



An  
Bord  
Pleanála

## Inspector's Report ABP-313903-22

---

<b>Development</b>	Deepening of existing quarry extraction, along with minor amendments to the permitted quarry layout.
<b>Location</b>	Rossmore, Carrigtwohill, Cork.
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	216983
<b>Applicant</b>	Lagan Materials Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	John Joe Harte
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	26 <sup>th</sup> February, 2024
<b>Inspector</b>	Lorraine Dockery

## **1.0 Site Location and Description**

- 1.1. The subject site, which has a stated overall site area of 12.6 hectares, is located approximately 1 km south of Carrigtwohill, east of Cork City. The site is located approximately 3km east of the Fota estate with its wildlife park and hotel; Cork city is 16 km to the west and Midleton is 4 km east.
- 1.2. This is an operational sand, gravel, and limestone quarry which is roughly rectangular in shape.
- 1.3. The wider locality is agricultural in nature, although a number of dwellings are evident along the L3619. There is another established quarry to the west operated by Kilsaran and a civic amenity centre to the south-east.
- 1.4. Rossmore Bay Estuary is immediately adjacent to the southern boundary of the site, this directly adjoins the shoreline with the Great Channel.

## **2.0 Proposed Development**

- 2.1. The proposal, as per the submitted public notices, is stated to be similar to that previously granted by An Bord Pleanála (PL04.QD.0010) and will consist of
  - the deepening of the existing quarry extraction area by 2 no. 15 metre benches from -20m OD to -50m OD, along with minor amendments to the permitted quarry layout (Ref. No's: S/02/5476 and ABP Ref. PL04.203762 and ABP Ref. PL04.QD.0010) all within the existing permitted quarry footprint
  - the continued use of the existing water management system (settlement pond/infiltration pond system, permitted under PL04.QD.0010) for the life of the proposed development, all within an application area of c. 12.6 hectares.
  - An extraction capacity of up to 375,000 tonnes per annum is sought to provide the applicant with the ability to respond to demand for aggregates for large infrastructure projects in the region.
  - Permission is sought for twenty years plus two years for final restoration (total duration 22 years)
- 2.2 An EIAR was submitted with the application.

## 3.0 **Planning Authority Decision**

### 3.1. **Decision**

Permission GRANTED subject to 44 no. conditions.

Further Information was requested by the planning authority in relation to 3 main headings as follows-(i) Planning- hours of operation, traffic (ii) Environment- vibrations/blasting; dust (iii) Heritage- site restoration plan.

### 3.2. **Planning Authority Reports**

#### 3.2.1. Planning Reports

The main points of the Planner's report include:

- Recommends grant of permission, reflecting decision of planning authority

#### 3.2.2. Other Technical Reports

Environment Report: No objection, subject to conditions (report dated 24/05/2022)

Cork National Roads Office- No objection (report dated 12/11/2021)

Ecology: No objections, subject to conditions (report dated 23/05/2022)

Environmental Health: Not satisfied that sufficient consideration given to cumulative impacts; recommended conditions (report dated 13/12/2021)

Area Engineer: No objections, subject to conditions (report dated 01/12/2021)

## 4.0 Prescribed Bodies

Department of Environment, Climate and Communications- Environment Protection Division (dated 13/07/2022)

In respect of waste, would be obliged if the local authority would consult directly with their respective Regional Waste Management Planning Office regarding the development of final plans.

The following submissions were received by the planning authority

DAU- Department of Housing, Local Government and Heritage- received by the planning authority on 09/05/2022.

Recommended condition attached

Geological Survey- received by the planning authority on 08/12/2021.

Condition recommended

## 5.0 Planning History

There is an extensive planning history associated with this quarry and that adjoining, operated by Kilsaran and I refer the Board to section 3 of the Planner's Report for extensive details relating to same.

In summary, I note the following.

PL04.203762 (02/5476)

Permission GRANTED for extension of quarrying of sand, gravel and limestone over an area of 7.2ha, construction of asphalt plant on overall site of 15.5 hectares (April 2004).

Condition No. 2- use of the quarry, together with the asphalt plant, shall cease on or before the expiration of a period of 10 years from the date of this order, unless

before the end of that period, permission for the continuance of the use beyond that date shall have been granted.

PL04.216454 (05/7362)

Permission GRANTED for construction of concrete batching plant and associated works (August 2006).

14/406

Permission GRANTED for extension of duration of quarrying of sand, gravel and limestone over an area of 7.2 hectares, construction of asphalt plant on overall site of 15.5 hectares (April 2014)

PL04.SU0093

Substitute Consent application GRANTED (2015)

PL04.244651 (14/06489)

Permission GRANTED for extension of opening times, occasional operations outside of normal working hours to existing asphalt plant (July 2015)

QD04.QD0010

Permission GRANTED to further develop quarry, including completion of extraction within the area permitted by An Bord Pleanála under reference number PL 04.203672, deepening of the quarry by one number bench from 0 metres Ordnance Datum to -20 metres Ordnance Datum over an area of 7.6 hectares, thereby extending the life of the quarry by 15 years and all ancillary development to the operation of the quarry including the provision of a new infiltration pond system and road improvement works within an overall application area of 20.45 hectares (date 2017)

## Enforcement

There are a significant number of current cases (again I refer the Board to section 3 of the Planner's Report in this regard). All relate to alleged non-compliance with conditions and unauthorised exceedance of yearly quarry extraction

## **6.0 Policy and Context**

### National Planning Policy

The following list of section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Quarry and Ancillary Activities, Guidelines for Planning Authorities, DoEHLG, (2004)
- Environmental Management Guidelines, Environmental Management in the Extractive Industry (Non-Scheduled Minerals), EPA, (2006)
- Guidelines on the Information to be contained in Environmental Impact Statements' EPA, (2002):
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August (2018)

### Regional Planning Policy

- Regional Spatial & Economic Strategy for the Southern Region 2019-2031

### Local Planning Policy

The Cork County Development Plan 2022-2028 is the operative County Development Plan.

It is highlighted to the Board that the operative County Development Plan was adopted on the 25<sup>th</sup> of April 2022 and came into effect on the 6<sup>th</sup> of June 2022. It is noted that the application, the subject of this appeal, was submitted and assessed under the provisions of the previous County Development Plan.

## Zoning:

The lands are located within the Metropolitan Greenbelt.

Chapter 5 Rural (primarily associated with housing)

Section 5.5 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. Section 5.5.8 notes that 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 following objectives are considered relevant:

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.

Section 8.17 Mineral Extraction

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.

The site is located within an area identified as a 'High Value Landscape'

## 6.2 Natural Heritage Designations

There is no designated site within the proposed development site. Rossmore Bay Estuary is immediately adjacent to the southern boundary of the quarry. Rossmore Bay forms part of Cork Harbour SPA (Site Code:004030) and Great Island Channel SAC (Site Code:001058).

## 7.0 The Appeal

### 7.1 Grounds of Appeal

The main points of the appeal submission received may be broadly summarised as follows:

Saltwater Contamination- Given location of quarry just in from foreshore, increase in depth below sea level will result in saltwater infiltration during high tides.

Saltwater will contaminate underground freshwater streams and will put fresh water supply of residents in jeopardy

Contends that there is currently an issue with freshwater supply at quarry site- concerns regarding serious environmental pollution

Damage from blasting- vibrations felt up to 1km away; density of quarries in area; cumulative effects; recommends no further deepening of quarry

Environmental/Amenity concerns- residents living in area before quarry was in existence; change in environment over past 20 years; quality of living under threat from side effects of quarry; no enforcement; impacts on local road network; pedestrian safety concerns; spillages onto public road of quarry material; dust impacts.



Expansion of aggregate output would exacerbate these existing issues

Photographs submitted in support of appeal

## **8.0 Planning Authority Response**

All relevant issues have been covered in the technical reports already forwarded to ABP. No further comment to make.

## **9.0 Observations**

None

## **10.0 Further Responses**

A response was received from the first party which may be broadly summarised as follows:

- Refutes grounds of appeal
- In relation to existing quarry location relative to foreshore, notes that applicants hold a Discharge Licence, granted by CorkCoCo (Feb 2019)-this licence sets out measures to safeguard against environmental damage resulting from operations at applicant's site. Substantial amount of site investigation undertaken by CorkCoCo that discharge was defensible, justified, and regulatory compliant. Ultimately any water that might come into quarry from the coast would be discharged back under valid licence and the water balancing with the coast would be maintenance of equilibrium.
- Comprehensive water management systems in place- refers to EIAR Water chapter)
- Saltwater is not a contaminant; all coastal environments have some saline component to their groundwater. Seawater inundation has not occurred to date and unlikely to occur in future. Quarry floor is currently 19.8m below sea

level and flow metre does not show evidence of any inundation. Flood Risk Assessment demonstrated that embankments are fit for purpose to protect the site from all high tides in all weather conditions. Radius of private domestic well rarely extends past the boundary of the land on which the home sits.

- Water investigation and testing phase ongoing at site. A well strategically positioned on lands within ownership of applicant and farthest from coast- reasonable and sensible hydrogeological and logistical decision. 'Pumping station' referenced by appellant is a pump control kiosk with sampling tap, which is completely normal for water supply boreholes. Supervision undertaken in drilling of 3 trial holes, pump testing and water quality sampling. Common practice to test a well for entire year prior to committing to its suitability for long term usage.
- Adjoining Kalsaran quarry also holds a valid discharge licence
- In terms of blasting operations, contend that appellants have provided no information/justification for claims made regarding impacts from blasting. Detailed assessment on blasting operations was carried out- see Chapter 10 of EIAR. Annual reviews show that blast monitoring is in place and confirms compliance with conditions. Ground borne vibration levels from blasting will continue to be limited to a maximum peak particle velocity of 12mm/sec. Cumulative effects have been taken into account
- As the quarry deepens the travel path distance for vibrations will increase leading to a reduction in the vibration levels at the receptor as the vibration levels attenuate or reduce with increasing travel path distance for the same size as the blast event
- In terms of traffic, notes established use of site; its locational context; need for quality limestone reserves; best practice standards used and low development costs.
- In terms of increase in annual quarry output, a detailed traffic assessment has

been undertaken, which considers increase in annual output from 250,000t to 375,000t. Increase will have negligible impacts on traffic flows on existing road network.

- Notes appeal on Kilsaran site, which proposes a reduced rate of extraction. Taken in conjunction with this current proposal, there will be overall net reduction in output between the two quarries (I note to Board that the referenced appeal on Kilsaran site has been subsequently WITHDRAWN).
- Quarry operating under QD04.QD0010- no specific condition that requires trucks to be covered. However, confirm that all loads of dust (less than 6mm in size) leaving the site are covered and will continue to be
- Accidental spillages can occur on roads on rare occasions and are cleared from the road by quarry personnel. Number of quarry operations in the area and therefore unreasonable to assert that all spillages identified are attributable to HGVs leaving applicant's quarry.
- Pay commercial rates each year to local authority, to assist in expenditure to include road maintenance and improvement. Under current planning permission, applicant completed road improvement works to satisfaction of Cork CoCo. Condition No. 23 of this grant of permission requires applicant to undertake road maintenance works. In total 560m of works will be undertaken with full cost borne by applicant
- In relation to dust deposition, monitoring of emissions takes place at 5 locations around perimeter of quarry- on going compliance with Condition 13(a) of ABP decision and results submitted to CorkCoCo annually. Number of dust suppression measures in place.
- Considers that proposed development would not seriously injure the amenities of the area or of property in the vicinity; would be acceptable in terms of traffic safety and would be in accordance with proper planning and sustainable development of the area

## 11.0 Assessment

11.0.1 This assessment is divided into a Planning Assessment, an Environmental Impact Assessment and an Appropriate Assessment Screening. There is an inevitable overlap between the assessments, with matters raised sometimes falling within more than one of the assessments. In the interest of brevity, matters are not repeated but such overlaps are indicated in subsequent sections of the report.

### 11.1 Planning Assessment

11.1.1 I have had regard to all the documentation before me, including, *inter alia*, the report of the planning authority; the appeal submission and further responses received; report of Prescribed Bodies; the provisions of the Cork County Development Plan 2022; relevant section 28 Ministerial guidelines; National Planning Framework; provisions of the Planning Acts, as amended and associated Regulations and the nearby designated sites. I have visited the site and its environs. In my mind, the main issues relating to this appeal are:

- Saltwater contamination concerns given proximity to foreshore
- Impacts on Residential Amenity- noise/vibration and dust
- Traffic and Transportation
- Other Matters

#### Context/Background

11.1.2 In terms of clarity, I highlight to the Board that the most recent permission granted by An Bord Pleanála was in 2017 which comprised the further development of the quarry, including completion of extraction within the area permitted previously by An Bord Pleanála (PL 04.203672), deepening of the quarry to -20 metres Ordnance Datum over an area of 7.6 hectares, all ancillary development to the operation of the quarry including the provision of a new infiltration pond system and road improvement works within an overall application area of 20.45 hectares (Reg. Ref QD04.QD0010). This permission thereby extended the life of the quarry by 15 years. This is the most recent An Bord Pleanála application on the site and the

permission by which the site is currently operating under. It appears to me that the main change to that previously permitted on the site by An Bord Pleanála is the deepening of the quarry from -20 O.D to -50 O.D. The principle of the quarry has previously been accepted on the site and permissions appear to be in place for existing operations on the site. I am therefore assessing the current proposal before me, namely only that included for in the public notices.

11.1.3 The existing permitted quarry operations comprise extraction/processing of limestone using blasting techniques, crushing and screening, together with the production of asphalt. The quarry is stated to be a key strategic source and supplier of construction materials for Cork and the surrounding region.

11.1.4 The following is noted:

- The total recoverable reserve of limestone from within the proposed extraction area (from -20 O.D to -50 O.D) is assessed at c7.5million tonnes
- An extraction capacity of up to 375,000t/annum is sought, which is an additional 125,000 tonnes per annum above that currently permitted.
- Operating hours are stated as being 07.00-18.00 hrs Monday to Friday and 07.00-14.00hrs Saturday (in accordance with Condition 15 of existing permission). Quarry will not operate on Sundays or bank holidays, except in emergency situations. Confirmed by first party that there were 5 emergency situations in the past 3 years
- Quarry will operate within existing boundaries previously permitted. There will be no further land take required and no changes to boundary or overall landscape. No topsoil stripping will be required.
- EIA undertaken previously by ABP on existing permitted quarry, which has the same boundaries as that currently proposed.

11.1.3 The lands are zoned 'Greenbelt' and the overall zoning objective for Greenbelt lands is for agriculture, recreation or open space uses. The operative County Development Plan recognises that while the overall objective for Greenbelt lands is to reserve them generally for use as agriculture, open space, and recreation (Objectives RP 5-12 and RP 5-13), it is important to recognise that there are a certain number of long-established commercial or institutional uses lying entirely within the Greenbelt and it

is not the intention of this plan to restrict their continued operation or (subject to maintaining the specific function and character of the Greenbelt in the area) to prevent appropriate proposals for expansion/intensification of the existing uses (section 5.5.8).

- 11.1.4 The operative Development Plan also recognises the economic value and significance of the aggregate and mineral sector to the local, regional and national economy in terms of employment generation and providing raw materials for the construction industry. The Council therefore aims to protect and safeguard the operations of working quarries and proven aggregate resources from incompatible developments to ensure the continued viability of the extractive industry, whilst also ensuring that environmental, rural, scenic and residential amenities are protected (section 8.17.1). I also note Objective RP 5-16 of the operative County Development Plan which relates to Long Established Uses within Greenbelt area. This objective seeks to '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'.
- 11.1.5 The use of the lands for quarrying has previously been accepted in principle by both the planning authority and An Bord Pleanála. The planning authority state that having regard to the long-established nature of quarry activities on this site, it is considered that the development proposal is consistent with relevant national and local policies and is acceptable in principle, subject to normal proper planning and sustainable development considerations.
- 11.1.6 Having regard to the nature, scale and established use of the development proposed, taken in conjunction with existing development within the wider area, I am of the opinion that the proposal generally accords with the zoning objective for the site and is generally in compliance with Development Plan policies and objectives in this regard.

## 11.2 Saltwater contamination concerns given proximity to foreshore

- 11.2.1 I highlight to the Board that this is one of the primary matters of concern raised in the third-party appeal. Section 7 of the submitted EIAR deals with Water and I have undertaken a comprehensive assessment of this matter below. In the interests of brevity, I will not reiterate but refer the Board to same. The concerns of the third-party are such that given the location of the quarry just in from the foreshore, an increase in its depth below sea level will result in saltwater infiltration during high tides. The third-party further contend that saltwater will contaminate underground freshwater streams and will put fresh water supply of residents in jeopardy. They allege that there is currently an issue with freshwater supply at the quarry site and raise concerns regarding serious environmental pollution. These allegations have been refuted by the first-party in a detailed response to the appeal (and I refer the Board to same). They have responded by stating that saltwater is not a contaminant and that all coastal environments have some saline component to their groundwater. Seawater inundation has not occurred to date and unlikely to occur in future. The quarry floor is currently 19.8m below sea level and the flow metre in place does not show evidence of any inundation. In addition, the Flood Risk Assessment demonstrated that embankments are fit for purpose to protect the site from all high tides in all weather conditions. Furthermore, in relation to proximity to existing wells in the vicinity, the first party notes that the radius of private domestic well rarely extends past the boundary of the land on which the home sits. The first party highlights that they hold a Discharge Licence, granted by CorkCoCo (Feb 2019)- this licence sets out measures to safeguard against environmental damage resulting from operations at applicant's site. They state that a substantial amount of site investigation was undertaken by CorkCoCo, prior to issuing, to ensure that discharge was defensible, justified, and regulatory compliant. Ultimately any water that might come into quarry from the coast would be discharged back under valid licence and the water balancing with the coast would be the maintenance of equilibrium.
- 11.2.2 The planning authority states that subject to ongoing compliance with the discharge licence, and appropriate groundwater monitoring programme, they are satisfied that there is a low risk to surface or ground water quality, or surface and ground water

dependent habitats and users from the proposed development. The planning authority notes that groundwater monitoring indicates little impact from existing site operations on the quality of the groundwater. They note that the site has already been excavated below groundwater levels and as the proposed additional excavation is below the water table, there should be no more effect on groundwater depression arising from the deepening of the quarry floor. They further note that the existing settlement pond provides an important function in protecting adjacent surface waters for potential contamination and is operating in line with its discharge licence. No hydrological/hydrogeological issues are raised by the planning authority.

- 11.2.3 The planning authority received a report from the NPWS and the contents of this report are noted. The NPWS are satisfied that the matter may be adequately dealt with by means of condition and include for a recommended condition relating to monitoring of water quality annually including flow rate, with the results being made available to the relevant regulatory authorities. I recommend that if the Board is disposed towards a grant of permission, that similarly worded condition be attached to any such grant.
- 11.2.4 I note all of the information before and acknowledge the concerns of the third party in this regard, which are considered reasonable given the location of the site relative to the coastline and nearby residential properties. However, I note the long-established quarry operations on this site and that comprehensive water management systems are currently in place. I note that seawater inundation has not occurred to date notwithstanding that the quarry floor is currently 19.8m below sea level. It is stated that the flow meter in place does not show evidence of any inundation. I note that both the planning authority and NPWS are satisfied that this matter can be adequately dealt with by means of condition and have not recommended refusal in this regard. I note that conditions attached to the discharge licence for the site seek to safeguard against environmental damage resulting from operations at applicant's site. Having regard to all of the above, I am satisfied that this matter can be adequately dealt with by means of conditions and I consider that this matter does not warrant the refusal of permission in this regard.



### 11.3 Impacts on Existing Residential Amenity

11.3.1 The matter of impacts on amenity, primarily from vibration and dust deposition, are considered to be some of the primary concerns raised in the third-party appeal received.

#### Noise/Vibration

11.3.2 In terms of noise, I refer the Board to section 10 Noise and Vibration of the submitted EIAR and my detailed assessment of same below. In the interests of brevity, I will not reiterate except to note that existing noise monitoring confirms that noise levels recorded comply with noise threshold limits set out in Condition No. 10 of planning permission Reg. Ref. QD04.QD0010. A noise assessment shows that the potential impacts of existing activities within the overall site, the predicted Lar, 1hr dB(A) are below the noise criterion limits for daytime at the nearest noise sensitive locations. There will be no operational changes of noise associated with the existing activities and likely noise levels will not change. Therefore, no additional mitigation measures are proposed, over and above those currently established on the site.

11.3.3 Condition No. 15 of the parent permission Reg. Ref QD04.QD0010 stipulates that quarry operations be carried out between 07.00-18.00hrs Monday to Friday; 08.00 to 14.00 hrs Saturday. The quarry does not operate on Sundays or bank holidays, except in emergency situations. It is stated in the documentation that 5 emergency occasions have occurred at the quarry during the past 3 years. The condition further states that no rock-breaking activity shall take place within any part of the site before 0800 hours on any day.

11.3.4 I note that the planning authority have not raised concerns in this regard, subject to conditions. They note that the Noise Impact Assessment submitted demonstrates that all noise measurements from existing operations are well within set noise limits and that residual noise impacts associated with the development at all receptors will be negligible. I am of the opinion that given the nature of the development proposed, a certain level of noise is anticipated and it is therefore paramount that any such noise is managed insofar as it does not adversely impact upon local residents and is

within acceptable limits. I note that the applicants intend to operate as per previously permitted. Mitigation and monitoring will continue by the applicants and is conditioned by the planning authority. Stringent conditions have been attached by the planning authority and I recommend that if the Board is disposed towards a grant of permission, that similarly worded conditions should be attached to any such grant. As such, these conditions and mitigation/monitoring measures are considered to assist in ensuring minimal disruption and appropriate practices for the duration of the permission.

11.3.5 In terms of vibrations from blasting, this was raised as one of the major concerns in the appeal submission, namely stating that vibrations can be felt for up to 1km distant from the quarry and also concerns regarding cumulative effects of quarrying the area. On this basis, they request that permission be refused for the proposed development. The first party refute these claims and state that the appellants have submitted no information to validate these claims. They further state that as the quarry deepens the travel path distance for vibrations will increase leading to a reduction in the vibration levels at the receptor as the vibration levels attenuate or reduce with increasing travel path distance for the same size as the blast event. The planning authority requested Further Information in relation to this matter. I have detailed this below in my assessment of section 10 of the EIAR and I refer the Board to same. The planning authority were satisfied with the response received in relation to this matter and have attached conditions in this regard to their grant of permission.

11.3.6 As stated above, section 10 of the submitted EIAR deals with noise and vibration. I also refer the Board to the Further Information response to the planning authority in relation to this matter (pages 3-5 inclusive) and to my assessment below. In the interests of brevity, I will not reiterate but refer the Board to same. Blasting will continue at the quarry, stated to be generally once a month (occasionally twice a month). Monitoring shows that vibration levels are significantly below the permitted 12mm/second permitted under Condition No. 12 of An Bord Pleanála decision Ref. QD04.QD0010. There will be no change to blasting operations at the quarry. Blast notification procedures are also set out in the documentation, which include for written and verbal communication to local residents, together with siren warnings.

Annual reviews of blast monitoring are submitted to the planning authority. I have no information before me to believe that cumulative impacts would occur.

- 11.3.7 Having regard to all of the information before me in this regard, I am satisfied that noise and vibration levels are within appropriate limits and that their impacts would not be so great as to warrant a refusal of permission. I recommend that regular monitoring continue, with results submitted annually to the planning authority. I am satisfied that this matter can be adequately dealt with by means of condition.

#### Dust Deposition

- 11.3.8 Concerns regarding dust deposition are raised within the third-party appeal submission. Section 8 of the submitted EIAR deals with air quality and I have undertaken a comprehensive assessment of same under this section. In the interests of brevity, I will not reiterate. I am of the opinion that the nature of the use is such that a certain level of dust is to be anticipated. Adequate mitigation and monitoring is paramount so as to ensure that levels do not exceed safe limits, do not have environmental impacts and do not impact negatively on the amenity of nearby residents. I note that extensive mitigation and monitoring measures are currently in place and are proposed with results to be submitted to the planning authority for record at regular intervals. The matter has been comprehensively dealt with by the planning authority by means of condition. An assessment of fugitive dust emissions from the overall site was undertaken by the applicants and the main focus of the assessment was fugitive dust emissions from transport; extraction, storage and transfer of stone; and processing plants and facilities. Sensitive receptors within 1km of the quarry extraction area were identified. With management/mitigation measures in place, impacts were characterised as being 'insignificant/acceptable' at all receptors.
- 11.3.9 The planning authority included this matter in their request for Further Information and I note the response to same from the first party (see pages 5-6 inclusive of first party response).

11.3.10 I note all of the information before me in this regard. I consider that the matter at hand is to ensure that fugitive dust emissions do not exceed permitted levels and do not impact negatively on the amenity or environment of this area, to such an extent as to warrant a refusal of permission. For that reason, I note the importance of the proposed mitigation/monitoring measures together with the conditions relating to same attached to the grant of permission. Any previous non-compliance with conditions is a matter for enforcement for the planning authority. I again refer the Board to the detailed assessment undertaken below under Air Quality (Section 8) of the submitted EIAR. Current and future dust suppression measures are noted. All loads of dust leaving the site (less than 6mm) are covered. The planning authority are generally satisfied in this regard, subject to conditions. I am generally satisfied in this regard, subject to condition, and consider that this matter is not so great as to warrant a refusal of permission. I recommend that if the Board is disposed towards a grant of permission, that conditions in this regard be attached to any such grant.

#### 11.4 Traffic and Transportation

11.4.1 I refer the Board to section 14 of the submitted EIAR which deals with Traffic and my assessment of same below. In the interests of brevity, I will not reiterate.

11.4.2 The third-party appellants raise concerns in this regard, primarily in relation to impacts of the proposal on local roads, spillages of quarry material onto public road, together with pedestrian safety given the volume of HGVs utilising the local road network. The planning authority requested Further Information in relation to traffic and transport matters, in particular relating to the direction of travel of HGVs leaving the site/haul route management. On receipt of Further Information, the Transportation Division of the planning authority have no objections to the proposal, subject to conditions.

11.4.3 The first party confirmed in their response to the Further Information request to the planning authority that eastbound HGV traffic leaving the site will not use the Ballintubber Road eastwards towards Midleton and will not enter the village of Carrigtwohill via Barrycourt Junction to access the N25 eastbound lane. This will be communicated to drivers in a number of ways. I consider that this matter could be adequately dealt with by means of condition. Such a condition would improve the residential amenity of nearby residents along this route. I recommend that, similar to

the condition attached by the planning authority, all HGV/trucks leaving the site turn left onto the L-3619 driving westwards and continue onto the R624 and all HGV/truck coming to the site take the R624 and turn on to the L-3619. HGV/trucks should not be permitted to drive eastwards along the Ballintubber Road to Midleton or Carrigtwohill village, in the interests of traffic management and safety. I consider such a condition to be reasonable, notwithstanding the additional distance some trucks may have to travel to reach local destinations. The amenity value to a such a condition for local residents significantly outweighs any greater distance to be travelled, in my opinion.

11.4.4 The matter of spillages of quarry materials onto the public road from trucks has been raised as a concern by the third-party appellant. Photographs have been submitted in support of his argument. I highlight to the Board that these photographs are undated and it is unclear exactly where they were taken, and from what vehicle the spillage occurred. The first party state that accidental spillages can occur on roads on rare occasions, but when this happens it cleared from the road by quarry personnel. This is considered reasonable. They further state that there are a number of quarry operations in the area and therefore it is unreasonable to assert that all spillages identified are attributable to HGVs leaving applicant's quarry. I would agree with this assertion. The planning authority have not raised concerns in this regard and have attached a number of conditions regarding HGV traffic management to their grant of permission. I did not witness any spillages of quarry material on the local roads, during the course of my site visit. I am generally satisfied in this regard.

11.4.5 To conclude, I am generally satisfied that the proposal is acceptable in terms of traffic and transportation. I have had regard to the established use of the site for quarrying and associated activities. I also note section 28 ministerial guidelines which acknowledge 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. I consider that, if permission were granted for the proposed development, there would be a negligible increase in traffic congestion/movements compared than that previously permitted on site. In terms of capacity of local road network to accommodate such vehicles, I conducted a site visit and witnessed the road widths in the vicinity. The planning

authority determined that the receiving road is satisfactory. They attach a section 48(2) condition in this regard, which I consider to be reasonable. The first party detail contributions made in respect of road improvements/upgrades stating that they pay commercial rates each year to local authority to assist in expenditure to include road maintenance and improvement. They further state that under the current planning permission, they completed road improvement works to satisfaction of the planning authority. Condition No. 23 of this current grant of permission from the planning authority requires the applicant to undertake road maintenance works of 560m in length with full cost borne by applicant. I consider that a similarly worded condition should be attached to any such grant, if the Board is so minded to grant permission. I am of the opinion that the additional traffic associated with the proposed development would not be so great as to warrant a refusal of permission.

11.4.6 Having regard to all of the above, I have no information before me to believe that the proposal would lead to the creation of a traffic hazard or obstruction of road users and I consider the proposal to be generally acceptable in this regard. In my opinion, any matters raised could be adequately dealt with by means of condition.

#### 11.5 Other Matters

11.5.1 Matters of enforcement are outside the remit of this current appeal, a matter for the planning authority.

## **12 Environmental Impact Assessment**

### **12.1 Statutory Provisions**

12.1.1 This application was submitted to the Bord after 1<sup>st</sup> September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

12.1.2 The application was accompanied by an Environmental Impact Assessment Report (EIAR), which is mandatory for the development in accordance with the provisions of Part X of the Planning and Development Act 2000 (as amended) and Schedule 5 of the Planning and Development Regulations 2001-2015.

- 12.1.3 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.
- 12.1.4 The development involves the continued use and deepening of an existing quarry for the extraction of limestone from a permitted extraction area of c.12.6 hectares. It therefore exceeds the above thresholds and requires mandatory EIA.
- 12.1.5 The EIAR contains two volumes, which includes for a Non-Technical Summary. Chapters 1-3 inclusive set out an introduction to the development, background to proposed development, methodology used, description of the proposed development, existing environmental monitoring and proposed final restoration.
- 12.1.6 The likely significant direct and indirect effects of the proposed development are considered in the remaining chapters which collectively address the following headings, as set out in Article 3 of the EIA Directive 2014/52/EU:
- Population and Human Health
  - Biodiversity
  - Land, Soils and Geology
  - Water
  - Air Quality
  - Climate
  - Noise and Vibration
  - Material Assets
  - Cultural Heritage
  - Landscape
  - Traffic
  - Interactions Summary
- 12.1.7 I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and 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 2000, as amended.

- 12.1.8 I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the submissions made by the planning authority, prescribed bodies and third parties has been set out above.
- 12.1.9 This EIA has had regard to the application documentation, including the EIAR, the submissions received and the planning assessment completed above.
- 12.1.10 The planning authority state that they are satisfied that the EIAR adequately describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment. Subject to implementation of the mitigation measures proposed, it is considered that the impact of the development on the environment is acceptable.

## **12.2 Alternatives**

- 12.2.1 Article 5(1)(d) of the 2014 EIA Directive requires the following:

*“a description of the reasonable alternatives studied by the developer, which are relevant to the development and its specific characteristics, and an indication of the main reasons for selecting the chosen option, taking into account the effects of the development on the environment.”*

- 12.2.2 Section 3 of the submitted EIAR deals with alternatives and sets out alternative sources of aggregates considered; alternative locations, design/layouts and processes. It is considered that the issue of alternatives has been adequately addressed in the application documentation. The planning authority have not raised concerns in this regard.

## **12.3 Assessment of Likely Significant Direct and Indirect Effects**

### Population and Human Health

Section 4 of the EIAR is entitled population and human health. The site is located within the electoral division of Carrigtwohill. This quarry is a significant source of raw materials for the construction sector. The continued development of limestone aggregate reserves at the site is required to ensure Lagan meets the demands of the markets they have built up in the region. The proposed development is stated to be



of strategic importance in relation to the construction of housing in particular. Potential adverse effects have been outlined and detailed/addressed in subsequent chapters relating to noise, vibration, dust, visual impact and traffic. I will examine same in context of effects on population/health within the specific sections. An environmental monitoring programme implemented at the site confirms that the quarry is not having an adverse impact on the surrounding environment. Mitigation measures have been outlined and monitoring proposed, while no residual impacts are anticipated.

I have considered all of the written submissions made in relation to population and human health. I am satisfied that the proposal will lead to employment generation in the wider area. I am also satisfied that this matter has been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on population and human health are likely to arise.

#### Biodiversity

Section 5 of the EIAR refers to biodiversity. Further Information was requested by the planning authority in relation to the proposed restoration plan and biodiversity enhancement. I also refer the Board to the Further Information response to the planning authority in relation to this matter (pages 6-10 inclusive), which includes details, inter alia, of a Landscape Mitigation and Restoration Plan. Field surveys were undertaken. The active quarry will continue to operate under the requirements similar to those set out in existing permission. The proposal will not result in loss of habitat with biodiversity value. The Screening for Appropriate Assessment (AA) concluded that there will be no risk of significant negative effects on any European site as a result of the proposed project, either alone or in-combination with other plans or projects. The dominant habitat within and surrounding the quarry, aside from the active quarry area, is bare ground. Existing scrub/hedgerows around perimeter of site will be retained and not impacted upon. Upon cessation of extraction, it is proposed to return the quarry area to natural habitat after-uses as recommended by the DAU. Best practice measures will be utilised.

The current settlement lagoon and infiltration area are fully functional and are sufficient to receive the discharge volumes from the quarry void. The discharge water quality arising from the proposed development will have no effect on local

biodiversity, any Natura 2000 site or shellfish areas. The Cork Great Island North Channel Shellfish Area lies 130m south of the quarry extraction area. Information produced by the Department of Housing, Local Government and Heritage (2012 updates) reports that key pressures on the shellfish population in this area are from urban wastewater systems and on-site wastewater treatment systems. It reports that none of the quarries operating within 2km of this area have been designated as 'at risk' of impacting their surrounding environments. The potential effect on the shellfish area has been assessed during the application for the Discharge Licence.

Emissions to water will not increase significantly as a result of the deepening of the quarry. The applicant concludes that designated shellfish areas can be scoped out and excluded from further consideration in this report.

The restoration plan and associated proposed planting will ensure that there will be an overall increase in biodiversity on the site. Cumulative or residual effects are not likely to occur.

I have considered all of the written submissions made in relation to biodiversity. The planning authority, on receipt of Further Information response were satisfied in this regard, subject to conditions. I am also satisfied that biodiversity matters have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on biodiversity are likely to arise.

### Lands, Soils and Geology

Section 6 of the EIAR deals with lands, soils and geology. The lands are already in use for extraction and associated production purposes, given the existing permitted quarry use. No further land take is required as part of the proposal. Soils in the vicinity of the site are characterised by deep and well drained Acid Brown Earths and Brown Podzols, underlain by glacial till. Soils at the site have previously been removed to facilitate quarrying and it is not proposed to remove any further soils as part of this current proposal. The northern part of the site is underlain by Carboniferous Clashavodig Formation Limestone, while the southern part of the site which contains the quarry void is located on a Carboniferous Little Island Formation.

This is the main geological type which has been quarried at the site. The closest karst features are located in excess of 1km from the site, with no significant karst features encountered at the quarry. There are no designated Irish Geological Heritage sites at Rossmore, nor sites of County Geological Interest.

There are no site construction impacts associated with the deepening of the existing quarry. The construction phase has been completed for the existing quarry. The works do not require any stripping of soils/subsoils across the lands. Further extraction of limestone material within the permitted quarry footprint, over the proposed lifetime of the continuance of use is proposed. Residual impacts will be low to imperceptible. There will be a residual impact associated with the long-term loss of the original agricultural land (pre original quarry development) and this will be a permanent and minor negative impact at site level. The restoration of the application area to natural habitat after use will have a positive impact of the site and local area.

I have considered all of the written submissions made in relation to lands, soils and geology. The planning authority have not raised concerns regarding this chapter of the EIAR. There is an established use of the site for quarrying and related uses. No further land take is required as part of the proposal and it is not proposed to remove any soils as part of this current proposal. I am also satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of lands, soils and geology.

### Water

Section 7 of the submitted EIAR deals with Water. I highlight to the Board that this was raised as a matter of concern within the submitted third-party appeal. There is an existing water management system in place at the quarry, located to the east of the quarry working area, licenced by the local authority. It has been designed to accommodate a 1:100 year storm event; the combined effect of the adjacent Kilsaran quarry; potential recirculating groundwater from the infiltration pond and provision for future cessation of the adjacent Kilsaran quarry.

The site is located within the Lee, Cork Harbour and Youghal Bay WFD, within the Tibbotstown River WFD Sub-Basin and is underlain by the Midleton Groundwater Body. The Great Island Channel SAC is located immediately adjacent to the south of the site, while the Cork Harbour SPA is also located to the south of the site.

The site is underlain by Carboniferous period Limestones and a Regionally Important Aquifer and the quarry is located within the Midleton Groundwater Body. Previous site investigations comprised almost 30 boreholes, numerous trial pits, soakaway tests and Rotary Core drilling. This extensive established network of monitoring boreholes are both within the site and in upgradient neighbouring lands. The site has the benefit of a robust site investigation programme completed for the previous planning application for further development of the quarry, which includes for EIA. Discharge water quality is monitored four times per year, as per Condition 2.6 of the Discharge Licence and results show full compliance with terms of the Licence.

Extraction currently takes place below sea level, permitted to a depth of -20m OD. The floor of the quarry is currently 19m below sea level. Investigations of the rock face walls of the quarry show that the limestone is tight with only two small cracks observed with any evidence of water ingress. These two points were associated with corners in the rock under access road corners. It is the applicants experience that in an operating quarry, the walls and number/size of the pumps dewatering the sump give evidence of current groundwater ingress. Presently, the evidence shows that there is only small-scale dewatering infrastructure on site, there is only one small pump pontoon and the one duty pump provides adequate service. Only one discharge pipe is required to convey water from the sump to the lagoon across the road. This suggests that little groundwater presents for management at the site at the current level of almost 20m below sea level. The Discharge Licence permits a daily volume of 12,000m<sup>3</sup>/d. Currently the site dewateres 396m<sup>3</sup>/d on average operating a floor level of -19m OD (90% capacity remaining). It is considered that the current Discharge Licence will remain fit for purpose for the proposed development. It is stated that deepening of the quarry is not expected to substantially increase dewatering requirements because experience shows that the diffuse karst and coastal setting suggests that limestone will be denser at depth and any substantial groundwater should have been experienced before now.

In the event that the neighbouring quarry operations ceased, Lagan would have to dewater both quarries and this treatment capacity is built into the lagoon systems. Surface water run-off and groundwater inflows are collected in the quarry sump and discharged to the water management lagoon and infiltration system to the east of the site, under Discharge Licence.

There are no public/group Water Supply Scheme or National Federation Group Water Schemes in the vicinity. There is no record of any mapped wells within 5km of the site and no residences within 500m of the sump. It is believed that domestic residences to the north, east and west of the site are served by mains supply. There is a farm, approximately 700m from the sump, which uses water from a well.

Likely impacts are set out in section 7.8.2 and cumulative impacts in section 7.8.2.7. Existing mitigation measures are in place and any predicted impacts can be resolved by the mitigation measures. These include regular monitoring of floor sump; best practice management of machinery; appropriate storage of fuel and controlled nature of explosive use. Regular monitoring and review of the discharge water quality will indicate the effectiveness of pollution control and water management systems. During the restoration programme, any potential contamination sources will be removed.

I have considered all of the written submissions made in relation to Water. The planning authority did not raise any objections, subject to conditions being imposed. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Water.

### Air Quality

Section 8 of the submitted EIAR deals with air quality. I also refer the Board to the Further Information response to the planning authority in relation to this matter (pages 5-6 inclusive) and to my assessment above. I highlight to the Board that this was one of the primary concerns raised in the third-party appeal.

An assessment of fugitive dust emissions from the overall site was undertaken which includes for potential sources, surrounding receptors and pathways source and

receptor in order to assess the magnitude of risk of impact without mitigation measures in place. The main focus of the assessment was fugitive dust emissions from transport; extraction, storage and transfer of stone; and processing plants and facilities. Sensitive receptors within 1km of the quarry extraction area were identified (26 in total) based on land use and a number of these receptors were assessed in greater detail, as they were considered to have the potential for a greater risk of dust impacts. In the absence of any mitigation measures, the risk of impact from dust emissions was determined to be 'insignificant' to 'slight adverse'. However, with management/mitigation measures in place, this is reduced to 'insignificant/acceptable' at all receptors. A range of existing management measures, in line with best environmental practice measures for the sector, are in place to minimise generation/migration of fugitive dust and ensure compliance with relevant thresholds. These include dust suppression measures. Dust deposition monitoring is carried out at five locations to ensure compliance with recommended dust deposition limit value of 350mg/m<sup>2</sup>/day (averaged over 30 days) (See Figure 8.1 of EIAR for locations). It is concluded that continued use of quarry and related operations, with continued implementation of existing management measures will not have significant dust deposition impact on any assessed receptors.

Dust monitoring locations shall be reviewed and revised, if necessary and results of dust monitoring shall be submitted to planning authority on a regular basis for review and record purposes.

I have considered all of the written submissions made in relation to air quality. The planning authority are generally satisfied in this regard, subject to conditions. The established nature of the quarry is noted, together with existing mitigation measures. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of air quality.

### Climate

Section 9 of the submitted EIAR deals with Climate.

The existing quarry and its continuance of use is not of sufficient scale to have any direct or indirect impacts on regional or local climatic conditions. Greenhouse gas emissions at Rossmore Quarry have been calculated and are assessed as being not significant in the context of existing national emission levels. Measures will be implemented to assess and/or monitor greenhouse gas emissions and reduce these, where practicable.

The vulnerability of Rossmore Quarry to the effects of climate change has also been considered and specific climate change adaption/resilience measures are implemented at the quarry. Monitoring of such measures shall be undertaken on a regular basis and details recorded.

I have considered all of the written submissions made in relation to climate. The planning authority have not raised concerns in this regard. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of climate.

#### Noise and Vibration

Section 10 of the submitted EIAR deals with noise and vibration. I also refer the Board to the Further Information response to the planning authority in relation to this matter (pages 3-5 inclusive) and to my assessment above. This matter has been raised in the appeal submission, namely vibration impacts from deepening of quarry. I am of the opinion that the concerns raised relate more to planning matters as opposed to environmental matters.

Rossmore quarry is an existing operation and existing measured noise conditions associated with the overall site activities were applied to assess the potential noise, impacts at sensitive receptors and identification of potential impacts. Existing noise monitoring confirms that noise levels recorded comply with noise threshold limits set out in Condition No. 10 of planning permission Reg. Ref. QD04.QD0010. A noise assessment shows that the potential impacts of existing activities within the overall site, the predicted Lar, 1hr dB(A) are below the noise criterion limits for daytime at the nearest noise sensitive locations. There will be no operational changes of noise

associated with the existing activities and likely noise levels will not change.

Therefore, no further mitigation is required.

In relation to ecological receptors, noise measured is currently within noise guidance limits and maximum noise emission levels and there therefore there is currently negligible noise impact on any designated site.

A number of mitigation measures are already in place to minimise the generation and migration of noise and these will continue to be implemented. A Noise Monitoring programme is currently in place and results of same are submitted regularly to the planning authority for record purposes. Existing mitigation measures include retention of existing screening berms and perimeter hedge planting, all mobile plant having noise emission levels that comply with existing standards and exhaust silencers fitted.

In terms of vibrations, I note this was a specific issue raised in the third-party appeal submission. It is stated that blasting operations will continue at the quarry. It is stated that blasting-induced vibration is impulsive and transient in nature. Frequency is dependent on market demand and each blast is of short duration, likened to a clap of thunder.

Best practice measures are outlined that are implemented at the quarry to minimise disturbances due to blasting operations. These measures include specified hours of blasting, advance notification to residents within 1km of blast location, verbal confirmation provided by quarry manager to local residents to confirm blast is due to take place that day and additional verbal communication when exact time of blast is confirmed, together pre and post blast sirens. Monitoring will continue to be carried out and results submitted to the planning authority for record, with scoping of blasts reviewed annually.

To avoid damage to properties in vicinity, ground borne vibration levels from blasting do not exceed peak particle velocity of 12mm/sec, in accordance with Condition 12 of existing permission QD04.QD010. Based on existing and historical blasting results, together with distance between proposed development and nearby



receptors, it is concluded that continuing of blasting operations within the existing quarry will have no significant impact on any sensitive receptors.

I note that the planning authority requested Further Information in relation to evaluating the cumulative vibration impacts of the proposed development, in addition to predicted blasting frequency. The response to same is noted (and I refer the Board to page 3-5 of the first party response). Monitoring results from 2018-2021 were stated to show that the frequency of blasting at the quarry during that period was typically once per month, occasionally twice per month. The measured ground borne vibration levels close to sensitive receptors were generally less than 2mm/second peak particle velocity with the highest recorded vibration level being 3.04mm/second. These levels are significantly below the permitted 12mm/second permitted under Condition No. 12 of An Bord Pleanála decision Ref. QD04.QD0010. There will be no change to blasting operations at the quarry. Annual reviews of blast monitoring are submitted to the planning authority.

I have considered all of the written submissions made in relation to noise and vibration. The matter of vibration/blasting was addressed in the Further Information request by the planning authority and they were satisfied with the response received, subject to conditions. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. This matter could be adequately dealt with by means of condition. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise or vibration.

#### Material Assets

Section 11 of the EIAR deals with Material Assets. Existing road infrastructure, processing, manufacturing and ancillary development is in place. No site establishment or preparatory works are required. The proposed development will not require the installation of electricity, water supply, telecommunications, or wastewater infrastructure. All necessary infrastructure is already in place. Proposed development would not have any significant, adverse, direct or indirect effects on

water supply, wastewater, telecommunications or electricity supply. Existing management arrangements are in place.

I have considered all of the written submissions made in relation to material assets. The planning authority have not raised concerns, subject to conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of material assets.

### Cultural Heritage

Section 12 of the submitted EIAR deals with cultural heritage.

There are no Recorded Monuments within the proposed development site or in the immediate area (nearest is 0.42km distant). There are no Protected Structures within application site.

There will be no direct or indirect impacts on any known items of archaeology, cultural heritage or buildings of heritage interests in the application area or vicinity. sites in proximity to the development site. No mitigation or monitoring measures are required.

I have considered all of the written submissions made in relation to cultural heritage. The planning authority have raised no objections in this regard. I am satisfied that the matter has been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on cultural heritage are likely to arise.

### Landscape & Visual

Section 13 of the submitted EIAR deals with landscape and visual. This section includes a Landscape and Visual Impact Assessment (LVIA) and I refer the Board to same. A study area of 3km surrounding the application was identified, with the area extending up to 5km to the north and west identified. A Zone of Theoretical Visibility (ZTV) Mapping was produced for both the permitted and proposed quarry layout to assess the potential visibility and in particular differences in visibility, was undertaken. Site surveys were undertaken and the LVIA examined 6 viewpoints (A-F inclusive).

The application site is not visible in the vast majority of views from the surrounding landscape due to topography and existing vegetated boundary berms. The only views are from 1.5-3km to the south-west of the application site, where there are some restricted views. Screening is provided by existing vegetation. Once the quarry floor within the visible area has been lowered by one bench, all further extraction activities will be fully screened. Any activities associated with extraction works will not change from that currently existing. The proposal will not result in any changes to the existing settlement pond/infiltration pond system for the duration of the extraction works, until there is final restoration of the overall site. All changes will be fully contained within the existing visible quarry development. As a result, the change to existing views will be barely perceptible. Visual effects were therefore assessed as minor/negligible or less.

In the post-operational phase following permanent cessation of works, plant and machinery will be removed from the site and the site restored in accordance with the Restoration Plan. This restoration will result in some beneficial effects on surrounding landscape and visual amenity compared with the current baseline.

The proposal constitutes the continuation of existing permitted extraction activities. I have examined the differences between the permitted and proposed development and am satisfied that only minor areas of theoretical visibility were identified. This appears reasonable. The EIAR states that the proposed development is deemed to be compliant with landscape policy set out in operative CDP.

No further mitigation measures are proposed.

I have considered all of the written submissions made in relation to landscape and visual. The planning authority have not raised concerns in this regard, subject to conditions. I note the policies and objectives in the operative Development Plan relating to mineral extraction, together with Section 5.5.8 of the Plan which acknowledges that 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. Given that the

proposal involves below ground extraction within the established and permitted quarry location, there is anticipated to be no additional visual impact associated with the proposed development. I am generally satisfied that this matter has been appropriately addressed in terms of the application and the information submitted by the applicant and that no greater significant adverse direct, indirect or cumulative effects on landscape and visual are likely to arise over and above the current situation.

### Traffic

Section 14 of the submitted EIAR deals with traffic. I also refer the Board to the Further Information response to the planning authority in relation to this matter (pages 2-3 inclusive). The issue of traffic and transport has also been dealt with in my assessment above and I refer the Board to same. This section should be read in conjunction with the above assessment, in terms of third-party concerns, as traffic matters were raised within the appeal submission.

TRICS database was used (see Appendix 14-A). Traffic surveys were undertaken at 4 no. junctions (see Appendix 14-B of EIAR).

A maximum extraction rate of 375,000t per annum is sought, which is an additional 125,000 tonnes per annum above that currently permitted. That currently permitted is 250,000tonnes/annum. The traffic and transport assessment was carried out on the basis of the total additional extraction volume of 125,000 tonnes being exported from the site. Planning permission is currently in place for a ready-mix concrete plant (c.70,000t) and ground limestone plant (c.30,000t), which have not yet been constructed. So as to ensure worst case scenario is assessed, the influence of these developments on traffic volumes associated with the site have been included to determine the cumulative impact of the quarry and those associated activities. The applicants undertook (i) vehicle turning counts at four no. locations (ii) an assessment of link capacity in the L7645 and L3619 and (iii) junction capacity analysis for three no. junctions, all for years 2021 (base year), 2022, 2027 and 2037. Traffic associated with the proposed development is stated to represent between 44.67% and 5.78% of the total traffic on the L7645 during the assessment years of 2021 to 2037 and between 0.05% and 0.21% of the total traffic on the L3619 during the same assessment period. It is acknowledged that the proposed development will

result in an increase in traffic volumes within the road network in the vicinity of the proposed development, however in all instances, it was concluded that all roads and junctions assessed will operate within capacity for each of the assessment years. It was further concluded that the quarry will have a negligible impact on the operation of the road network in the vicinity of the quarry.

I have considered all of the written submissions made in relation to traffic and transportation. The planning authority raised this matter as part of their Further Information request. Conditions in this regard are attached to their grant of permission. I am cognisant of cumulative impacts and in particular, note the location of the adjoining Kilsaran quarry. I acknowledge the concerns expressed by the third-party appellant regarding pedestrian safety. However, I note that this is a rural area and the provision of footpaths in such an area is not usual. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I consider that the condition attached by the planning authority relating to the prevention of right turning movements onto the local road to be fair and reasonable and I recommend a similarly worded condition in any such grant. Having regard to all of the above, I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of traffic and transportation, subject to conditions.

#### Interaction Summary

Section 15 of the submitted EIAR provides a summary of principal interactions and inter-relationships, which have been discussed in the preceding chapters.

I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. In conclusion, I am generally satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions.

#### Cumulative and Interactive Effects

Cumulative effects and residual impacts are examined within each chapter.

As stated above, I have considered the cumulative and interactive effects of the proposed development and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. In conclusion, I am generally satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions.

### Reasoned Conclusion on the Significant Effects

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

- Biodiversity impacts mitigated by proposed Restoration Plan, landscaping strategy which will use a mix of appropriate species; will ensure no invasive species are introduced.
- Land, soils and geology impacts to be mitigated by continuance of soil management measures currently in place and adherence to health and safety guidelines.
- Water impacts to be mitigated by continuance of existing mitigation/monitoring water management measures including correct storage of fuel and other materials; correct maintenance of machinery; ensuring quarry floor, sump settlement system, lagoon and infiltration area are all adequately sized
- Landscape and visual impacts which will be mitigated by the continuation of existing mitigation measures; undertaking of Restoration Plan; landscaping
- Air quality and climate impacts which will be mitigated by continuance of existing mitigation/monitoring measures including dust minimisation plan and dust deposition monitoring
- Traffic and transportation impacts which will be mitigated by adherence to existing mitigation/monitoring measures; use of prescribed haul routes; new advance warning signage; regular maintenance of haulage vehicles
- Noise and vibration impacts which will be mitigated by adherence to existing mitigation/monitoring measures; no blasting at weekends; advance notification of

blasting; provision of screening berms to act as acoustic barriers; machinery to comply with relevant limits

- Climate impacts which will be mitigated by implementation of robust water management system; greenhouse gas monitoring; design that allows for rising water and ground water levels; use of energy efficient machinery

The submitted EIAR has been considered with regard to the guidance provided in the EPA documents 'Guidelines on the Information to be Contained in Environmental Impact Assessment Reports' (draft August 2017) and 'Advice Notes for Preparing Environmental Impact Statements' (draft September 2015). The assessments provided in the individual EIAR chapters are considered satisfactory. The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed. They would not require or justify refusing permission for the proposed development or requiring substantial amendments to it.

## **13 Appropriate Assessment Screening**

13.1.1 A Screening Report was submitted with the application. I also refer the Board to section 5 Biodiversity and section 7 Water (Hydrology and Hydrogeology) of the submitted EIAR, in addition to the updated Restoration Plan (which includes details of biodiversity enhancement). I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified and sound scientific information and knowledge was used. The AA Screening Report concludes that appropriate assessment is not required, as the proposed project, individually or in combination with other plans or projects, will not have a significant effect on any Natura 2000 sites. I note that this assessment was reached without considering or taking into account mitigation measures or measures intended to avoid or reduce any impact on European sites. The information contained within the submitted reports is considered sufficient to allow me undertake an Appropriate Assessment of the proposed development.

13.1.2 In this regard, I note that the AA Screening is a preliminary examination for likely significant effects, not a detailed assessment. If significant effects cannot be excluded on the basis of objective information, without extensive investigation or the

application of mitigation, a plan or project should be considered to have likely significant effect and appropriate assessment carried out. Section 177U of the Planning and Development (Amendment) Act 2010 refers to screening for appropriate assessment and the use of best scientific knowledge. In terms of best scientific knowledge as it should apply to screening, I note that the submitted AA screening document was prepared by a competent and experienced Ecologist, in line with best practice guidance. The site is described adequately and potential impacts arising are also described. In this case, Table 1 lists the European Sites, distances, qualifying interests, the most up to date conservation objectives. Having regard to the information before me, I am satisfied that the best scientific knowledge for purpose of a screening test has been forward in this instance.

13.1.3 The planning authority state that they have undertaken a detailed assessment of the submitted AA Screening Report and the relevant chapters of the EIAR and they concur with the conclusions of the AA Screening Report. Given that the proposal does not pose a risk of having a negative impact on water quality and given the distance to the Great Channel SAC and Cork Harbour SPA, they are satisfied that the proposed development, alone or in combination with other plans or projects does not pose a risk of having significant effects on these designated sites. The Ecology Officer advises that the recommended condition of the NPWS be attached to any grant of permission. The report of the NPWS to the planning authority is noted, which includes for a recommended condition relating to monitoring of water quality annually including flow rate and the results made available to the relevant regulatory authorities.

13.1.4 I note that a rNIS was submitted with SU04.SU0093, an application for Substitute Consent in accordance with S.177E2(a) of the Planning and Development Act 2000 as amended. In that decision, the Board completed an appropriate assessment of the impacts of the development on nearby Natura 2000 sites, specifically the Great Island Channel SAC (Site Code: 001058) and the Cork Harbour SPA (Site Code: 004030). They were satisfied that satisfied that subject to the implementation of the identified mitigation measures and on the basis of the information available, the development, either individually or in combination with other plans or projects, would not have adversely affected and is not adversely affecting the integrity of any Natura site, having regard to the conservation objectives of those sites. This AA Screening



document examines the current proposal, namely the deepening of the existing quarry from -20m OD to -50m OD within the existing permitted quarry footprint, the continued use of the existing water management system, together with minor amendments to the permitted quarry layout.

13.1.5 The subject site is not located within any designated European site. The boundary of the Great Island Channel SAC (Site Code: 001058) and the Cork Harbour SPA (Site Code: 004030) is c.130m beyond the quarry extraction area at Rossmore. It is not considered likely that any effects of the proposed development would extend beyond these two Natura 2000 sites as noise, vibration, dust and discharge would not travel far enough to reach any other designated site and there are no downstream hydrological connections to any other designated site. The quarry does not discharge directly to any Natura 2000 site and there are no downstream hydrological connections to any Natura 2000 sites.

13.1.6 The following Natura 2000 sites are considered to be located within the potential zone of impact:

Site Name and Code	Distance	Qualifying Interests
Great Island Channel SAC (Site Code: 001058)	c.130m south of quarry extraction area	<ul style="list-style-type: none"> <li>• Mudflats and sandflats not covered by seawater at low tide [1140]</li> <li>• Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</li> </ul>
Cork Harbour SPA (Site Code: 004030)	c.130m south of quarry extraction area	<ul style="list-style-type: none"> <li>• Little Grebe (<i>Tachybaptus ruficollis</i>) [A004]</li> <li>• Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</li> <li>• Cormorant (<i>Phalacrocorax carbo</i>) [A017]</li> <li>• Grey Heron (<i>Ardea cinerea</i>) [A028]</li> <li>• Shelduck (<i>Tadorna tadorna</i>) [A048]</li> <li>• Wigeon (<i>Anas penelope</i>) [A050]</li> <li>• Teal (<i>Anas crecca</i>) [A052]</li> <li>• Pintail (<i>Anas acuta</i>) [A054]</li> <li>• Shoveler (<i>Anas clypeata</i>) [A056]</li> <li>• Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</li> <li>• Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</li> </ul>

		<ul style="list-style-type: none"> <li>• Golden Plover (<i>Pluvialis apricaria</i>) [A140]</li> <li>• Grey Plover (<i>Pluvialis squatarola</i>) [A141]</li> <li>• Lapwing (<i>Vanellus vanellus</i>) [A142]</li> <li>• Dunlin (<i>Calidris alpina</i>) [A149]</li> <li>• Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</li> <li>• Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</li> <li>• Curlew (<i>Numenius arquata</i>) [A160]</li> <li>• Redshank (<i>Tringa totanus</i>) [A162]</li> <li>• Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</li> <li>• Common Gull (<i>Larus canus</i>) [A182]</li> <li>• Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</li> <li>• Common Tern (<i>Sterna hirundo</i>) [A193]</li> <li>• Wetland and Waterbirds [A999]</li> </ul>
--	--	--

#### Qualifying Interests/Features of Interest

13.1.7 Qualifying Interests/Special Conservation Interests for which each European Site have been designated are outlined in Table 1 of the AA Screening Report (pages 9-10 inclusive).

#### Conservation Objectives

13.1.8 The Conservation Objectives for the above sites are to maintain or restore the favourable conservation condition of each qualifying species/habitat for which the site has been selected.

13.1.9 In addition, the Conservation Objectives of the Cork Harbour SPA seek to maintain the favourable conservation condition of the wetland habitat in Cork Harbour SPA as a resource for the regularly occurring migratory waterbirds that utilise it. This is defined by a specific attribute and target.

#### Potential Direct/Indirect Effects

##### Great Island Channel SAC

13.1.10 This designated site is located c.130m to the south of the extraction area at its closest point. The proposed development involves a deepening of a previously permitted and assessed quarry. There is no potential for loss or fragmentation of habitats listed as features of interest. The Features of Interest listed for this

designated site will not be affected by water discharge, noise, vibration and dust from the proposed development project. There are no pathways for the project to act in-combination with other plans or projects. No direct/indirect effects or cumulative effects are predicted.

#### Cork Harbour SPA

13.1.11 This designated site is located c.130m to the south of the extraction area at its closest point. The habitats within the footprint of the project so not offer suitable habitat for foraging birds listed as features of interest for Corks Harbour SPA. The Features of Interest listed for this designated site will not be affected by water discharge, noise, vibration and dust from the proposed development project. There are no pathways for the project to act in-combination with other plans or projects. No direct/indirect effects or cumulative effects are predicted.

#### 13.1.12 Assessment

13.1.13 I am of the opinion that the measures outlined in the submitted reports for noise, vibration and dust minimisation, together with groundwater discharge are not specific nor are they intended to avoid or reduce impacts on the identified SAC and SPA sites in the Zone of Influence, or any other designated site. In my mind they are not mitigation measures but constitute a standard established approach to construction works on such lands. Their implementation would be necessary for a similar type development on any similar site regardless of the proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. In addition, it would be expected that any competent developer would deploy them for works on such similar sites whether or not they were explicitly required by the terms or conditions of a planning permission.

13.1.14 I note that the proposed development site is not under any wildlife or conservation designation and there are no rare, threatened or legally protected species known to occur within the site. The site has no key ecological receptors and no invasive species were identified on site. No evidence of any habitats or species with links to European sites was recorded during any surveys/studies.

13.1.15 I consider that any impacts on designated sites would not be any greater than that previously assessed under previous applications on this site. I do not consider that a

grant of planning permission in this instance will exacerbate any potential risk of significant effects to any designated site.

### Conclusion

13.1.16 The AA Screening Report and other documentation on file (including the EIAR) states that

- The proposed development lies outside the boundaries of the Natura sites identified above and therefore there will be no reduction in habitat or loss of species nor will there be any fragmentation, disruption, disturbance or change to any element of any designated site. There will be no direct/indirect/cumulative impacts.
- All existing procedures and measures will continue. All water pumped from the quarry void will continue to be discharged in compliance with the requirements of the Discharge Licence
- Water discharge quality record at the site is good and the discharge volume is low enough to suggest no major groundwater component at the site and no significant loss of groundwater is envisaged. Therefore, direct and indirect effects on both designated sites as a result of water discharge from the proposed deepening operations can be excluded
- In terms of noise, the potential for noise generation is reduced by locating all mobile crushing and screening plant within the quarry void. Existing berm will provide additional screening. Average noise levels do not exceed guideline limitations. Therefore, the risk of direct or indirect effects on either designated site as a result of noise from the proposed deepening operations can be excluded
- In terms of vibrations, results show ground borne vibrations are well below limitations and it is concluded that blasting will have no significant impacts on any designated site
- In terms of dust, monitoring shows that levels are low and below limitations. On-going standard environmental practices to control fugitive dust will continue. The risk of direct or indirect effects on either designated site as a result of dust from the proposed deepening operations can be excluded.

- There is no potential for cumulative effects of habitat loss or fragmentation to occur. There are no pathways for the project to act in-combination with other plans or projects
- Pollution control/best practice construction practices have been outlined
- The planning authority or any Prescribed Body have not raised concerns in relation to this matter

12.1.12 Given all of the information outlined above, it appears evident to me from the information available in this case that the proposed development would not be likely to have a significant effect on any Natura 2000 site, whether directly or indirectly or individually or in combination with any other plan or project. It is therefore concluded that, on the basis of the information on the file, which is adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment is not required.

## **13 Conclusion and Recommendation**

Having regard to the established use of the site, its planning history and the nature and extent of development proposed, the pattern of development in this rural area, together with the objectives of Cork County Development Plan 2022 for such long established uses; the proposed development is considered to 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.

## 6.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by Further Information received by the planning authority on the 04<sup>th</sup> day of April 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>All relevant conditions of Register Reference QD04.QD0010 shall be strictly adhered to, save as may be amended by other conditions attached hereto.</p> <p><b>Reason:</b> in the interests of clarity</p>
3.	<p>(a) All mitigation and monitoring commitments identified in the Environmental Impact Assessment Report, Site Restoration Plan and other particulars submitted with the application and as amended in the Further Information submitted on the 04<sup>th</sup> day of April 2022 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. They shall be compiled into a single Schedule of Monitoring and Mitigation Measures and submitted to the planning authority, within six months of the date of this Order.</p> <p>(b) Before January 15<sup>th</sup> of each calendar year, the applicant shall submit a summary report of all monitoring carried out in the previous twelve months. This report shall evaluate the operation of the facilities available on site in light of the results achieved in the previous year. All monthly and annual shall be certified as accurate and representative by the applicants.</p> <p><b>Reason:</b> In the interest of clarity and protection of the environment.</p>

4.	<p>The use of the quarry and associated plant shall cease on or before the expiration of 20 years from the date of Order, unless before the end of that period, permission for the continuance of the use beyond that date has been granted</p> <p><b>Reason:</b> In the interest of clarity</p>
5.	<p>Extraction of rock, or any other material within this quarry extension, shall not take place below a level of -50 metres Ordnance Datum.</p> <p><b>Reason:</b> In the interest of clarity</p>
6.	<p>Prior to the deepening of the quarry below -20m OD, baseline water quality (including salinity) and flow rate data shall be collected from two intertidal percolation flows through the cobble bank above the mudflats, immediately to the south of Rossmore townland. Water quality shall be monitored annually by qualified surveyors at low flows up to the end of the restoration period. Flow rate will be monitored annually by qualified surveyors and at appropriate times when groundwater head pressure is expected to be highest, up to the end of the restoration period. The results shall be made available to the relevant regulatory authorities, on request. Where water flow is found to be likely to be increasing, a report shall be sent to the relevant regulatory authorities which determines if there is increased risk of flood water building behind the embankments at Rossmore and/or further east at Ballintubbrid West. The extent of coastal erosion of these embankments shall also be assessed and a risk assessment of their over-topping shall be carried out.</p> <p><b>Reason:</b> To avoid pollution and/or damage to a European site</p>
7.	<p>The quarry shall be fully restored in accordance with the provisions</p>

	<p>contained in the EIAR and the Site Restoration Plan submitted with the planning application within twenty-four months of the cessation of quarrying operations. The applicants shall ascertain from the planning authority and submit exact details relating to the Site Restoration Plan for their written agreement, within 6 months of the date of this Order to include:</p> <ul style="list-style-type: none"> <li>(a) existing and proposed finished ground levels and details relating to the finished gradients of the quarry face,</li> <li>(b) estimated water level within the flooded void,</li> <li>(c) an area of sloped access, extending above and below the water line of the future water body to facilitate safe access and egress to the future water body,</li> <li>(d) landscaping and tree planting proposals,</li> <li>(e) details of fencing,</li> <li>(f) proposals for an aftercare programme, and</li> <li>(g) a timescale for implementation, including proposals for phasing of the restoration works.</li> </ul> <p>Restoration of the site shall be carried out in accordance with this plan.</p> <p><b>Reason:</b> To ensure the rehabilitation of the site in the interests of visual amenity</p>
8.	<ul style="list-style-type: none"> <li>(a) The quarry and all activities occurring therein, shall only operate between 0700 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, except in emergency situations as described in the documentation</li> </ul>



	<p>received by the planning authority on the 04/04/2022, without the prior written agreement of the planning authority. No rock-breaking activity shall be undertaken within any part of the site before 0800 hours on any day.</p> <p>(b) A written record of all emergency situations (dates and times) shall be maintained and shall be available for inspection by the planning authority on request either in writing or by a member of staff from the planning authority visiting the site</p> <p>(c) A record of all complaints relating to site operations shall be maintained, including name of complainant, date, nature of complaint and summary of applicant's investigation/details. These details shall be submitted, in writing to the planning authority every three months</p> <p>(d) A designated member of staff shall interface with the planning authority or members of the public in the event of complaints/queries in relation to quarry operations</p> <p><b>Reason:</b> In order to protect the amenities of property in the vicinity.</p>
9.	<p>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 within six months of the date of this Order. This shall include proposals for the following:</p> <p>(a) suppression of on-site noise,</p> <p>(b) on-going monitoring of sound emissions at dwellings in the vicinity,</p> <p>(c) suppression of dust on the site and the access road and the prompt removal of any aggregate, silt or muck carried out onto the public road,</p> <p>(d) management of all landscaping,</p>

	<p>(e) monitoring of ground and surface water quality, levels and discharges,</p> <p>(f) bunding of fuel and lubrication storage areas, location of emergency spill kits and details of emergency action in the event of accidental spillage, and</p> <p>(g) details of site manager, contact numbers (including out-of-hours).</p> <p><b>Reason:</b> In order to safeguard local amenities.</p>
10.	<p>A Dust Minimisation Plan shall be submitted for the written agreement of the planning authority within six months from the date of this Order.</p> <p><b>Reason:</b> In the interest of clarity and protection of amenities of adjoining property.</p>
11.	<p>(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 within six months of the date of this Order. Details to be submitted shall include monitoring locations, commencement date and the frequency of monitoring results, and details of all dust suppression measures.</p> <p>(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 entire quarry complex, shall be submitted to, and agreed in writing with, the planning authority within six months of the date of this Order. 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.</p> <p><b>Reason:</b> To control dust emissions arising from the development and in the</p>

	interest of the amenity of the area.
12.	<p>The noise level from within the boundaries of the quarry extension area, measured at noise sensitive locations in the vicinity, shall not exceed-</p> <p>(a) an LArT value of 55dB(A) during 0700 hours to 1800 hours Monday to Friday and 0700 hours to 1400 hours on Saturdays. The T-value shall be one hour.</p> <p>(b) an LAeqT value of 45dB(A) at any other time. The T-value shall be fifteen minutes.</p> <p><b>Reason:</b> In order to protect the residential amenities of property in the vicinity.</p>
13.	<p>(a) Blasting operations shall take place only between 1100 hours and 1700 hours, Monday to Friday, and shall not take place on Saturdays, Sundays or public holidays. Monitoring of the noise and vibration arising from blasting, and the frequency of such blasting, shall be carried out at the developer's expense by an independent contractor which shall be agreed in writing with the planning authority.</p> <p>(b) The frequency of blasting shall not be more than twice per month.</p> <p>(c) Prior to the firing of any blast, the developer shall give notice of intention to the occupiers of all dwellings within 500 metres of the site. An audible alarm for a minimum period of one minute shall be sounded. This alarm shall be of sufficient power to be heard at all such dwellings.</p> <p>(d) Ground vibration shall not exceed a peak particle velocity of 8 millimetres per second when measured in any three mutually orthogonal directions at any sensitive location.</p> <p>(e) Blasting shall not give rise to air overpressure values at sensitive locations which are in excess of 125 dB (Lin) maximum peak with a</p>

	<p>95% confidence limit. No individual air overpressure value shall exceed the limit value by more than 5dB (Lin).</p> <p>(f) A monitoring programme, which shall include reviews to be undertaken at annual intervals, shall be developed to assess the impact of quarry blasts. Details of this programme shall be submitted to, and agreed in writing with, the planning authority within six months of the date of this Order. This programme shall be undertaken by a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority following this annual review</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
14.	<p>Surface water disposal shall be to the satisfaction of the planning authority.</p> <p><b>Reason:</b> In the interests of proper planning and sustainable development</p>
15.	<p>(a) Within six months of the date of this Order, the applicants shall ascertain and comply with all requirements of the planning authority in relation to of the traffic and transport matters.</p> <p>(b) All HGVs leaving the site shall turn left onto the L-3619 driving westwards and continue onto the R624. There shall be no right turn onto the L-3619 for HGVs leaving the site. Appropriate signage, to be agreed with the planning authority, indicating this 'No Right Turn' shall be installed at the site entrance. All HGVs coming to the site shall take the R624m and turn onto the L-3619.</p> <p><b>Reason:</b> In the interests of traffic management and protection of amenity</p>

16.	<p>All HGVs departing the quarry void shall do so via a wheel-wash at the exit of the site.</p> <p><b>Reason:</b> To safeguard the amenities of the area</p>
17.	<p>For the duration of the proposed development and subject to appropriate health and safety protocols, the developer shall facilitate access by the Geological Survey of Ireland (GSI) scientific staff to the development to monitor and record the geological heritage of the site as development proceeds. Should the GSI determine a geology of value, the Site Restoration Plan shall be revised accordingly in accordance with any recommendations to preserve this heritage where practical, subject to the agreement of the planning authority.</p> <p><b>Reason:</b> To protect the environment</p>
18.	<p>Within three months of the date of this Order, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. 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.</p> <p><b>Reason:</b> To ensure the satisfactory completion of the development.</p>
19.	<p>The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and</p>

	<p>Development Act 2000, as amended, for the provision of additional capacity measures at Cobh Cross Interchange. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.</p> <p><b>Reason:</b> It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme, and which will benefit the proposed development</p>
--	---

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

---

Lorraine Dockery

Senior Planning Inspector

22<sup>nd</sup> March 2024