic

- Noise & Vibration: Population & Human Health (Chapter 5), Biodiversity (chapter 6)
- Material Assets – Traffic & Transport: Noise, Air & Climate

9.12.2. In terms of a do-nothing scenario, it is submitted that if the proposed development does not proceed, the agricultural fields will remain with the potential loss of jobs at the existing Roadstone facility.

Conclusion

9.12.3. The conclusions regarding the acceptability of the likely cumulative and main residual effects of this proposal are identified and assessed under the various headings of the main assessment above. I am generally satisfied that the significant environmental effects arising as a consequence of the development, including the residual and cumulative impacts have been identified.

9.13. Mitigation & Monitoring Summary

9.13.1. Chapter 12 of the EIAR presents a summary of the environmental commitments which will be undertaken as part of the proposed development during the construction and operational phases. The mitigation measures are proposed in order to avoid, reduce or remedy the potential impact identified and monitoring proposed to ensure that mitigation measures are effective. Mitigation measures and monitoring are proposed in terms of:

- Population & Human Health
- Biodiversity
- Water, Soils & Geology
- Air
- Noise & Vibration
- Landscape & Visual
- Cultural Heritage
- Material Assets – Traffic & Transport

9.14. Reasoned Conclusion on Significant Effects

Having regard to the examination of environmental information contained above, and in particular to the EIAR and additional information provided by the applicant, and the submission from the Planning Authority, prescribed bodies 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 would be mitigated, as follows:

- Impact on **population and human health** arising from dust and noise arising from the operational phase of the development affecting air quality. Mitigation measures are proposed. Having regard to the context of the site, being located within an area which has been subject to extensive quarrying, together with the indication that the development will not result in an increase of traffic, the impacts associated with these aspects are considered acceptable in the context of population and human health and residential amenity.
- In terms of **biodiversity**, the development will give rise to the loss of greenfield areas, hedgerows and trees. It is also noted that the existing exhausted quarry to the west of the subject site provides a water body which has the potential to be used by a number of waterfowl species. It is noted that noise levels at quarry sites may affect some birds and mammals, but no significant impacts were identified as no blasting will occur at this site. Mitigation measures are proposed to protect the bird species including the limiting of vegetation clearance to periods outside of nesting season, March to September. A bird platform will also be placed in the existing waterbody to the west of the Classis South Quarry causeway to provide suitable nesting and resting habitat for birds within the area. Should an active nest be detected, the ECoW will be consulted. Annual breeding bird monitoring will also be undertaken.

Other mitigation measures will be in place with regard to the protection of nocturnal species and bats. The rehabilitation plans for the site are noted, and I would accept that the plans would promote wider biodiversity at the site which may have a positive impact.

- Effects on the receiving **water, soil, geology** and **air** environments may arise during the operational and restoration phases of the quarry. Given that the site is located within an area with a number of quarries, both exhausted and active, consideration is given in terms of cumulative impacts. A Dust Management Plan will be prepared for the site, existing hedgerows around the site will be enhanced and dust suppression will be undertaken where required. The proposed restoration of the quarry as an ecological resource will not involve infilling of the pit void, rather, it will be allowed to flood and works will focus on the banks and berms and exposed surfaces will be planted with fast growing plants.
- In terms of **air** and traffic, plant and machinery operating at the quarry will give rise to emissions to air and climate. The development will not result in an increase in the levels of traffic on the local roads as the aggregated is to be moved from the site via the existing fixed conveyor and the installation of a new temporary conveyor. The sites dust management plan will be in line with industry guidelines and mitigation measures are presented and are standard for the prevention of dust nuisance.
- In terms of **noise** and **vibration**, noise monitoring was carried out at locations within and in the vicinity of the site. Potential noise sources on the site include a variety of mobile plant. There will be no increase in traffic and noise levels are not anticipated to increase. I consider that the development if permitted would not represent a significant impact on existing residential amenities of properties in the vicinity of the site by reason of noise.
As no blasting is proposed at the proposed sand and gravel quarry, I am generally satisfied that there are no issues arising in relation to vibration.
- In terms of **Visual and Landscape Impacts**, the proposed development will, if permitted, result in changes to the existing landscape, with the extension of the quarry to the west into a greenfield site. The rehabilitation plans for the site are noted, and I would accept that the plans would promote wider biodiversity at the site which may have a positive impact. The site is located within a landscape character area which has the capacity to absorb a development of this scale in landscape and visual terms subject to the implementation of the mitigation measures and landscaping plans. There will

be limited impact arising at residential properties in the immediate vicinity of the site.

- In terms of **Roads & Traffic** impacts, the proposed development will result in the improvement of the existing entrance onto the Local Road but will not result in an increase in HGV traffic once the site is operational. The existing road is indicated as having capacity to accommodate the development and I note no objections from the Council engineers in this regard. I would again note that the proposed aggregate will be transported off site via the existing conveyor system which serves a number of other quarries in the area.
- In terms of **Cultural Heritage**, having regard to the information available to me, I am generally satisfied that the development would not have any significant adverse archaeological impacts and no significant residual impacts are likely to arise.
- In conclusion, having regard to the above, I am generally satisfied that in principle, and subject to the mitigation measures proposed, the proposed project might be considered acceptable and would be unlikely to have unacceptable direct or indirect impacts on the environment as it relates to a number of environmental aspects.

10.0 Appropriate Assessment

10.1. Introduction

- 10.1.1. The EU Habitats Directive 92/43/EEC provides legal protection for habitats and species of European importance through the establishment of a network of designated conservation areas collectively referred to as Natura 2000 (or 'European') sites.
- 10.1.2. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives. The proposed development is not directly connected with or necessary to the management of a European site. The Board will note that a Natura Impact Statement (NIS) was submitted as part of documentation for permission for the proposed development to assess the likely or possible significant effects, if any, arising from the proposed development on any European site.
- 10.1.3. In accordance with these requirements the Board, as the competent authority, prior to granting a consent must be satisfied that the proposal individually or in combination with other plans or projects, is either not likely to have a significant effect on any European Site or adversely affect the integrity of such a site, in view of the site(s) conservation objectives.
- 10.1.4. Guidance on Appropriate Assessment is provided by the EU and the NPWS in the following documents:
- Assessment of plans and projects significantly affecting Natura 2000 sites – methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2001).
 - Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (DoEHLG), 2009.
- 10.1.5. Both documents provide guidance on Screening for Appropriate Assessment and the process of Appropriate Assessment itself.

10.2. AA Screening Report

- 10.2.1. Chapter 6 of the submitted NIS presents an Appropriate Assessment Screening. The submitted report assesses whether effects to the Natura 2000 network are likely to occur as a result of the project. The report sets out the methodology employed and provides a description of the project proposed as well as including a description of the existing habitats present on the site.
- 10.2.2. The Stage 1 AA Screening conclusion and concludes that a number of factors were examined and dismissed at Stage 1 due to the very low risk associated with them. Tables 6-1: Great Island Channel SAC and 6-2: Cork Harbour SPA of the NIS presents the details and rationale of the Screening Assessment undertaken for each site and of the qualifying interests of the identified Natura 2000 sites having the potential to be adversely affected.
- 10.2.1. The report identifies that there is a potential hydrogeological connection from groundwater to the River Bride and therefore, mitigation measures are considered as part of the overall development. A Stage 2 NIS was prepared to assess further, the potential for impact on the Cork Harbour SPA (Site Code: 004030) and the Great Island Channel SAC (Site Code: 001058), which are located downstream of the proposed site.

10.3. Natura Impact Statement

- 10.3.1. The application was accompanied by a Natura Impact Statement (NIS, dated March 2021) which sought to scientifically examine the potential impacts of the proposed development on the following European Sites:
- Cork Harbour SPA (Site Code: 004030)
 - Great Island Channel SAC (Site Code: 001058)
- 1.3.2 The NIS notes that there are no European sites located within 15km of the subject site but identifies that there is a hydrogeological connection from groundwater baseflows beneath the site to the River Bride, approximately 500m to the east of the site. The NIS, therefore, identifies the relevant Natura 2000 sites that have the potential to be affected by the proposed development, presents a description of the proposed development and sought to identify other projects or plans or activities in

the vicinity. The NIS outlines the assessment methodology employed to identify and assess the potential impacts on habitats and species identified as qualifying interests of a number of European Sites and their conservation objectives, including cumulative / in-combination impacts. The NIS sets out mitigation measures and addresses potential residual impacts on the European sites.

1.3.3 In the course of the assessment of the proposed development, the Board will note that the NIS indicates that as part of the desk-based studies, a review of information sources was completed which included the NPWS website, the National Biodiversity Data Centre website and the EPA Envision website. There does not appear to have been any further consultations with any other body.

1.3.4 I am satisfied that the submitted NIS provides adequate information in respect of the site, clearly identifies the potential impacts, and uses best scientific information and knowledge. Chapter 7 of the NIS seeks to identify and assess the potential adverse effects associated with the proposed development in terms of:

- loss of, or disturbance to, designated habitats or species,
- potential impairment of water quality during the construction and operation phase
- potential unintentional introduction and/or spread of invasive species

The chapter also includes an analysis of in-combination effects

1.3.5 Details of mitigation measures to be employed are summarised in Section 7.2.4-7.2.6 of the NIS. The NIS concludes that it is considered that the proposed development will not result in any adverse effects on the basis that the specific mitigation measures will be implemented, and best practice guidance adhered to throughout the lifetime of the proposed development. It is therefore concluded that the proposed quarry extension, either alone or in combination with other plans or projects, will not adversely affect the integrity and conservation status of any of the qualifying interests of any Natura 2000 sites. Progression to Stage 3 of the AA process is not considered necessary. I am satisfied that the information is sufficient to allow for Appropriate Assessment of the proposed development.

10.4. **Consultations and Observations**

10.4.1. In the course of the assessment of the proposed development, the following consultations and third-party submissions were considered as they relate to AA:

10.4.2. Council Departments:

The **Cork County Council Ecologist** prepared a comprehensive report considered the information presented in the EIAR and the NIS with regard to ecology and biodiversity. The report included an AA assessment which concluded that there was no objection to permission being granted subject to compliance with conditions.

10.4.3. Third Party Submissions:

A number of third-party submissions were made to the Planning Authority in the course of its assessment of the proposed development. These submissions are summarised above in Section 4.4 of this report. A number of these submissions make reference to potential impacts on watercourses, Natura 2000 sites and the impact of the development on local natural wildlife habitats. In addition, concerns were raised regarding the geological impact as well as the threat of water contamination to the groundwater flows.

Issues were also raised in relation to the timing of bird surveys and the lack of detail in the EIAR / NIS relating to the presence of protected bird and other species using the site, including curlew, buzzard, peregrine falcon and bats.

All of the observations, submissions, appeal submissions and technical reports from departments of Cork County Council and prescribed bodies are considered as part of this appropriate assessment.

10.5. **Screening for Appropriate Assessment:**

10.5.1. The purpose of AA screening, is to determine whether appropriate assessment is necessary by examining:

- a) whether a plan or project can be excluded from AA requirements because it is directly connected with or necessary to the management of the site, and

- b) the likely effects of a project or plan, either alone or in combination with other projects or plans, on a Natura 2000 site in view of its conservation objectives and considering whether these effects will be significant.

10.5.2. This is an application to extend a quarry. In terms of AA, the Board will note that the development is not directly connected or necessary to the management of a European Site. I am satisfied that there are no Natura 2000 sites located within a 15km radius of the subject site, and therefore, on first viewing, there are no specific sites to be screened in due to ecology of species and / or habitats which might be protected. There is however, notwithstanding the separation distance in excess of 15km, a potential impact pathway connecting the designated sites of Cork Harbour SPA (Site Code: 004030) and the Great Island Channel SAC (Site Code: 001058) to the development site via groundwater baseflows.

10.5.3. In addition to the above, I note that the subject site lies approximately equidistant between the Cork Harbour SPA to the east and the Gearagh SPA to the west. Having considered the QIs of the Gearagh SPA, the Board will note that there are a number of birds who are QIs for both sites. In addition, I note that species associated with The Gearagh SPA were also recorded within the bird survey carried out as part of the preparation of the NIS, including breeding pairs of Coot and individual mallards noted to be foraging within the waterbody. As such, I consider it appropriate to include the Gearagh SPA (Site Code: 004109) in any Stage 2 Appropriate Assessment.

10.6. **Conclusion on Stage 1 Screening:**

10.6.1. Having regard to the information available to me, I am satisfied that these European Sites can be identified as being within the zone of influence of the project and that there is potential for impacts to arise in terms of water quality:

- Cork Harbour SPA (Site Code: 004030)
- Great Island Channel SAC (Site Code: 001058)
- The Gearagh SPA (Site Code: 004109)

10.6.2. In light of the above, a stage 2 AA was carried out. The potential impacts (direct / indirect and in-combination effects) of the development on the site are examined in light of each of the site's conservation objectives.

10.7. Stage 2 Appropriate Assessment

10.7.1. The following tables sets out the qualifying interests for the identified Natura sites:

European Site	Qualifying Interests
<p>The Gearagh SPA (Site Code: 004109)</p> <p>Located approx. 20km to the west of the site</p>	<ul style="list-style-type: none"> • Wigeon (<i>Anas penelope</i>) [A050] • Teal (<i>Anas crecca</i>) [A052] • Mallard (<i>Anas platyrhynchos</i>) [A053] • Coot (<i>Fulica atra</i>) [A125] • Wetland and Waterbirds [A999]
<p>Great Island Channel SAC (Site Code: 001058)</p> <p>Located approx. 22km to the east of the site</p>	<ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]
<p>Cork Harbour SPA (Site Code: 004030)</p> <p>Located approx. 15.5km to the east of the site</p>	<ul style="list-style-type: none"> • Little Grebe (<i>Tachybaptus ruficollis</i>) [A004] • Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] • Cormorant (<i>Phalacrocorax carbo</i>) [A017] • Grey Heron (<i>Ardea cinerea</i>) [A028] • Shelduck (<i>Tadorna tadorna</i>) [A048] • Wigeon (<i>Anas penelope</i>) [A050] • Teal (<i>Anas crecca</i>) [A052] • Pintail (<i>Anas acuta</i>) [A054] • Shoveler (<i>Anas clypeata</i>) [A056] • Red-breasted Merganser (<i>Mergus serrator</i>) [A069] • Oystercatcher (<i>Haematopus ostralegus</i>) [A130] • Golden Plover (<i>Pluvialis apricaria</i>) [A140] • Grey Plover (<i>Pluvialis squatarola</i>) [A141] • Lapwing (<i>Vanellus vanellus</i>) [A142]

	<ul style="list-style-type: none"> • Dunlin (<i>Calidris alpina</i>) [A149] • Black-tailed Godwit (<i>Limosa limosa</i>) [A156] • Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Curlew (<i>Numenius arquata</i>) [A160] • Redshank (<i>Tringa totanus</i>) [A162] • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] • Common Gull (<i>Larus canus</i>) [A182] • Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] • Common Tern (<i>Sterna hirundo</i>) [A193] • Wetland and Waterbirds [A999]
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The Gearagh SPA (Site Code: 004109)

10.7.2. The Gearagh, located approximately 2 km south-west of Macroom, Co. Cork, comprises a stretch of the River Lee that was dammed in the 1950s as part of a hydroelectric scheme. The river valley formerly held an extensive area of alluvial forest but only part of the forest now survives. The principal habitat is a shallow lake or reservoir which is fringed by wet woodland, scrub and grassland that is prone to flooding. Alluvial forest occurs on islands. At times of low water, a diverse pioneer plant community develops on the mud.

10.7.3. At the time this site was designated as a Special Protection Area (SPA) it was utilised by nationally important populations of four species, i.e. Wigeon, Teal, Mallard and Coot, and each of these species is regarded as a special conservation interest for this SPA. The Gearagh is a Nature Reserve, a Ramsar Convention site and a Council of Europe Biogenetic Reserve.

Great Island Channel SAC (Site Code: 001058)

10.7.4. The Great Island Channel stretches from Little Island to Midleton, with its southern boundary being formed by Great Island. It is an integral part of Cork Harbour which contains several other sites of conservation interest. Geologically, Cork Harbour consists of two large areas of open water in a limestone basin, separated from each other and the open sea by ridges of Old Red Sandstone. The main habitats of conservation interest in Great Island Channel SAC are the sheltered tidal sand and

mudflats and the Atlantic salt meadows. Owing to the sheltered conditions, the intertidal flats are composed mainly of soft muds.

- 10.7.5. The site is extremely important for wintering waterfowl and is considered to contain three of the top five areas within Cork Harbour, namely North Channel, Harper's Island and Belvelly-Marino Point. Shelduck is the most frequent duck species with 800-1,000 birds centred on the Fota/Marino Point area. There are also large flocks of Teal and Wigeon, especially at the eastern end. The site is an integral part of Cork Harbour which is a wetland of international importance for the birds it supports. Overall, Cork Harbour regularly holds over 20,000 waterfowl and contains internationally important numbers of a number of species.
- 10.7.6. Much of the site falls within Cork Harbour Special Protection Area, an important bird area designated under the E.U. Birds Directive. The site is of major importance for the two habitats listed on Annex I of the E.U. Habitats Directive, as well as for its important numbers of wintering waders and wildfowl. It also supports a good invertebrate fauna.

Cork Harbour SPA (Site Code: 004030)

- 10.7.7. Cork Harbour is a large, sheltered bay system, with several river estuaries - principally those of the Rivers Lee, Douglas, Owenboy and Owennacurra. The SPA site comprises most of the main intertidal areas of Cork Harbour, including all of the North Channel, the Douglas River Estuary, inner Lough Mahon, Monkstown Creek, Lough Beg, the Owenboy River Estuary, Whitegate Bay, Ringabella Creek and the Rostellan and Poul nabibe inlets.
- 10.7.8. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for a number of species. The site is also of special conservation interest for holding an assemblage of over 20,000 wintering waterbirds. The E.U. Birds Directive pays particular attention to wetlands and, as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds. Cork Harbour is an internationally important wetland site, regularly supporting in excess of 20,000 wintering waterfowl.
- 10.7.9. Cork Harbour is of major ornithological significance, being of international importance both for the total numbers of wintering birds (i.e. > 20,000) and also for its populations of Black-tailed Godwit and Redshank. In addition, it supports

nationally important wintering populations of 22 species, as well as a nationally important breeding colony of Common Tern. Several of the species which occur regularly are listed on Annex I of the E.U. Birds Directive, i.e. Whooper Swan, Little Egret, Golden Plover, Bar-tailed Godwit, Ruff, Mediterranean Gull and Common Tern. The site provides both feeding and roosting sites for the various bird species that use it. Cork Harbour is also a Ramsar Convention site and part of Cork Harbour SPA is a Wildfowl Sanctuary.

10.8. Conservation Objectives:

10.8.1. The Conservation Objectives for the relevant designated site are as follows:

European Site	Qualifying Interests
<p>The Gearagh SPA (Site Code: 004109)</p> <p>Located approx. 20km to the west of the site</p>	<ul style="list-style-type: none"> • It is the overall conservation objective: <ul style="list-style-type: none"> ○ To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA • To acknowledge the importance of Ireland's wetlands to wintering waterbirds, "Wetland and Waterbirds" may be included as a Special Conservation Interest for some SPAs that have been designated for wintering waterbirds and that contain a wetland site of significant importance to one or more of the species of Special Conservation Interest. Thus, a second objective is included as follows: <ul style="list-style-type: none"> ○ To maintain or restore the favourable conservation condition of the wetland habitat at The Gearagh SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.
<p>Great Island Channel SAC (Site Code: 001058)</p> <p>Located approx. 22km to the east of the site</p>	<ul style="list-style-type: none"> • The NPWS has identified a site-specific conservation objective to maintain the favourable conservation condition of the following habitat and species listed as a Qualifying Interest, as defined by a list of attributes and targets: <ul style="list-style-type: none"> ○ Mudflats and sandflats not covered by seawater at low tide [1140] • The NPWS has identified a site-specific conservation objective to restore the favourable conservation condition of the following habitat and species listed as a

	<p>Qualifying Interest, as defined by a list of attributes and targets:</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p>
<p>Cork Harbour SPA (Site Code: 004030)</p> <p>Located approx. 15.5km to the east of the site</p>	<ul style="list-style-type: none"> • The NPWS has identified a site-specific conservation objective to maintain the favourable conservation condition of the following habitat and species listed as a Qualifying Interest, as defined by a list of attributes and targets: <ul style="list-style-type: none"> ○ Little Grebe (<i>Tachybaptus ruficollis</i>) [A004] ○ Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] ○ Cormorant (<i>Phalacrocorax carbo</i>) [A017] ○ Grey Heron (<i>Ardea cinerea</i>) [A028] ○ Shelduck (<i>Tadorna tadorna</i>) [A048] ○ Wigeon (<i>Anas penelope</i>) [A050] ○ Teal (<i>Anas crecca</i>) [A052] ○ Pintail (<i>Anas acuta</i>) [A054] ○ Shoveler (<i>Anas clypeata</i>) [A056] ○ Red-breasted Merganser (<i>Mergus serrator</i>) [A069] ○ Oystercatcher (<i>Haematopus ostralegus</i>) [A130] ○ Golden Plover (<i>Pluvialis apricaria</i>) [A140] ○ Grey Plover (<i>Pluvialis squatarola</i>) [A141] ○ Lapwing (<i>Vanellus vanellus</i>) [A142] ○ Dunlin (<i>Calidris alpina</i>) [A149] ○ Black-tailed Godwit (<i>Limosa limosa</i>) [A156] ○ Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] ○ Curlew (<i>Numenius arquata</i>) [A160] ○ Redshank (<i>Tringa totanus</i>) [A162] ○ Greenshank (<i>Tringa nebularia</i>) [A164] ○ Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] ○ Common Gull (<i>Larus canus</i>) [A182]

	<ul style="list-style-type: none"> ○ Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] ○ Common Tern (<i>Sterna hirundo</i>) [A193] ○ Wetland and Waterbirds [A999]
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10.9. Potential Significant Effects

10.9.1. In terms of an assessment of Significance of Effects of the proposed development on qualifying features of Natura 2000 sites, having regard to the relevant conservation objectives, I would note that in order for an effect to occur, there must be a pathway between the source (the development site) and the receptor (designated sites). As the proposed development site lies outside the boundaries of the European Sites, no direct effects are anticipated.

10.9.2. In terms of indirect effects, and with regard to the consideration of a number of key indications to assess potential effects, the following is relevant:

- **Habitat loss / alteration / fragmentation:** The subject site lies at a remove of some 6km from the boundary of any designated site. As such, there shall be no direct or indirect loss / alteration or fragmentation of protected habitats within any Natura 2000 site.
- **Disturbance and / or displacement of species:** The subject site comprises a green field site which lies immediately adjacent to a worked-out quarry environment, which has not operated for many years. The bird study area comprises the former quarry area which has been rehabilitated and now includes a large man-made waterbody, as well as some quarry infrastructure in the form of the conveyor belt system which serves a number of quarries in this area. The subject development site lies to the south of the N22 and to the north of the settlement of Killumney/Ovens and is within the commuter belt area of Cork City.

I have noted above that the subject site lies approximately equidistant between the Gearagh SPA to the west and Cork Harbour SPA to the east. Both SPAs are so designated for a number of bird species as detailed above. The Board will note that the applicant carried out four bird surveys during the months of June, July, August and September 2020 and all birds

were recorded through sight and sound. Five species of waterbirds were recorded to be utilising the site for foraging, including Coot, Mallard, Moorhen, Mute Swan and Tufted Duck, while the Coot, Little Grebe and moorhen were noted to be nesting within the site with chicks were noted during the surveys. The Board will note that the NIS concludes that although noted during the bird surveys, it is considered unlikely that the bird populations within the quarry waterbodies are directly linked to the populations within the Cork Harbour SPA. However, mitigation measures are to be implemented in order to ensure that no disturbance occurs to the identified species using the quarry waterbody to the west of the conveyor belt.

Notwithstanding the presence of bird species within the existing waterbodies associated with the adjacent spent quarry, I would accept that no qualifying species or habitats of interest, for which the closest Natura 2000 site is so designated, occur at the proposed development site. As the subject site is not located within or immediately adjacent to any Natura 2000 site and having regard to the nature of the works proposed, together with the mitigation measures proposed, there is little or no potential for disturbance or displacement impacts to land based species or habitats for which the identified Natura 2000 site have been designated.

- **Water Quality:** This is an application to extend quarrying activities at the site. The subject site is not located within any designated site but does appear to support waterbird species associated with the Cork Harbour SPA some 15km to the east and the Gearagh SPA, located some 20km to the west. Impairment to water quality is identified as having a potential impact on the birds, as such impacts could directly affect the birds' food supply. With regard to impacts on the identified SPAs, it would be reasonable to consider such impacts unlikely given the separation distance to the sites, and the potential for dilution within the watercourses in the intervening distances. I would also accept that there is no direct discharge from the site proposed into any watercourse, or any designated site. There are no surface water connections between the subject site and the closest watercourse, the River Bride, approximately 500m to the east of the site.

The proposed quarry works will see the extraction of sand and gravel above the winter water table amounting to 14m in depth from the current ground levels. The subsoils therefore will be unsaturated with no groundwater inflow or seepages expected. The local groundwater table has been identified at 21.6mOD, and the development proposes to extract to approximately 8.6m below the water table. Extraction below the water table will be via a long reach excavator and the development does not require dewatering of the site. Extracted material will be transported via the conveyor belt for processing at the plant within the Classis Quarry to the north-east of the subject site. No processing is proposed at the site and the development does not propose any discharge of waste waters at the site. The Board will note the suite of mitigation measures proposed to ensure that there are no adverse effects to designated sites and / or waters.

- Cork County Council completed an AA report and concluded that while a number of bird species were noted to occupy the adjacent site, and that the site supports some habitat which has the potential to support bird species which are qualifying interests for the SPAs, the site is significantly distant from the SPA to be satisfied that the development will not result in disturbance related impacts to birds. In addition, as there are no hydrological connections to the SPA, any possible impact to water quality can be ruled out.

10.9.3. Having regard to the above, I am satisfied that with the full implementation of the mitigation measures as described in the submitted NIS, there is little or no potential for impacts on water quality arising within the identified Natura 2000 sites, and therefore, little potential for impacts arising for the bird species the SPAs support.

10.10. Mitigation Measures

10.10.1. Mitigation and best practice measures are proposed to address the potential adverse effects of the development to ensure that the development will not adversely affect the identified European Sites or the conservation status of protected habitats and species they support. The submitted NIS includes details of water management proposals, which I consider to be standard for quarry developments.

10.10.2. In terms of the proposed mitigation measures to be implemented to ensure no disturbance to the waterbirds utilising the existing quarry waterbodies, and in particular the waterbody to the west of the conveyor belt, the NIS includes the following:

- Vegetation clearance will occur outside of the nesting bird season.
- The smaller waterbody within the western portion of the quarry will be retained and protected throughout the lifetime of the project. No works will occur within this waterbody.
- Should birds nest within the active working area, works within the area will stop and the project ECoW will be consulted; and
- Annual breeding bird monitoring will be undertaken by the project ECoW to ensure no impacts occur to breeding birds during the operation of the proposed development.

10.10.3. In terms of mitigation measures to protect groundwater quality, the NIS, Section 7.2.4 sets out a number of mitigation measures to prevent / minimise the likelihood of an oil / fuel spillage or leak. Sections 7.2.5 notes the 15km distance to Cork Harbour SPA and concludes that over this distance, the pathway is negligible. Section 7.2.6 sets out the mitigation measures to protect hydrological impacts including the management of surface water runoff during overburden stripping and landscaping works at the site. During the operational phase of the development, all surface water runoff will be contained within the site and there will be no requirement for off-site discharges. No impacts on local surface water features are expected. Section 7.2.7 considers the mitigation measures to be implemented to prevent the release of cement-based products, and Section 7.3 sets out the measures to be implemented to prevent the potential unintentional introduction and / or spread of invasive species.

10.11. In Combination / Cumulative Effects

10.11.1. In terms of potential in-combination / cumulative impacts associated with the proposed development I note Section 7.4 of the submitted NIS refers. This section of the NIS notes the adjacent quarries operating in the area and submits that no

significant hydrological and / or hydrogeological cumulative effects are likely. While groundwater flow from nearby sand and gravel pits may intersect with groundwater flow from the proposed development, it is submitted that standard mitigation measures are also in place for the other nearby developments.

10.11.2. It is concluded that as there are no Natura 2000 sites within 15km of the subject site, together with the implementation of best practice measures during the operational and rehabilitation phases of the development, it is concluded that there will not be any significant in-combination contribution by the project to possible adverse effects on any Natura 2000 sites due to the proposed development.

10.11.3. Given the nature of the proposed development, together with the information available, I consider that any potential for in-combination effects on water quality in the Cork Harbour SPA can be excluded. In addition, I would note that all other projects within the wider area which may influence conditions in the Natura 2000 site and other surface water features are also subject to AA. Taking into account the mitigation measures, no residual effects will arise.

10.12. Overall Appropriate Assessment Conclusion

10.13. I have read the submitted Natura Impact Statement in its entirety, together with all other environmental reports submitted with the planning application in support of the proposed development, and I am satisfied that it generally assesses the likely significant impacts arising from the proposed development on the integrity of the relevant Natura 2000 sites.

10.13.1. Having regard to the nature of the subject development site, the nature of the proposed development and its location at a remove from existing Natura 2000 sites, together with the details presented in the Environmental Impact Statement and Natura Impact Statement, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, I consider reasonable to conclude on the basis of the information on the file, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of any Natura 2000 site, or any other European site, in view of the sites Conservation Objectives.

11.0 Recommendation

Arising from my assessment of this appeal case, I recommend that planning permission should be granted for the proposed development for the reasons and considerations set down below.

12.0 Reasons and Considerations

In coming to its decision, the Board had regard to:

- (a) The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018, relating to the extractive industry including National Policy Objective 23;
- (b) The provisions of the Guidelines for Planning Authorities on Quarries and Ancillary Activities issued by the Department of the Environment, Heritage and Local Government in 2004;
- (c) The policies set out in the Cork County Development Plan 2022 relating to the extractive industry;
- (d) The pattern of development in the area;
- (e) The range of mitigation measures set out in the documentation received, including the Environmental Impact Assessment Report, Natura Impact Statement and Further Information;
- (f) The planning history of the wider area;
- (g) the submissions made in connection with the planning application and appeal;
- (h) the report and recommendations of the Planning Inspector including the examination, analysis and evaluation undertaken in relation to the proper planning and sustainable development, appropriate assessment and environmental impact assessment;

Appropriate Assessment

The Board considered the Screening Report for Appropriate Assessment, the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment screening exercise and an appropriate assessment in relation to the

potential effects of the proposed development on designated European Sites. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site and considered the nature, scale and location of the proposed development, as well as the report of the Inspector.

In completing the appropriate assessment, the Board adopted the report of the Inspector and concluded that, by itself or in-combination with other plans and projects in the vicinity, the proposed development would not be likely to have an adverse effect on any European site in view of the sites' conservation objectives.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out by the Inspector and concluded that, by itself or in-combination with other plans and projects in the vicinity, the proposed development would not be likely to have an adverse affect on the integrity of any European site, in view of the sites Conservation Objectives. No reasonable scientific doubt remains as to the absence of such effects.

Environmental Impact Assessment

The Board, in accordance with the requirements of Section 172 of the Planning and Development Act 2000, as amended, completed an environmental impact assessment of the proposed development taking account of:

- (a) the nature, scale, location and extent of the proposed development on the site,
- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,

- (c) the submissions received from the planning authority, appellants and prescribed bodies, and,
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the EIAR complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment report and associated documentation submitted by the applicant and submissions made in the course of the application and appeal. The Board considered, and agreed with the Inspector's reasoned conclusions that, the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Impact on **population and human health** arising from dust and noise arising from the operational phase of the development affecting air quality. Mitigation measures are proposed. Having regard to the context of the site, being located within an area which has been subject to extensive quarrying, together with the indication that the development will not result in an increase of traffic, the impacts associated with these aspects are considered acceptable in the context of population and human health and residential amenity.
- In terms of **biodiversity**, the development will give rise to the loss of greenfield areas, hedgerows and trees. It is also noted that the existing exhausted quarry to the west of the subject site provides a water body which has the potential to be used by a number of waterfowl species. It is noted that noise levels at quarry sites may affect some birds and mammals, but no significant impacts were identified as no blasting will occur at this site. Mitigation measures are proposed to protect the bird species including the

limiting of vegetation clearance to periods outside of nesting season, March to September. A bird platform will also be placed in the existing waterbody to the west of the Classis South Quarry causeway to provide suitable nesting and resting habitat for birds within the area. Should an active nest be detected, the ECoW will be consulted. Annual breeding bird monitoring will also be undertaken.

Other mitigation measures will be in place with regard to the protection of nocturnal species and bats. The rehabilitation plans for the site are noted, and the Board accepts that the plans would promote wider biodiversity at the site which may have a positive impact.

- Effects on the receiving **water, soil, geology** and **air** environments may arise during the operational and restoration phases of the quarry. Given that the site is located within an area with a number of quarries, both exhausted and active, consideration is given in terms of cumulative impacts. A Dust Management Plan will be prepared for the site, existing hedgerows around the site will be enhanced and dust suppression will be undertaken where required. The proposed restoration of the quarry as an ecological resource will not involve infilling of the pit void, rather, it will be allowed to flood and works will focus on the banks and berms and exposed surfaces will be planted with fast growing plants.
- In terms of **air** and traffic, plant and machinery operating at the quarry will give rise to emissions to air and climate. The development will not result in an increase in the levels of traffic on the local roads as the aggregated is to be moved from the site via the existing fixed conveyor and the installation of a new temporary conveyor. The sites dust management plan will be in line with industry guidelines and mitigation measures are presented and are standard for the prevention of dust nuisance.
- In terms of **noise** and **vibration**, noise monitoring was carried out at locations within and in the vicinity of the site. Potential noise sources on the site include a variety of mobile plant. There will be no increase in traffic and noise levels are not anticipated to increase. The Board considers that the development if permitted would not represent a significant impact on existing residential

amenities of properties in the vicinity of the site by reason of noise.

As no blasting is proposed at the proposed sand and gravel quarry, the Board is generally satisfied that there are no issues arising in relation to vibration.

- In terms of **Visual and Landscape Impacts**, the proposed development will, if permitted, result in changes to the existing landscape, with the extension of the quarry to the west into a greenfield site. The rehabilitation plans for the site are noted, and the Board would accept that the plans would promote wider biodiversity at the site which may have a positive impact. The site is located within a landscape character area which has the capacity to absorb a development of this scale in landscape and visual terms subject to the implementation of the mitigation measures and landscaping plans. There will be limited impact arising at residential properties in the immediate vicinity of the site.
- In terms of **Roads & Traffic** impacts, the proposed development will result in the improvement of the existing entrance onto the Local Road but will not result in an increase in HGV traffic once the site is operational. The existing road is indicated as having capacity to accommodate the development and the Board notes no objections from the Council engineers in this regard. The Board would note that the proposed aggregate will be transported off site via the existing conveyor system which serves a number of other quarries in the area.
- In terms of **Cultural Heritage**, having regard to the information available to me, the Board is generally satisfied that the development would not have any significant adverse archaeological impacts and no significant residual impacts are likely to arise.

In conclusion, having regard to the above, the Board is generally satisfied that in principle, and subject to the mitigation measures proposed, the proposed project does not have any unacceptable direct or indirect impacts on the environment as it relates to a number of environmental aspects.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed in the Environmental Impact Assessment Report, and

subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself or in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector. The Board is satisfied that this reasoned conclusion is up to date at the time of taking the decision.

Proper Planning and Sustainable Development

Having regard to the nature and extent of the development and to the acceptability of the environmental impacts as set out above, it is considered that, subject to compliance with the conditions set out below, the proposed lateral extension of the Classis South Quarry at this location would be in accordance with the provisions of the Cork County Development Plan 2022, would not seriously injure the visual or residential amenities of the area, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience of road users. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 20th day of October 2021 and by the further plans and particulars received by An Bord Pleanála on the 19th day of January 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development, revised proposals including drawings shall be submitted for the written agreement of the Planning

Authority providing a full 70m buffer zone between the edge of third-party properties and the proposed extraction area.

Reason: In the interests of clarity and the protection of residential amenity.

3. Within three months of the date of this order the timescale for the construction and planting of the berms around all boundaries of the extraction area shall be submitted to the planning authority for written agreement prior to commencement of development. All proposed screening measures, including the provision of any fencing and berms, shall be completed prior to commencement of extraction on site.

Reason: In the interest of clarity and visual amenities of the area.

4. All mitigation and monitoring commitments identified in the Environmental Impact Assessment Report, the Natura Impact Statement and other particulars submitted with the application and as amended in the Further Information submitted on the 20th day of October 2021 shall be implemented in full as part of the proposed development, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.

5. The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. This shall include the following:
 - (a) Proposals for the suppression of on-site noise.
 - (b) Proposals for the on-going monitoring of sound emissions at dwellings in the vicinity.
 - (c) Proposals for the suppression of dust on site and on the access road.

- (d) Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.
- (e) Details of safety measures for the land above the quarry, to include warning signs and stock proof fencing.
- (f) Management of all landscaping with particular reference to enhancing the ecological value of the grassland on the bunds and buffer areas.
- (g) Monitoring of ground and surface water quality, levels and discharges.
- (h) Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.

Reason: In order to safeguard local amenities.

6. A Dust Minimisation Plan shall be submitted for the written agreement of the planning authority within 3 months from the date of this order.

Reason: In the interest of clarity and protection of amenities of adjoining property.

7. (a) Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details to be submitted shall include monitoring locations, commencement date and the frequency of monitoring results, and details of all dust suppression measures.

(b) A monthly survey and monitoring programme of dust and particulate emissions shall be undertaken to provide for compliance with these limits. Details of this programme, including the location of dust monitoring stations, and details of dust suppression measures to be carried out within the site, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any quarrying works on the site. This programme shall include an annual review of all dust monitoring data, to be undertaken by

a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority following this annual review.

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

8. The noise levels generated during the operation of the sand and gravel quarry shall not exceed 55 dB(A) Leq,1hr when measured at the nearest occupied house. When measuring the specific noise, the time shall be any one-hour period during which the sound emission from the quarry is at its maximum level.

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

9. The quarry, and all activities occurring therein, shall only operate between 0800 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays.

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

10. Within six months from the date of this order, the developer shall establish a local consultative group, including representatives of the developer, and members and representatives of the local community. This group shall constitute a forum to address operational issues of the quarry which are considered to impact upon local amenity.

Reason: In the interest of the protection of residential amenity and planning control.

11. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

12. 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, as amended, in respect of the proposed upgrading works on surfacing and drainage on local road L-2208. 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.

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

A. Considine
Planning Inspector
16th September 2022