An Bord Pleanála

Inspector's Report
ABP-313939-22

Development	Extension of satellite quarry to 13.6 hectares, construction of 40m concrete tunnel underpass, and construction and operation of new concrete batching facility. Permission is sought for up to 20 years. A Natura Impact Statement (NIS) and Environmental Impact Assessment Report (EIAR) were submitted with this application.
Location	Cappagh Quarry, Ballykennedy, Kilgreany and Canty Townlands, Cappagh, Dungarvan Co Waterford.
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	21772
Applicant(s)	Roadstone Ltd
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	First Party v Conditions and Third Party

Appellant(s)	Roadstone Ltd (First Party) Terence & Mary McCarthy (Third Party)
Observer(s)	Anne Fennell & David Shiels Pauline Fennell Edmond & Mary Stack Esther Stack Fennell and John Fennell Sinead McCarthy & Others Michael & Noreen Stack
Date of Site Inspection	19th February, 20th April & 14th May 2024
Inspector	Catherine Dillon

Contents

1.0 Site Location and Description

1.1. The subject site is in a rural area, located approximately 8km northwest of Dungarven town centre, and 8km southeast of Cappoquin town centre. The N72 is 1.5km to the north of the site which connects Cappoquin and Dungarven and the N25 to Waterford. The site includes part of an existing quarry (occupied by Roadstone Ltd.) which operates currently on a reduced basis. This quarry lies to the southeast of Whitechurch crossroads with a vehicular entrance into the quarry on the southern side of the L-2018. The subject site lies within a valley floor which runs broadly west to east and rising approximately 2km north towards the N72 and Comeragh Mountains and falling south towards the Drum Hills.

1.2. A local road extends from the south of the L-2018 along the eastern boundary of the existing quarry and links onto the L-6072 (Canty Road). Along this access road close to the southern junction is a vehicular entrance serving an existing farmyard with associated buildings which abuts the southern boundary of the existing quarry. There is a derelict cottage to the north east of the access road along the L-2018.

1.3. The existing quarry which forms part of the subject site contains an office, canteen building, wheel wash facility, weighbridge and weighbridge office, fuel tanks, and a shed close to the entrance into the quarry. There are a number of stockpile areas within the existing quarry but the reserves at the existing quarry would appear to be limited. The subject site would extend along the existing worked out quarry floor and continue underneath the local access road to the east, to 7 agricultural fields to serve a new satellite quarry.

1.4. The agricultural lands, where the satellite quarry is to be located to the east of the local access road, slope from the north to the south by approximately 9metres and are screened by hedgerow along its boundaries. The existing quarry face ranges in height from approximately 20m at the north eastern corner to approximately 8m in the south western corner and is screened from the local access road by vegetation on top of the quarry face.

1.5. The Applicant's EIAR states there are 3 dwellings within a 200m radius, 15 dwellings between 200-500m radius and 34 within 500-1000m radius of the site. The closest occupied dwelling is approximately 90m from the eastern boundary of the proposed satellite quarry.

1.6. The character of the surrounding area is mainly rural agricultural and low density one-off rural housing. There are some small, wooded areas in the vicinity and two further quarries are situated a short distance to the northwest of the site (c. 50m and 300m, respectively). These quarries are not owned or operated by the Applicant and are unrelated to the subject site. Whitechurch National School is located 2km south west of the existing quarry with Ballinameela Community Centre and Ballinameela GAA club located adjacent to the school. Woodhouse windfarm which comprises a total of 8 turbines is 3km to the south west of the subject site. Whitechurch Church to the west of the site entrance is a protected structure.

1.7. The Brickey river is c.460m to the south of the site and flows in an easterly direction, and the Finisk river is located c.1.2km north west of the quarry and flows in a north south direction and joins the Blackwater river. The subject site has a stated area of 18.2 hectares.

2.0 **Proposed Development**

2.1. The proposed development, as revised by way of significant information (received on 1/4/2022), would comprise the following:

- Two areas: one which would include the existing worked out quarry for a concrete batching plant and associated works, and the second area would include a new satellite quarry to the existing quarry connected via a vehicular tunnel link beneath the local access road.
- It is proposed to carry out the works for 15-17 years with an additional 2 years to complete restoration works.

Existing Quarry:

This section of the subject site comprises the following:

- Retention of office, canteen building, wheel wash facility, weighbridge and weighbridge office, fuel tanks, a shed and employee parking close to the entrance into the quarry.
- Demolition of concrete supports of former crushing plant.
- Construction and operation of a new concrete batching facility on an area of 1.9 ha (which would comprise 4 cement silos, batching/mixing unit,

aggregate storage bins, an aggregate loading hopper and connecting conveyor systems), all on a concrete paved area on the existing quarry floor in the northern section of the quarry.

- Provision of a batching control office and admixture storage shed.
- Construction of a closed loop concrete recycling facility, comprising a concrete truck washout area, settlement lagoons and 70,000 litres water storage/recycling tank immediately behind the concrete batching plant.
- Continued use of established site infrastructure to service the proposed satellite quarry and new concrete batching plant.

Concrete Batching Plant:

- Proposed aggregates (from the satellite quarry) and imported sand from other local quarries would be stockpiled on a dedicated hardstand area to be established immediately east of and adjacent to the proposed concrete batching plant. The stockpile area will have a plan area for approximately 1ha..
- Low level spot lighting would be provided around the batching plant to facilitate production operations during winter months. Lighting would be fixed around the vehicle loading bay and other operational areas for safety requirements.

Sub surface connecting tunnel:

- It is proposed to connect the existing quarry to the satellite quarry by way of a reinforced concrete box tunnel underneath the local access road.
- The tunnel link is to be located towards the southern end of the satellite quarry where existing ground levels are lowest at approximately 21m OD to 22m OD.
- The tunnel would extend from the satellite quarry at the northwestern corner of the most southerly field and beneath the local access passageway to the existing eastern quarry face, close to the main internal haul road running through the middle of the quarry and back to the existing site infrastructure area.

- The tunnel would be 40m long and would be accessed at quarry floor level on both sides falling from approximately 11mOD at the entrance from the existing quarry to 10m OD at the exit into the proposed satellite quarry.
- The tunnel would have an internal cross section measuring 6m wide by 5.5m high.
- The construction and installation of the connecting tunnel would require a section of the existing local access road to be temporarily diverted to facilitate the required rock excavation to quarry floor level.
- The proposed diversion route would follow the line of the existing/former hedgerows along the two southernmost fields and to facilitate the construction of the proposed tunnel underpass and reinstatement of the local access road above it thereafter.
- The diverted roadway would be 3m wide and would tie into the perimeter access/jeep track to be constructed around the southern and eastern boundary of the satellite quarry.
- Provision of a temporary access gate and ramp at the existing quarry to facilitate the temporary haulage of materials to and from the satellite quarry and across the existing passageway until the proposed tunnel underpasses is in place.
- A temporary safety berm up to 2m high would be placed across the local access road at either end of the closed section to restrict traffic/human access.
- After the tunnel sections have been connected and sealed the tunnel excavation would be backfilled with stockpiled, pre crushed aggregate up to existing ground level and the local access road reinstated to run north to south across it. Galvanized chain link fencing, perimeter screening berms and planting would all be established over the backfilled excavation, on either side of the local access road.
- The connecting tunnel linking the two quarries would comprise several precast concrete box sections produced off site and transferred to site by flat, low body trailers. The precast concrete sections would be brought through the

existing quarry to the existing eastern quarry face and then lifted and lowered into position within the prepared excavation via mobile crane.

Satellite Quarry

- The total area of the satellite quarry is 13.6 hectares, of which 9.4 hectares would be extracted. This extraction area has been reduced following a further information request by the Planning Authority to retain the derelict cottage on the north western corner of the satellite quarry. The remaining site area would comprise the perimeter access track, a 2m high perimeter vegetated safety/screening berm and other associated landscaping/screening areas.
- The satellite quarry would comprise excavating a single bench in limestone bedrock, varying in height from approximately 8m to 20m, from existing ground level to current quarry floor level. The floor of the satellite quarry would not extend below 10mOD, the same as the existing quarry, or into the underlying groundwater.
- Extraction of the satellite quarry would be carried out in a phased manner from the proposed tunnel initially in an easterly direction, then northerly and southerly direction.

Blasting:

- All rock at the satellite quarry would be excavated by blasting. All habitable houses within 500m of the quarry would be notified at least one working day before any blasting would be undertaken.
- The frequency of the blasting at the satellite quarry is not specified.
- Hours for blasting would be restricted to the middle of the day (between 1100 hours and 1500 hours).
- The processing of blasted rock would take place on the satellite quarry floor and in front of the quarry face using mobile crushing plant equipment and would be transported by truck and/or HGV's by the tunnel underpass and network of all routes at the existing quarry to aggregate stockpiles and/or the proposed concrete production facilities.

Demolition of derelict cottage to the north west corner of satellite quarry:

- Following a further information request by the P.A the roofed sections of this building are to be retained for the nesting of swallows. The field surrounding the building is to be retained and would not be included within the quarry footprint.

Sightlines and traffic movements:

- Access into the site would continue to be from the main entrance of the existing quarry from the public roads.
- The sightlines are to be amended to achieve 160m sightlines in both directions from a position 4.5m back along the access from the edge of the road.
- The Traffic Impact Assessment indicates the subject site would generate a combined maximum of 200 HGV vehicular movements per day and 20 car movements per day (i.e into and out of the quarry). All HGVs would pass through a wheelwash.
- Traffic would exit the quarry and would travel westwards along the L 2018 to Whitechurch crossroads, immediately west of the existing quarry access. Thereafter it would either turn right on to the L-2019 and continue in either a northerly direction for 1.5 kms, to the junction with the N72, or left in a south westwards direction to the R671, and to the N25.

Phasing & Restoration:

- Implementation of a restoration scheme in phases in tandem with extraction activities across the satellite quarry area.

Extraction Output:

- It is anticipated the future extraction levels of the satellite quarry would equate to 1,325,000m^3 of bedrock. Details of the existing quarry extraction levels are provided which indicate the peak extraction levels for the existing quarry in 2007 were 335,181 tonnes.
- The total volume of limestone bedrock to be extracted at the proposed satellite quarry is stated as 3,180,000 tonnes, equating to between 185,000 - 215,000 tonnes per annum. Output from the concrete batching plant is stated

as 50,000m^3 per annum (consuming 65,000 tonnes of site produced aggregate).

- With the projected market demand for construction and concrete aggregates and agricultural ground limestone averaging between 185,000 tonnes and 215,000 tonnes per annum, the life of the existing quarry would be extended by approximately 15-17 years.
- Restoration works for the proposed satellite quarry would be a further 2 years.

Septic tank and percolation area:

- By way of a response to the F.I it is proposed to upgrade the existing waste water treatment system.
- A site suitability assessment report and characterisation form were submitted. It is proposed to install a Bio Wastewater Tank (with 10 P.E) with a raised soil polishing filter area to serve the existing toilet block and site canteen/staff welfare facilities. The existing septic tank is to be decommissioned.

Working hours

- 07.00 hours to 20.00 hours Monday to Friday.
- 07.00 hours to 14.00 hours on Saturdays.
- Closed Sundays and Public/Bank holidays.

Employment

- It is stated the proposed development would provide continued employment for a workforce of up to 10 people on a full-time equivalent basis.

The planning application includes the following documents:

- Planning Statement.
- Environmental Impact Assessment Report (EIAR), dated July 2021.
- Supplementary noise report (dated 31st March 2022).
- EIA Portal Confirmation Notice (ID 2021161).
- Natura Impact Assessment.
- Waste Management Plan.

- Biodiversity Plan.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. A notification to grant dated 2nd June 2022, was issued by the Planning Authority for the development, subject to 25 conditions. Of relevance are the following (in summary) conditions:

Condition 2: Development authourised for a maximum period of 20 years.

Condition 3: Final floor level of the quarry shall not drop below 10m AOD in depth.

Condition 7: Proposed works to enhance the derelict cottage and it's defined curtilage for biodiversity shall be carried out and monitored for three seasons to establish continued use as a nesting habitat.

Condition 8: Operating hours for the development and rock breaking.

Condition 9: Sightlines to be upgraded.

Condition 10: Related to wastewater treatment system in accordance with the EPA CoP and treated effluent to be discharged to a polishing filter.

Condition 11: Noise levels- not to exceed 55dB(a) (60 Minute, LarT) between 0700 - 2000 hrs Mon-Fri, and between 0700-1400 hrs on Sat. The free field noise levels attributable to the quarry shall not exceed 45dB(A) (15minute LarT) at any other time. The noise sensitive location shall be the nearest dwelling unless otherwise agreed with the Planning Authority.

Condition 12(a)-12 (f) Placed conditions regarding further background noise at certain monitoring points, restrictions on noise levels during the construction of the tunnel, noise monitoring readings to be carried out 4 times a year and compliance with the noise assessment guidance of the EPA.

Condition 13: Restricted blasting between hours 10.00-16.00 hours Monday to Friday only.

Conditions 14 & 15: Dust monitoring for ground water.

Condition 16: Environmental Management System to be submitted to the Planning Authority.

Condition 17: Developer to provide a publicly accessible website with all environment information provided for members of the public, including logging complaints.

Condition 18: Relates to archaeology.

Conditions 19-21: Relates to protection from fuel spillages.

Condition 22: Relates to wheelwashing of vehicles.

Condition 23: No surface water to flow onto third party lands.

Condition 24: Annual submission of environmental audit.

Condition 25: Restoration scheme to be submitted prior to commencement.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

3.2.2. Initial planner's report dated 4/10/2021 describes the site and development, the planning history, pre planning meeting, response from referrals, relevant planning policy, submissions received and planning assessment. It was considered under the Waterford County Development Plan 2011-2017, in which Policy ECD30 of the Plan supported and facilitated the aggregate industry where such operations do not have a detrimental environmental effect on other major land uses or designated or proposed conservation sites in the area.

The report considers, that subject to the full implementation of mitigation measures as set out in Section 5.10 of the NIS, significant effects on the Natura 2000 network, can be excluded on the Blackwater River SAC and Dungarven Harbour SPA.

Under the EIAR assessment the report identified the need for further information in respect of noise surveys, an extractive waste management plan, public consultation with members of the locality, a detailed archaeological impact assessment, and a biodiversity management plan to enhance the breeding ground for swallows using the derelict building.

The applicant submitted a response to the request for further information on 1st April 2022 which can be summarised as follows:

1. A supplementary EIAR noise assessment was submitted to establish noise impacts arising from the proposed quarry development in the context of BS:4142 & NG4 and the prevailing background noise environment. Recommends a number of

additional mitigation measures are implemented during the operational phase to the north east of the satellite quarry.

2. Extractive Waste Management Plan submitted. There would be no extractive waste generated at the quarry.

3.2.3. The second planner's report dated 1/06/22, refers to the further information response, referrals and submissions. In regard to the examination of environmental information in particular to the EIAR and supplementary information provided by the applicant in the further information response and associated EIAR addendum, it was considered that subject to mitigation measures cited throughout the EIAR and collated in the updated chapter of the EIAR, the subject development would not have a significant impact on the environment.

3.2.4. The application was amended during the course of consideration to retain in part the derelict building to the north west of the site for nesting birds and potential bat roosting with the field surrounding the cottage to be retained. This reduced the footprint of the satellite quarry from 9.7 ha to 9.4 ha., with a corresponding reduction in the extractable rock tonnage.

The amendments and additional details submitted by way of further information are the subject of this appeal.

3.2.5. Other Technical Reports

Water Services Section**:**

- 30/9/21: Mitigation measures proposed for local surface and ground water are appropriate. Requested details on the existing wastewater disposal system for staff and visitors. Recommended conditions regarding annual report as specified in EIAR regarding groundwater monitoring.

Heritage Officer:

- 28/9/21: Reviewed and assessed the Biodiversity Chapter of the EIAR and NIS summarised as follows:
- It is considered that with the full implementation of mitigation measures set out in Section 5.10 of the NIS, there will be no adverse impacts on the integrity of the Natura 2000 network.

- Noted that the derelict building proposed for demolition provides a breeding site for swallows which are an amber listed species.
- Recommended a Biodiversity Management Plan be submitted as further information detailing how the derelict building could be retained and enhanced as a swallow breeding habitat and used by bats.

Heritage Officer:

- Email dated 31/5/2022: On submission of F.I details – no objections, subject to inclusion of a number of conditions including that the derelict cottage is enhanced for biodiversity as per the Birdwatch Ireland 2021 Guidance document and monitored for 3 seasons to establish continued use as a nesting habitat and confirmation of continued use or any interventions to be submitted to P.A.

Environment Services Section- Senior Executive Engineer:

- 2/10/21: Reviewed and assessed Chapters 8 (Air Quality) and 10 (Noise & Vibration) of the EIAR.
- Chapter 8: Concluded the proposed extension to the quarry would have no significant impact on air quality.
- Chapter 10: Information on vibration adequate and will not have an unacceptable impact on neighbouring property. The Environment section were satisfied that the area does not constitute a quite area due to its proximity to the N72 and Dungarvan town. Considered assessing the impact of the proposed extension against the existing quarry is flawed as the existing quarry has a limited lifespan left. Requested further information regarding the baseline noise surveys as follows:

  1. Noise surveys to be carried out in accordance with the criteria set down in BS:4142. This noise assessment shall be carried out at the existing noise monitoring points and an additional noise monitoring point on the L2019 near residence R06. Applicant required to comment on the noise levels from the existing operations and compliance with the existing noise conditions on the quarry. Notes no noise monitoring carried out long the L2019 where 70% of the traffic route is identified.

2. It would appear that the noise environment that the proposed development is located in meets the criteria for 'low background noise environment', based on the data noise levels measured in the EIAR. These noise levels may indicate that a lower noise limit may be appropriate for the development, taking into consideration the EPA guidelines 'Environmental Management Guidelines Environmental Management in the Extractive Industry (Non scheduled minerals)' and 'Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4)'.

Applicant is requested to comment on whether the area should be considered a low noise environment and what the impact of the noise from the proposed development is in the context of the background noise level.

3. The applicant is requested to propose a plan for continuous noise monitoring, in addition to annual noise monitoring proposed in the EIAR.

4. Applicant requested to propose a communication plan to provide information to the local authority members of the public regarding the results of all environmental monitoring undertaken.

5. Submit an extractive waste management plan.

- Extractive Waste Management Plan- needs to be formalised into one document.

<u>Environmental Services Section:</u>

30/5/2022: Following further information response:

- The EPA guidance on environmental management and the extractive industry recommends a noise limit of 55 dB, however it says that where existing background noise levels are very low, lower noise levels may be appropriate. For this reason, a noise survey to assess background levels in accordance with BS:4142 was sought. The environment section did not agree with the applicant that BS:4142 was inappropriate for the proposed development and although construction and demolition is by its very nature is relatively short term, that is not the case for quarries.
- Additional noise monitoring point data which was assessed as part of the F.I response was compromised due to nearby agricultural activity, but the applicant still sought to use that data to justify the higher noise level at BN5.

- The applicant proposes using noise levels of 10dB above the background level as their limit, but according to BS:4142, a noise level of 10dB above background is likely to indicate a significant adverse effect, with 5dB indicating an adverse effect. Therefore, the Environment section does not agree with the noise limits the applicants are proposing.
- Environment section has no objections to the development subject to noise dust and communication conditions being attached.

3.3. Prescribed Bodies

Dept. of Housing, Local Government & Heritage (Development Applications Unit)

- 4/10/21: Recommended a detailed archaeological impact assessment be requested as further information to ensure the protection of the archaeological heritage, including the services of a suitably qualified archaeologist to carry out a detailed archaeological impact assessment of the proposed development.

Dept. of Housing, Local Government & Heritage (Development Applications Unit)

- 10/5/2022: Concurs with the findings in F.I response. Recommends conditions for archaeological excavation, further investigation and monitoring of topsoil stripping.

TII:

- 20/4/22: Position remains the same as set out in letter 8/9/2021. No observations to make.

Transportation Dungarvan Lismore:

- Planner's report states no written response- and verbally no objections.

3.4. Third Party Observations

3.4.1. Objections to the proposal received by the Planning Authority to the original submission and further information are on file for the Boards information, these objections have been read and noted and the issues raised are comparable to those set out in the Third-party appeal summarised in section 6 below.

4.0 **Planning History**

4.1. **P.A Ref: 18/287:** Planning permission was refused on 16th November 2018, by Waterford County Council to Roadstone Ltd., for development consisting of: (1) Extension of quarrying activities permitted under planning permission PD06/1599 and An Bord Pleanála Reference Number PL 24.225443 within the red line application area. The ca. 15.61 ha application area includes the proposed extraction area, relocated passageway, associated primary aggregate processing, landscaping and associated works. (2) The continued excavation of one bench of limestone rock down to the current floor level of the existing quarry excavation in an easterly direction to a depth of not below 10m OD, as permitted under Condition 2 of planning permission PD06/1599 and An Bord Pleanála Reference Number PL.24.225443. (3) The demolition of old house situated in the north-western part of the Application Site. (4) Relocation of a section of the passageway permitted under planning permission 920/97. (5) This proposed development will involve the extraction and ongoing phased restoration of the Site. An Environmental Impact Statement (EIS)/(Environmental Impact Assessment Report (EIAR) was submitted with this application. Reasons for refusal were as follows:

1. The applicant has failed to robustly demonstrate that the proposed extension to this existing quarry site would not have a detrimental environmental effect on the adjoining land uses including agricultural and residential. As such the proposed expansion would be contrary to Policy ECD 30 of the Waterford County Development Plan 2011, as varied. The proposed development, therefore, would be contrary to the proper planning and development of the area.
2. There are serious concerns regarding the application proposal to further extend the existing quarry which includes unauthorised development. The existing quarry, which is subject to EIA, facilitates unauthorised development including the concrete batching plant and block guard to the western end of the quarry site. The proposed development would continue to provide material to same and would be intrinsically linked to this unauthorised development which was not subject of an EIAR. In advance of all unauthorised development on site being fully regularised it is considered the proposed

extension of the existing quarry is premature and contrary to the proper planning and sustainable development of the area.

4.2. **P.A Ref: 06/1599 & ABP Ref: PL.24.225443:** Permission granted by An Bord Pleanála on 4th July 2008, for continuation of quarrying activities including the processing of aggregates, landscaping, restoration and associated works and retention of existing building at the existing registered quarry lands, subject to 27 conditions. An E.I.S. accompanied this application. This permission did not extend into the satellite quarry. This site was stated as being 41 hectares. Conditions of relevance pertaining to this development include:

Condition 2- precluded excavation below 10mOD.

Condition 3- operating hours between 0700-2000 hours Monday to Friday & 0700-1400 hours on Saturdays.

Condition 5- (1) operational phase- Noise levels within the premises measured at the nearest noise sensitive locations in the vicinity shall not exceed:

(a) an $L_{Aeq}T$ value of 55dB(A) during the period 0800-1800 hours Monday to Friday & 0800-1600hours on Saturdays.

(b) An $L_{Aeq}T$ value of 45 dB(AA) at anytime.

Condition 6- (1) Blasting operations between 1000 hours and 1600 hours Mon- Fri.

(2) All habitable houses within 500m of the site shall be notified at least 1 working day before any blasting, in addition to a siren for a period of 1minute on the day of blasting.

Condition 7- Vibration levels shall not exceed a particle of velocity of 12millimeters per second, measured in any 3 mutually orthogonal directions at any sensitive location.

Condition 9- Dust levels not to exceed 350 milligrams per square metre per day when measured at the boundary of the site. Dust monitoring results to be submitted.

Condition 18 EMS in place

Condition 19. Environmental audit submitted on an annual basis.

Condition 21: (1) Safeguard population of Sand Martins

(2) Detailed survey of Kilgreany cave for bats.

4.3. **P.A Ref: 97/920:** Planning permission was granted to John Wood Ltd., by Waterford County Council on 3rd February 1998, for retention of passageway between two entrances.

5.0 Policy Context

5.1. Waterford City and County Development Plan 2022-2028

5.1.1. The Waterford City and County Development Plan 2022-2028 was adopted by elected members on 7th June 2022 and came into effect on 19th July 2022 and replaced the previous Waterford City Development Plan 2013-2019 (as extended) and Waterford County Development Plan 2011-2017 (as extended). The subject site is unzoned and lies within a low sensitive landscape.

5.1.2. **Chapter 4: Economy, Tourism, Education and Retail**

Policy ECON 13 Rural Resources: To facilitate farm or rural resource related enterprises and diversification, including mineral and aggregate extractive industry, subject to the capacity of the site and the location to facilitate the proposal, environmental polices and the development management standards of this Development Plan, the nature and scale of any proposed development will be assessed having regard to a number of factors, including nature and scale of the existing operation, building, source of material (where appropriate), traffic movements, water and wastewater requirements, and likely impacts on amenity and the environment and the Natura 2000 Network.

5.1.3. **Chapter 5: Transport & Mobility**

Trans 51: Applications for significant development proposals in accordance with DM standard set out in Volume 2 to be accompanied by Mobility Management Plans (MMPs), Traffic and Transport Assessment (TTA) and Road Safety Audits, to be carried out by suitably competent persons, in accordance with the 'National Transport Authority the preparation of workforce travel plans and guide for implementers' and TTI's traffic and transport assessment guidelines.

5.1.4. **Chapter 9: Climate Action, Biodiversity & Environment**

Policy ENV 05 CAFE Directive: Promote the preservation of best ambient air quality compatible with sustainable development in accordance with the EU Ambient

Air Quality and Cleaner Air for Europe (CAFE) Directive (2008/50/ EC) and ensure that all air emissions associated with new developments are within Environmental Quality Standards as out in the Air Quality Standards Regulations 2011 (SI No. 180 of 2011) (or any revisions thereof).

Policy ENV 06 Human Health: Assess proposals for development in terms of; inter alia, potential impact on existing adjacent developments, existing land uses and/or the surrounding landscape. Where proposed developments would be likely to have a significant adverse effect on the amenities of the area through pollution by noise, fumes, odours, dust, grit or vibration, or cause pollution of air, water and/or soil, mitigation measures shall be introduced in order to eliminate adverse environmental impacts or reduce them to an acceptable operating level.

Policy BD 03 -05 Biodiversity: All proposed development will be considered in terms of compliance with the standards and legal requirements of

• Appropriate Assessment of Plans and Projects in Ireland-Guidance for Planning Authorities Department of Housing, Local Government and Heritage (2021).

• NRA Guidelines on Ecological Impact Assessment (2009)

• All-Ireland Pollinator Plan (2021)

• Planning for Watercourses in the Urban Environment (2020)

• Requirements for the Protection of Fisheries Habitat during Construction and Development Works at River Sites.

Policy BD 11: Mitigate potential adverse impacts on existing biodiversity and green infrastructure in development proposals through requirement for biodiversity enhancement measures such as habitat creation, pollinator friendly landscaping schemes and or nesting boxes for pollinators, birds and mammals.

Policy BD 20: To protect hedgerows and/or replacement of hedgerows in all new developments, particularly species rich roadside and townland boundary hedgerows, such features should be incorporated into the open space provisions at the concept design stage.

Policy L 03 Landscape and Seascape Character Assessment: Proposals for significant development (e.g. extractive industry) shall be accompanied by a LVIA

which includes Zones of Theoretical Visibility (ZTV) which indicate the landscape impact zone within which the proposed development may be seen.

Policy G 01 Protecting our Geological Heritage: Appropriate protection and maintenance of the character, integrity and conservation value of features or areas of geological interest. We will protect from inappropriate development the scheduled list of Geological Heritage

5.1.5. **Chapter 11- Heritage**

Policies AH 01- AH04: Seek to protect, manage and preserve the archaeological heritage of the County.

5.1.6. **Volume 2: Development Management Standards**

Section 6.4 relates to mineral extraction in particular. The Council recognises that the extractive industry plays an important role in the construction industry and with appropriate care in initial site selection, process design and environmental monitoring, mineral extraction can be compatible with a wide range of appropriate adjacent land uses and habitats.

Development Management DM 35: Details what should be submitted by the applicant as part of a mineral extraction planning application.

Development Management DM 36: relates to a proposal to reclaim, regenerate or rehabilitate old quarries by filling or re-grading with inert soil or similar material, or to use worked-out quarries as disposal locations for inert materials and the acceptability of same against a number of criteria.

Sections 7.0 Parking Standards & Section 8.0: Roads Access Policy, including 8.6 Sightlines Requirements, DM48, Hedgerow Protection.

Section 9.0: Other Development Considerations including 9.2 (Site boundaries), 9.4 (wastewater Treatment Infrastructure), 9.5 (Mobility Management Plans),9.6 (Climate Action), 9.7 (Pollution Control; Development Management Requirements), and 9.9 (Archaeological sites)

5.2. **National Policy**

National Planning Framework, (NPF)

5.2.1. The NPF supports the strengthening of Ireland's rural fabric, recognises the importance of extractive industries and enables the extraction of aggregates and

minerals where it is compatible with protection of the environment. National Policy Objective 23 supports the development of the rural economy by supporting sustainable and economically efficient industries including extractive industries. National Policy Objective 65 promotes the proactive management of noise where it is likely to have a significant adverse impacts on health and quality of life, and supports the aims of the Environmental Noise Regulations through national planning guidance and Noise Action Plans.

5.3. **National Guidance**

Quarries and Ancillary Activities – Guidelines for Planning Authorities (2004). Refers to the essential role played by the extractive industry in the economic and social development of the State and recognises that minerals can only be worked where they occur. Sets out guidelines for best practice and mitigation measures in respect of environmental effects.

EPA Guidelines on Environmental Management in the Extractive Industry (Non Scheduled Minerals) 2006. These guidelines are intended to complement existing national guidance and to be of assistance to operators, regulatory authorities, and the general public (They are also complemented by the 'Environmental Management in the Extractive Industry – Guidelines for Regulators'). The guidelines provide general advice and guidance in relation to environmental issues to practitioners involved in the regulation, planning, design, development, operation and restoration of quarry developments and ancillary facilities.

They are based on a review of current environmental management practice in Ireland, the UK and Europe. Under each of the key environmental issues, good environmental practice is summarised together with recommendations for the use of environmental management systems (EMSs), and emission limit values (ELVs), where appropriate.

5.3.1. Other relevant documents include:

GSI's Geological Heritage Guidelines for the Extractive Industry, 2008.

Archaeological Code of Practice in partnership with the Dept. of Environment and the Irish Concrete Federation, 2009.

Guidelines for the protection of biodiversity within the extractive industry, NPWS 2009.

EPA: Guidance Note for Noise: Licence Applications, Surveys and Assessments in relation to Scheduled Activities (NG4) 2016. This guidance reflects the publication of BS: 4142:2014

5.4. Natural Heritage Designations

5.4.1. No natural heritage designations apply to the subject site. The distance and direction to the nearest European sites to the subject site, including Special Areas of Conservation (SAC) and Special Protection Areas (SPAs), are listed in Table 1 below.

Table 1: European Sites in the vicinity of subject site

Site Code	Site Name	Distance (approx.)	Direction
002170	Blackwater River SAC	1.3km	West
004032	Dungarvan Harbour SPA	6.8km	East
004028	Blackwater Estuary SPA	12km	South west
001952	Comeragh Mountains SAC	13km	Norh east

5.5. EIA Screening

5.5.1. The application for the proposed development includes an Environmental Impact Assessment Report (EIAR). It is submitted on the basis that the proposed development comprises an area of 18.2 hectares with a satellite quarry with an extraction area of approximately 9.4 hectares, the development therefore exceeds the 5ha threshold set out in paragraph 2 of Part 2 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended), for mandatory EIA.

6.0 The Appeal

6.1. Grounds of the Appeal

6.1.1. First and Third-party appeals have been lodged with the Board in this instance. A First Party appeal on behalf of the Applicant in relation to Condition No. 12. A Third

Party appeal has been lodged by Terence & Mary McCarthy, in addition to a number of observers against the Planning Authority's decision.

6.2. Grounds of the First Party appeal

6.2.1. The main ground of the first party appeal relates to condition 12 (relating to noise) and in particular 12 (a), (c), (e) and (f) attached to the P.A's notification to grant, which the first party considers are unreasonable and unnecessary, and recommend if Condition 12b, and 12d were added to condition 11 of the P.A permission it would be sufficient for the control and monitoring of noise.

Condition 11 states:

Free field noise levels attributable to the quarry (when accessed at the nearest noise sensitive location) shall not exceed 55 dB(A) (60 minute, L_{ArT}) between 07.00 hours and 20.00 hours Monday to Friday and between the hours of 07.00 hours and 14.00 hours on Saturdays. The free field noise levels attributable to the quarry shall not exceed 45dB(A) (15 minute L_{ArT}) at any other time. The noise sensitive location shall be taken as the nearest dwelling unless otherwise agreed with the planning authority.

Condition 12(a), (c) (e) & (f) which the First party is seeking removed state:

12a

Prior to the commencement of the development, the developer shall undertake a further background noise monitoring at monitoring point BN5 with specific consideration around agricultural activity which could compromise the values recorded. This information showing from a noise limit for residences in that vicinity to be agreed in writing with the planning authority in advance of any works being carried out.

6.2.2. The Applicant contends the baseline noise survey undertaken at location BN5 recorded a baseline noise level of 56dB(A) and a background noise level of 46dB(A). If the background noise level were to be re-evaluated in the absence of any noise from agricultural activity, as required in condition 12(a), it is likely that the background noise level could be around 20dB(A) below average ambient noise levels. Were agricultural activities to be subject to a planning noise condition similar

to that envisaged by the Planning Authority in respect of the proposed development they would likely then be precluded altogether in the local area.

The Applicant considers Condition 12(a) is effectively seeking to eliminate and/or discount any and all sources of intermittent noise from the local environment when setting reference background noise levels. This is an entirely artificial construct which does not adequately reflect the reality that intermittent and variable noise sources in a working rural landscape, and that a requirement to re-evaluate background noise levels at monitoring location BN5 to be impractical and unwarranted.

12 (c) states:

The rated noise level shall not exceed 5dB L_{Aeq} (1hour) above the measured background noise level between 0700 hours and 2000 hours at any of the noise monitoring points. Where the noise predicted in the further information response is higher than anticipated, the developer shall propose enhanced mitigation measures for the agreement of the Planning Authority prior to further development being carried out.

6.2.3. The First Party considers it is not practical or feasible to impose a 5dB(A) limit above background on the proposed quarry development as required by condition 12(c). A cursory review of baseline noise survey data presented in both the noise impact assessment (Chapter 10) and the Supplementary Noise Assessment report (submitted in response to further information) indicates that even in the absence of the quarry activity, average ambient noise levels in the vicinity of Cappagh quarry are already between 8dB(A) and 26dB(A) higher than background noise levels. It is therefore not practical or enforceable to restrict absolute, average noise levels at sensitive receptor locations to within 5dB(A) of existing background noise levels.

12(e) states:

The developer shall undertake manned noise monitoring, 4 times a year at the 5 noise monitoring locations measuring noise during the normal operation of the quarry. During this noise monitoring, impulsive noise shall be assessed, and a rating penalty shall be assessed against the guidance in BS:4142 and this penalty rating shall be used to indicate a rating penalty (if required) which shall be applied against the noise measured in the continuous monitoring.

6.2.4. BS:4142 type noise assessments do not apply to, and are not appropriate for, quarry and construction operations given the often-intermittent nature of noise emitted by these activities. As such, noise from these sources are explicitly excluded from the scope of BS:4142. All published sectorial guidance on noise emissions from extractive industry avoids a BS:4142 type approach when addressing the control of noise as it does not have sufficient regard to the varied and intermittent nature of noise generated by quarry activities. Almost all published sectorial guidance on noise admissions for extractive industry place an absolute limit on threshold noise levels at sensitive locations, in line with the approach applied in condition 11 of the decision to grant permission.

12(f)

The developer shall comply with the current noise assessment guidance published by the Environmental Protection Agency (EPA).

6.2.5. Condition 12e and 12f seeks to apply Environmental Protection Agency (EPA) noise assessment guidance to the proposed development. The current EPA noise assessment (NG4) guidelines have been developed specifically in respect of licensed industrial activities that are subject to regulation oversight by the agency. Quarrying and extractive activities do not fall under the EPA licensing regime and Chapter 10 of the NG4 guidance specifically refers users to the EPA publication, 'Environmental Management in the Extractive Industry' (EPA ,2006), for selection of appropriate Emission Limit Values (ELVs) for noise and vibration generated by quarrying and mining operations. As such the Applicant considers condition 12e and 12f are unwarranted in the context of the future development of the subject site.

6.2.6. The applicant recommends condition No.12 to be revised as follows

Condition 12 (a): During soil stripping, the construction of the berms and the construction of the tunnel, the noise limit shall not exceed 70dB L_{Aeq} (1 hour) between the hours of 0700 hours and 2000 hours. This limit shall apply for a maximum of 8 weeks from the commencement of the operations on site.

Condition 12 (b): The Developer shall install 2 continuous monitoring points at BN2 and one other location to be agreed with the Planning Authority to measure sound levels (L_{Aeq} 1 hour). In the event the two of these monitors show exceedances simultaneously for more than 5 individual 1-hour periods in a calendar month, the developer shall notify the Environment Section of Waterford City and County Council

within one month, along with a narrative around the causes of the exceedance and proposed mitigation measures to ensure that they exceedance does not recur.

6.2.7. The First party considers the combination of condition 11 and the amended condition 12 above will comply with the recommendations made in respect of control of noise emissions set out in both the EPA (2006) Guidance on Quarries and Ancillary Activities and DoEHLG (2004) Guidelines for Planning Authorities.

6.3. Grounds of the Third Party appeal

6.3.1. Terence & Mary Stack (eircode:X35 DD25) have concerns about the development on the following summarised grounds:

1. Proximity of the proposed development to residence

The quarrying activity with the resultant nuisance of dust, constant noise, vibration, mobile crushing plant and traffic will occur 140 metres from their property. The close proximity will impact on health and well-being regardless of the mitigating measures outlined in the conditions.

The right to the quiet enjoyment of their home and property would evaporate due to the proximity of the quarry.

Requests that the Board consider applying an operating distance from residents for the development.

2. Hours of operation

The proposed operating times are extensive and will impact on residents and their amenity.

Condition 8 (a) operating between 07.00 hours and 20.00 hours amounts to 13 hours of operations, Monday to Friday each week in an otherwise quiet countryside rural setting.

Condition 8 (b) rock breaking commencing at 08.00 hours to 18.00 hours amounts to 10 hours of vibrating daily, and this is considered unacceptable.

Condition 13 (a) although blasting operations would be from 10.00 to 16.00 hours each weekday, and although there will be notification of the blasting, it can nevertheless be disturbing when it occurs.

The proposed development would exceed the normal working hours of 39 hours a week, specified under the Construction Industry Federation working hour rules.

Request to the Board to amend these extensive operating hours to offer some respite for the adjacent residents.

A map is attached indicating location of property.

6.4. **Observations**

6.4.1. A number of observations were received from the following persons with eircode in brackets:

- Anne Fennel & David Shiels (X35 RP46),
- Pauline Fennell (X35 RP46),
- Edmond & Mary Stack (X35 V585),
- Sinead McCarthy with the following names attached Aled Jones, Terence J & Mary McCarthy, Robert McCarthy, Katie Dwane, Ella McCarthy & David Estrada Garcia (X35 DD25),
- Michael & Noreen Stack (X35 HH60),

6.4.2. The observers' submissions are summarised as follows:

- **Proximity of development to their properties**

  Request a substantial increase in distance between home and proposed quarry.

  Impact on working from home.

  In the past residents have been forced to stay indoors and wear ear protectors, or leave their property due to excessive noise and disturbance.

  Article 8 of European Convention of Human Rights guarantees the quiet enjoyment of home and property.

  Reference to High Court judgement Gannon J in Halpin v Tara Mines (1976), entitled to comfortable and healthy enjoyment of land.

  Mitigation and monitoring conditions do not offset the significant adverse effects on residents and property.

- **Increase in noise and disturbance**

Existing quarry is further away, yet observers are still adversely impacted by noise and blasting.

Increase in noise &disturbance from traffic & machinery.

Constant vibrating, hammer action, explosives, & noisy plant.

Ambient noise levels in a rural agricultural setting are sporadic and varied and easily tolerable.

Proposed production levels will be 13 fold increase in quarry output compared to recent years.

Frequency and abatement of noise emissions has not been addressed.

Since the introduction of a mobile crusher and rock breaker the noise levels have increased.

Noise levels do not take into consideration reverberation bouncing off quarry faces.

Roadstone (Applicants) have provided triple glazing to residents in close proximity to the quarry.

Reference to Charlton J in Lanigan and others v Barry & others (2008) in the case of noise, factors such as tone, unexpected irritant factor, which cannot be measured by scientific instruments is very important.

Notes the applicant states that BS:4142 type noise assessments are not applicable to a quarry and construction operation given the intermittent nature of noise. Contends quarrying and processing over 3,000,000 tonnes of material within a 20 year period is not an intermittent activity. A quarry and cement production facility is categorised as a heavy industry.

Notes the RFI refers to approximate and predicted levels of noise.

Noise monitoring in the proposed site will not reflect the real time noise at their property.

Condition 12a-f should be maintained.

In the past residents have had to stay indoors due to noise levels/or leave home which is a behavioural change which falls into the category of ‘adverse and substantial’.

Noise levels will be significant due to quarry moving closer to their property, increase in truck movements, loading the crusher hopper, continued use of mobile crusher and rock breaker, regular blasting, drilling and output levels.

- **Operational hours excessive**

  Condition 8 – extending the working week at the site to 72 hours means being exposed to excessive noise for longer. Requests hours are reduced to a normal 39 hour five day working week and no works on Saturday or Sunday.

  Exceeds the normal working hours in Ireland under the Construction Industry Federation of Ireland of 39 hours weekly, request hours are reduced.

  Request Board reduce operating hours to give residents some relief especially on Saturdays.

- **Impact on water table and bore wells**

  There are a number of groundwater boreholes within 2km of the site.

  There is no public water supply scheme.

  Their domestic water supply is within 200m of the satellite quarry.

  In the past the quarry went below the 10mOD level and a pipe was installed under the R6072 road and water from the existing quarry was pumped into the Brickey river, the water level in all the wells dropped and the river was contaminated.

  Condition 3 allows for this to occur again and is contrary to ABP previous decision PL.24.225443. The option to allow the quarry to drop below 10mAOD should be removed.

  Exclusion of EPA's input in this application is flagrant disregard for the water source for Dungarvan environs.

  There is a regionally important aquifer under the site.

  Run-off water from stockpile site, materials from other suppliers, admixtures, contaminated lagoons and spillage of oils or chemicals into the aquifer could contaminate ground water.

  Concerned that ground vibrations and fracturing of bedrock as a result of blasting will affect water supply.

Quarry staff are not expected to drink from the well on site, and would use potable water.

- **Dust, dirt, air quality and human health**

  Request a condition that requires the applicant to make use of technology to reduce noise, dust, dirt and general pollution.

  Tests for dust were carried out during the period 2018, 2019 and 2020 in the EIAR, one of the lowest production output and activity years, therefore not reflective of actual dust levels.

  The output for those years was 250,941 tonnes (17% of which came from existing excavated stockpiles), and is not comparable to future dust levels with a production increase from 2020 output of 30,168 tonnes to 400,000 tonnes per annum.

  Fugitive dust will increase above that experienced in the past due to more activity etc..

  Inhaling dust particles detrimental to health.

  No modelling or background information as to how successful dust mitigation measures will be.

  The RFI does not propose mitigation measures to dampen dust arising from tunnel construction, stripping of soil, blasting of holes, damping of trucks, dust from existing quarry floor, dust from ready mix into trucks and dust from plant and machinery.

  Not satisfied dust emissions will be kept below emission levels.

- **Devaluation of property**

  Residents to become collateral damage for the benefit of the wider society and economy.

  Property tax has been reduced to reflect devaluation of property as a result of the existing quarry.

- **Quarry operators have a history of non-compliance with conditions**

  The historic operation of the quarry incorporated Kilgreany cave.

  Quarried below 10mOD contour in the past.

Restoration works to existing quarry have not been implemented.

- **Clarity**

  Commitments proposed in the EIAR and Further Information response should be collated to prevent confusion.

- **Right of way**

  Tunnelling under this right of way will inconvenience users of the road.

  This road was blasted through previously by the owners of the quarry.

- **EIAR & Mitigation Measures**

  EIAR is biased in favour of the applicant.

  Noise results in EIAR based on measurements in 2019 & 2020 when operations were at lowest.

  Mitigation measures can only be assessed after the quarry is up and running and then it is too late.

  Assumptions and estimations are based on test results which do not reflect the increase in activity in the future.

  The mitigation measures currently carried out at the existing quarry have not reduced dust or noise emissions below nuisance levels.

  No performance to date to support claims mitigation measures will be successful.

  At public consultation meeting representatives of Roadstone mentioned possible mitigation measures, but not confident the unspecified measures will be implemented.

- **Poor public consultation**

  Application was submitted during Covid.

6.5. Applicant's Response to the Third Party appeal and observations

6.5.1. The applicant has responded to the Third Party and Observers' submissions, including the Third party submissions made to the P.A on the planning application as summarised below:

<u>Potential Impacts & Nuisance arising from proposed development.</u>

While specific to the Appellants property many, of these same features also apply at other properties in the vicinity of the proposed development.

(i) The actual quarry footprint will be at least 20m inside the development site boundary (and existing property/field boundary). It is important to clarify that the proposed quarry void will be approximately 265m from the Appellant's house at its closest point (rather than 140m which might be inferred from their submission).

(ii) For much of its operational life, extraction and processing activities at the quarry in fact will be taking place at a much greater distance, at times in excess of 700m.

(iii) The Appellant's property will be physically screened from quarry activities and quarry related noise sources by the following features:

- Quarry faces developed in rock;
- The proposed perimeter screening berm;
- A 2m high acoustic noise barrier/fence atop the perimeter screening berms to the south of the proposed quarry;
- Existing hedgerows along the development site boundary, plus 2 further lines of hedgerow along intervening field boundaries;

(iv) There is higher ground to the north and northwest of the appellants property, between it and the application site boundary (the difference in ground level approximately 5m higher). This difference in ground level helps to further attenuate any noise arising within the quarry;

(v) The Appellant's property will be rarely downwind of quarry activity and as such is much less likely to experience significant air quality impact (in the unlikely event any excessive fugitive dust emissions were ever to arise);

(vi) The local road which runs in front of the appellants property will not experience any increase in traffic movement or related traffic.

The cumulative/beneficial screening effect of the features identified above is discernible in the output data provided in the detailed noise modelling report submitted to the planning authority at the further information stage. That report predicts a resulting noise level at the Appellants property of between 45dB and 50dB L_{AEQ} when the quarry is fully operational.

Ground vibration monitoring undertaken over many years at the quarry indicate that ground borne vibrations have been considerably below the level required to generate any structural damage.

The Appellant raised a number of specific concerns in respect of the potential noise impacts by rock drilling/compressors and rock breaking activities at the quarry. In general, drilling activity and/or rock breaking are ongoing for only a minor proportion of permitted working hours and are not a source of continuous noise at the quarry.

Due account has been taken off the associated noise levels and impulsive tones in the noise impact assessments presented in the EIAR and supplementary noise modelling report submitted at further information stage.

The Applicant acknowledges specific concerns raised in respect of rock breaking and accepts these may in part arise as a consequence of more recent operations at the quarry when there was an over reliance on the use of rock breakers to extract and fragment the limited remaining rock resource within the existing quarry footprint (in the absence of large blocks which could be excavated by blasting).

In the event that planning permission is ultimately secured, the application and implementation of modern blasting techniques is expected to result in much more effective fragmentation of rock at the quarry than in the past. As a consequence, future requirements for rock breaking and use of rock breakers at the quarry would be significantly reduced. Modern blast design strives to achieve near 100% fragmentation of in situ rock to the block size required for direct feed to rock crushers, thereby reducing the need for further fragmentation using rock breakers. As the use of rock breakers incurs extra costs and delay, quarry operators will always be incentivised to improve and optimise blast design and reduce the need for rock breaking.

The Board will note that WCCC applied a condition in the planning permission which limits rock breaking to between 0800 hours and 1800 hours on weekdays and prohibits it entirely on Saturdays. This originated on foot of feedback provided by local residents in the course of the public consultation exercise undertaken in March 2022, in light of which Roadstone advised the planning authority that it was prepared to accept these restrictions in any decision to grant planning permission.

The Board will further recognise that in order to address community concerns around potential environmental or nuisance impacts arising from the proposed development,

WCCC has applied multiple conditions in its decision to grant planning permission requiring ongoing environmental monitoring, regular reporting of monitoring data and, provision of a publicly accessible website providing environmental data and information.

The Applicant considers that the cumulative effect of these measures/planning conditions is to facilitate greater transparency around its environmental management and performance at the quarry and to improve and enhance its accountability to the local community.

Operating hours

The Applicant considers its impractical to modify the permitted hours further to the standard working hours observed by the CFI namely between 0800 hours and 1700 hours on Mondays to Thursdays and 0800 hours to 1600 hours on Fridays on the following grounds:

1. In many instances deliveries of aggregate or concrete to construction sites are scheduled to arrive at the start of the working day. In order to facilitate this, quarries and concrete batching plants must commence operations earlier to dispatch materials off site in good time to arrive at construction sites by 0800 hours. A delayed start at the quarry/batching plant would mean that consignments would likely get caught up in morning rush hour traffic and nearby urban centres, delaying deliveries to site and resulting in longer journeys and increased turnaround times.

2. In situ casting of large construction elements often require site work and supply of construction materials to extend for many hours past official industry working hours.

3. Construction firms regularly extend working hours and work overtime as they look to take advantage of favorable working conditions, complete work in advance of inclement weather, avoid contract penalties or meet client deadlines.

4. Many construction firms, particularly small to medium sized ones, are not members of the CFI and so as such do not necessarily observe official CFI working hours.

Planning permissions for quarries and concrete production facilities conveniently allow extended weekday working hours so as to provide the required degree of flexibility necessary to fully service the demands of the construction industry.

In this respect, it is noted that the published Departmental guidelines recommends that normal operation should be confined to the hours between 0700 hours and 1800 hours Monday to Friday inclusive (excluding bank holidays), and between 0700 hours and 1400 hours on Saturdays with no quarrying processing or associate activities being permitted on Sundays of Bank holidays.

Condition 3 for the proposed development is fully consistent with the published departmental guidance. The applicant considers that the working hours are entirely appropriate in keeping with established norms for the extractive sector and as such should not be altered.

Quarry restoration plans.

Issues raised by the Appellants in respect of quarry restoration works necessitated by the previous planning permission have been addressed in the planning application. While it is recognised that limited restoration works have been completed across the existing quarry footprint to date, the development proposal under review provides for the remaining restoration works to be progressed on foot of stripping and reuse of excavated topsoil and overburdened soils at the proposed satellite quarry/extension to the east.

Condition 25 of the planning permission issued by WCCC requires submission of a detailed restoration scheme for the quarry site for its written agreement prior to the commencement of development.

Public consultation

The Applicant considers the public consultation obligation in the EIA has been achieved through a combination of written pre application consultations with the Planning Authority and Statutory Bodies, the planning process itself and the public consultation exercise undertaken in March 2022 in response to the Planning Authority's request for in-person consultations with the local wider community at further information stage.

It is noted that the in-person consultation exercise undertaken in March 2022 resulted in some modification of the development proposal and this necessitated publication of a public notice by the Applicant notifying local residents of the submission of further significant information to the Planning Authority, which afforded members of the public to comment.

Passageway:

Issues and concerns raised by the Appellants in respect of the impact of the proposed development on the existing roadway, particularly in respect of user safety, are addressed in the EIAR which accompanies the planning application and subsequent submissions.

It is noted that many of the impacts and concerns in respect of the passageway raised by the Appellants also applied previously when the existing quarry was developed on the western side and the passageway remained in use without incident. Roadstone is of the view that continuation of extractive activity on the eastern side of the passageway will mean that its value as an amenity will be broadly the same as it has been over decades.

Noise:

The appropriateness of using background noise levels as a reference level or to set compliance levels for rural based extractive development is discussed in the noise impact assessment report.

The Board will also be aware that this same issue is the subject of a separate first party appeal submitted by Roadstone in respect of noise conditions applied by the Planning Authority in its decision to grant planning permission.

6.6. Planning Authority Response

None

6.7. Further Responses

None

7.0 Planning Assessment

7.1. First and Third-party appeals have been lodged in relation to the Planning Authority's decision as summarised in section 6.0 of this report. I have sought to avoid undue repetition where possible, instead indicating where overlaps occur. Section 8 of this report examines the EIAR in detail regarding the impacts of the proposal and how they would be addressed and mitigated if required. To gain a complete overview of

the issues, the Board is requested to cross reference the issues addressed in this section of the report with the corresponding topic headings in Section 8.

7.1.1. There are 3 parts to my assessment of this appeal. This part of the assessment will consider the principle planning issues raised in the appeal and observer submissions. My assessments under the headings of 'Environmental Impact Assessment' and 'Appropriate Assessment' will follow and will seek to address the environmental issues relating to the proposed development.

7.1.2. I am satisfied that the main planning issues arising for consideration in this case can be addressed under the following headings:

- Planning policy;
- Nature and Extent of proposed development;
- Residential amenity;
- Removal of condition 12 of the P.A's notification to grant;
- Traffic;
- Water & Drainage; and
- Other issues.

7.2. Planning Policy

7.2.1. The NPF through National Policy Objective (NPO) 23 seeks to facilitate the development of the rural economy through supporting, amongst other sectors, a sustainable and economically efficient extractive industry sector. Aggregates and mineral extraction will continue to be enabled where it is compatible with the protection of the environment, in terms of air and water quality, natural and cultural heritage, the quality of life of residents in the vicinity, and provides for appropriate site rehabilitation.

7.2.2. The 'Guidelines for Planning Authorities on Quarries and Ancillary Activities' acknowledges that extractive industries make an important contribution to economic development in the country, while emphasising the continued need for construction aggregates. I note that the Guidelines state that quarrying operations can give rise to land use and environmental issues, which require mitigation and control through the planning system. Extractive industries are location dependent, and they are bound,

by their nature, to be in areas where the sought-after material and aggregate is situated. It is generally preferable to continue operating from an existing extraction area, and to potentially extend it, as opposed to establishing a completely new extraction area elsewhere; albeit, it may have the potential to create environmental impacts. The existing quarry is restricted to not extending below 10mOD in depth or into the underlying groundwater body, and therefore there is no potential to extend this quarry, to a lower floor level.

7.2.3. Policy ECON 13 of the WCCDP states that the Planning Authority are in favour of rural resource related enterprises and diversification, including the mineral and aggregate extractive industry subject to the capacity of the site, the location to facilitate the proposal, environmental policies and the development management standards of the Development Plan, and subject to the likely impacts on amenity and the environment and Natura 2000 Network being acceptable.

7.2.4. The use of the existing quarry as a batching plant would be a symbiotic adjoining use with the proposed satellite quarry, particularly regarding shared vehicular traffic movements. The continued use of the quarry site and proposed satellite quarry would broadly align with the above policies and guidance. However, as outlined in DM policies 35 & 36 above, a detailed examination of other considerations are required, including where appropriate in this case, amenity, noise, water, traffic and the environment.

7.2.5. I note the site is not designated under the Habitats Directive, nor is it directly connected with, or necessary to, the management of any European Site, and the site lies within a low sensitive landscape and there are no protective views/scenic routes impacted by the development. The site lies within the farmed lowland landscape of the county. In conclusion therefore I consider the development is acceptable in principle subject to other criteria being met.

7.3. Nature and extent of proposed development

7.3.1. I consider it prudent to acknowledge that the existing Cappagh quarry has operated at the site since 1952, however the output at the quarry has reduced significantly from 335,181 tonnes in 2007 to 73,005 (including stockpiles) in 2020, according to the EIAR. I accept the residents in the area have therefore become accustomed to a reduction in the level of activity at the current quarry site from 2017 in particular, to

the present day. However, the proposed development the subject of this appeal does not include for the continued use of the existing quarry which was granted planning permission under ref: ABP PL.24.225443. According to the EIAR and from my site assessment the permitted reserves at the existing quarry are limited.

7.3.2. National and local planning policies recognise the economic benefit of extractive industries and support the removal of aggregates and minerals subject to environmental effects. There is a benefit to extending the existing quarry laterally into the satellite quarry area, as it is situated in a proven reserve area, and would utilise an established haulage and vehicular access route. Nevertheless, given emerging policies under the government's Climate Action Plan, for the construction industry e.g. a shift to low carbon construction materials/methods, I would recommend in the event of planning permission being granted that the existing quarry ceases activity at the same time as the proposed satellite quarry. This is considered reasonable as the previous permission at the existing quarry did not include an expiry date.

7.3.3. The is no record of a planning permission for the existing concrete batching plant (P.A Ref: 18/287 refers) at the site. The EIAR states there is a high demand for aggregates produced at the existing quarry and it is anticipated there will be a corresponding high demand for readymix concrete once the batching plant is approved.

7.3.4. The new batching plant would be located to the east of the existing quarry entrance. It would comprise 4 no. cement silos, each over 21m high, a batching/mixing unit, aggregate storage bins, an aggregate loading hopper and connecting conveyor systems, on a hardstanding platform area at 12m OD. It would be set back from the road frontage c.80m and screened to a large extent by the existing hedgerow along the frontage of the site. It would be positioned a minimum distance of c.660m from the dwelling to the east and enclosed within the existing quarry. I do not consider the nature, scale and design of the batching plant and associated structures would have a significant visual impact over and above that of the existing structures on site, and would be satisfactory in regards to the visual amenities of the area.

7.3.5. The works carried out at a concrete batching plant are an industrial activity as the associated activities involve the processing and manufacturing of concrete. I consider given the historical use of the land, a batching plant in this location is not unreasonable, subject to good environmental management practice, including the

protection of residential amenity. I will discuss these aspects of the development in the relevant sections of this report.

7.3.6. In conclusion having regard to the established use of a quarry at this location, I consider a batching plant at the existing quarry would provide an interdependent use with the proposed satellite quarry, in that the materials are processed at source. However, I would recommend in the event of planning permission being granted the batching plant ceases operation at the same time as the satellite quarry.

7.4. Residential amenity

7.4.1. The Third Party and observers have raised concerns regarding the impact of the development on residential amenity and public health to the existing residents in the vicinity. These issues include impacts from noise and vibration, operational hours, dust/air and water quality, and traffic which have been examined in detail in the EIAR submitted with the application and are assessed independently below.

Existing residential amenity

7.4.2. There are 52 dwellings within a 1km radius of the proposed development and 17 within a 500m radius. The subject site is in a rural area and the proposed satellite quarry would be closer to the existing residential properties than the existing worked out quarry. I acknowledge that residents have become accustomed to the slowing down of activity at the existing quarry as reserves have become worked out and output has reduced. However, I would refer the Board to Policy ECON 13 outlined above which seeks to facilitate the aggregate industry in a manner which would not impact on residential amenity. Therefore, any concerns, regarding residential, environmental, and visual considerations have to be weighed against economic, employment and development considerations. I propose to address residential amenity under a number of subheadings as follows:

Noise

7.4.3. The process of quarrying generates a variety of sources of noise which have the potential to impact on residential amenity. Chapter 10 of the EIAR considered the proposed development with due regard to sensitive receptors in the vicinity and examined existing noise sources, and future noise and vibration sources derived from the proposed development. The noise impact of the proposed development was

assessed at 4 noise monitoring points (BN1-4) next to the nearest sensitive residential receptors (i.e within 500m radius of the subject site.) Following a further information request by the P.A additional noise readings were carried out in accordance with BS:4142 and NG4 and included a 5th noise monitoring location (BN5/R06) to the north of the existing quarry along the L-2019. I consider these dwellings are the most sensitive receptors to the development being located within a 500m radius of the proposed development.

7.4.4. I note in the initial EIAR noise readings, the background noise levels at the 4 monitoring locations were mainly dominated by road traffic noise, with ambient noise levels ranging between 47-60.8dB, over 3 days carried out in 2019 and 2020. Background noise was much lower, ranging from 30dB up to 40dB. The readings carried out by way of F.I in 2021 over a 1 hour period had ambient readings of ranging between 52-59dB, and background readings of between 29-37dB with the exception of dwelling R06/ BN5[1], which had a higher rating of 46dB. The area surrounding the quarry can be categorised in accordance with BS4142 and NG4 as an 'area of low background noise' with daytime background noise levels less than or equal to 40dB. I note the applicant does not consider the application of BS4142 and NG4 is applicable to this development, and I will discuss this issue in 7.6 below.

7.4.5. An increase in noise from the proposed development would come from a number of sources including the batching plant, excavation of the tunnel and satellite quarry, machinery, blasting, rock breaking, traffic and restoration works. With mitigation measures the cumulative long-term impact from all receptors, once established, was determined to be negligible and short-term impacts assessed as minor at R14 to the north east of the quarry and, at R27-34 to the south and south west of the quarry.

7.4.6. The batching plant can in my view be classed as an industrial use and therefore in my opinion BS4142 is applicable in assessing noise levels in the surrounding area. The EIAR and Supplementary EIAR on noise indicates that the batching plant would generate a noise output of c. 25 dB(A). I consider this a relatively low level of noise and is below background noise levels in the area. BS4142 stipulates that noise above 5dB in an area of low background noise is an indication of an adverse effect. However, in the supplementary EIAR the predicted sound levels from the batching

[1] Noise readings at this monitoring station were higher due to agricultural activity during the noise assessment.

plant at all receptor locations would not exceed 5dB and subject to mitigating measures including the erection of a 2m high acoustic noise barrier on top of the perimeter screening would not exceed 55dB(A) during the day. I will discuss this further in 7.6 below regarding the first parties appeal to amend Condition 12 of the P.A notification to grant.

7.4.7. The EPA guidance (2006) considers it appropriate to permit higher noise levels for short term temporary activities such as the construction of screening bunds etc; where these activities will result in a considerable environmental benefit. I consider the noise impacts from the excavation of the tunnel and construction of perimeter berms would be short term (8 weeks) and therefore noise levels not exceeding 70dB would be acceptable for these works. It is not anticipated therefore the construction of the tunnel or construction of the perimeter berms would result in noise being exceeded above standard guideline requirements at the nearest receptor points for these temporary works.

7.4.8. The properties to the south of the satellite quarry Nos. R27-34 would be set back a minimum distance of 210m- 370m from the extraction boundary, with R29 being the closest property at 210m. Properties 32-34 would be located between 174-208m to the internal access road and would be screened to a large extent by the existing quarry. The proposed satellite quarry would be set back a further distance of 20m along its boundary perimeter to accommodate safety berms, existing hedgerows and the proposed jeep track. Several mitigation measures are proposed including the installation of landscape berms around the satellite quarry boundary which would further reduce the noise impact to the residents in the vicinity.

7.4.9. Dwelling R14 would be 89m to the north eastern boundary of the satellite quarry and 150m from the extraction boundary and I note further mitigation measures were proposed in the Supplementary Noise report to further reduce the noise impact from the satellite quarry to this property. I would recommend in the event that planning permission is to be granted that the mitigation measures along the boundary of the satellite quarry are implemented before extraction commences. I would also recommend that the noise monitoring is undertaken 4 times a year at all 5 monitoring locations to ensure that noise levels do not exceed 55dB(A).

7.4.10. I would agree with the Applicant that rock breaking at the quarry would be intermittent and in general, drilling activity and/or rock breaking are ongoing for only

a minor proportion of permitted working hours and are not a source of continuous noise at the quarry. It is stated in the EIAR that rock breaking would only occasionally be required to reduce larger oversized blocks of rock and that a breaker would operate at the quarry from one day per week. I would recommend in the event of planning permission being granted blasting occurs only 4 times a year at the satellite quarry.

7.4.11. Both the Department's guidelines for quarries and the NG4 guidelines on noise for licensed sites, recommends noise from quarry developments and ancillary activities should not generally exceed 55bB(A) during the day, and 45dB(A) at nighttime at the nearest noise sensitive receptor. Higher noise levels are permitted for short term temporary activities such as construction of screening berms, where these activities would result in a considerable environmental benefit.

7.4.12. In conclusion, I am satisfied that, based on the information submitted and the proposed mitigation measures, that the impact of noise from the development would not be at a level to have a significant, negative impact on the residential amenity of the surrounding houses. I do not consider it unreasonable that noise monitoring should be carried out on a quarterly basis for the first 24 months of the commencement of the development, and thereafter once a year, and that no individual noise measurement should exceed 55d(B)A during the daytime as recommended in the Departments guidelines on quarries. The proposed development would result in an increase in noise to that of the pre-existing level but the detailed noise modelling of the EIAR demonstrates that the noise generated at the development with the incorporation of mitigation measures is within the acceptable limits of the NG4 guidelines and Department guidelines. On this basis I am satisfied that noise operations will not have an unacceptable impact on residential amenity.

Blasting and Vibration

7.4.13. It is proposed to notify residents in advance of blasting operations taking place. I note the Applicant is also proposing to carry out blasting between the hours of 1100-1500 hours so as not to disrupt dairy farming. The Departments guidelines on quarries recommends blasting operations should only be carried out between 0900 & 1800 hours (Mon to Fri only), nevertheless I recommend blasting is conditioned to

the hours proposed by the Applicant and not as specified in condition P.A notification to grant.

7.4.14. Third Parties have raised a number of concerns regarding the impact of blasting on the structural integrity of their dwellings. The Departments guidelines and the EPA recommends that to avoid any risk of damage to properties in the vicinity of a quarry, the vibration levels from blasting should not exceed a peak particle velocity of 12 millimetres per second as measured at a receiving location when blasting occurs at a frequency of once per week or less. The development proposes to operate within these guidelines.

7.4.15. However, I note the Applicant has agreed following a meeting with residents in the area to carry out structural surveys before blasting occurs at the site to assess the likely future impact from blasting on the properties in the vicinity. I recommend in the event of planning permission being granted it is conditioned that the Applicant carries out a structural survey of all 17 properties within the 500m radius of the quarry. Blast noise levels would not exceed air overpressure values at the nearest occupied dwelling in excess of 125dB (Lin) $_{max.peak}$ with a 95% confidence limit as recommended by the EPA and in the Departments guidelines. Historical blast monitoring results indicate that past blasting operations at the quarry were within the threshold limits of ground borne vibration and air overpressure limits.

7.4.16. There would be an increase in vehicular activity as a result of the development from both within the site and on the surrounding roads. Several mitigation measures are proposed in this regard in the EIAR including, maintenance of the haul routes, deliveries arriving during the day, and prohibiting idling and revving of engines. I am satisfied that these mitigation measures will reduce noise and vibration impact to an acceptable extent.

7.4.17. In conclusion, I acknowledge Third Party concerns about the potential impact of the proposed development on their residential amenity regarding noise and vibration. However, subject to the hours of blasting being controlled and occurring 4 times a year only, noise and vibration levels being within the limits specified by the EPA and Department guidelines, structural surveys being carried out of the residential dwellings within 500m radius of the subject site, and perimeter berms being installed around the satellite perimeter before excavation takes place, on balance I am satisfied the development is acceptable from a noise and vibration aspect on

residential properties and would not result in undue behavioural patterns for the residents as a result of the proposed development.

Operating hours of the development

7.4.18. Third parties have raised concern regarding the operating hours for the proposed development in that it is considered 72 hours is excessive and not in accordance with the standard working hours outlined by the Irish Concrete Federation (ICF), namely between 0800 -1700 hours during the weekdays and 0800-1600 hours on Saturdays. I also note the First Party's submission regarding the concrete batching plant is reliant on dispatching materials before 0800 for the reasons specified, and that many small firms are not members of CFI, and so it is not necessary to observe official CFI working hours in this instance.

7.4.19. Condition 8 of the decision to grant by the Planning Authority placed the following operating times on the development:

- 0700 - 2000 hours Monday to Friday and 0700 -1400hours on Saturdays with no works on Sundays or Bank holidays. (72 hours a week)
- Rock breaking conditions are restricted to 0800-1800 hours during the week, and no rock breaking on Saturdays or Bank holidays.

The aforementioned hours of operation reflect the hours attached to the existing Cappagh quarry, granted in 4.2 above. However, these operating hours related to an established quarry. The current development is proposing a new industrial use within the existing quarry and an extension into a greenfield site which ultimately would be closer to residential properties than the existing quarry.

7.4.20. The Department's guidelines for quarries recommends that normal quarry operations should be confined to 0700-1800 hours Mondays to Fridays, and 0700-1400 hours on Saturdays, with no quarrying, processing or associated activities on Sundays or Bank holidays. This would allow for 62 operational hours per week. I am aware that Section 4.7 of the aforementioned guidelines recognise in the nature of an ancillary use such as a concrete batching plant, greater flexibility of working hours maybe required to cater for early deliveries.

7.4.21. The proposed development would provide direct employment for a minimum of 5 and up to a maximum of 10 site based full time employees in addition to employment for HGV /haulier drivers etc.. The planning statement with the proposal states the

Applicant, Roadstone Ltd, is Ireland's leading suppliers of aggregates and employs several hundred people at 65 locations throughout the country. I therefore do not agree with the First Party that the applicant is a small firm and that the ICF working hours are not applicable in this instance.

7.4.22. I am cognisant of the Department's Guidelines for Quarries and Ancillary Activities, and that the proposed satellite quarry is an extension of an established quarry. Nevertheless I consider the hours of operation permitted in the P.A's condition are excessive and not in line with the Department's guidelines regarding hours of use. I therefore recommend if the Board are minded to grant planning permission the hours of operation are reduced to 0800-1800 hours for the satellite quarry, and 0700-1800 hours for the batching plant to allow for dispatching aggregates early in the morning. However, I see no justification to extend the hours for the quarry or batching plant beyond 1800 hours, the rationale being to protect residential amenity.

7.4.23. Condition 14 of the P.A's notification to grant confined blasting to the hours of 1000-1600 hours Monday to Friday only. These hours exceed the hours proposed in the EIAR which were 1100-1500 hours to protect diary production in the area.

7.4.24. In conclusion therefore I recommend in the event of planning permission being granted the hours of operation of the quarry and batching plant are reduced from that recommended by the P.A and more in line with that recommended in the Departments Guidelines for extractive industries, i,e no later than 1800 hours. I also recommend in the event of planning permission being granted the blasting hours are amended to reflect the mitigation blasting hours proposed in the EIAR, namely 11.00 -15.00 hours.

Air quality/Dust

7.4.25. Air quality (measured as PM_{10}) was monitored at 2 locations over 5 days at the quarry in 2020, one to the east of the existing quarry and one to the north west when existing quarry activities were being carried out including crushing, screening and transport. The Air Quality Standards (AQS) for PM_{10}, set out in the Air Quality Directive (2008/50/EC) and S.I No.180 of 2011 requires an annual mean of 40µg/m^3, and that a 24 hour mean of 50 µg/m^3, should not be exceeded more than 35 times a year. The average PM_{10} concentration at Location 1 (eastern face of existing quarry) was 16.7µg/m^3 , and 8.4µg/m^3 at Location 2. Background air quality data for Zone D (rural area) is on average 14.3 µg/m^3 and this was in line with monitoring data at

Location 2. Location 1 had a higher reading with an average reading of 16.7µg/m^3 but was well below the annual objective of 40 µg/m3 set out in the AQS. The EPA classifies 'good' air quality at PM^{10} 1 to 16 µg/m^3.

7.4.26. The EIAR assessment considers the overall increase in levels of PM_{10} to be negligible, and based on the scale of the development and the level of traffic that it would generate, (200 HGV movements per day), did not meet the threshold for an extensive assessment, and the level of combustion emissions from vehicle exhaust emissions associated with the transportation of materials would be 'negligible' and not have the potential to contribute to local air pollution.

7.4.27. The EPA Guidelines on the extractive industry recommends with regards to total dust deposition (soluble and insoluble) that ELVs (emission limit values) at site boundaries should be 350mg/m^2/day (when averaged over a 30 day period). Dust deposition is generated at quarries by the stripping of topsoil, excavation, crushing and screening of aggregates, ancillary activities such as concrete mixing and, the transport of the aggregates and finished products. Wind can carry dust particles beyond the site boundaries and materials from lorries along the public roads. The Department's guidelines on quarries states that residents living in proximity to quarries can potentially be affected by dust up to 0.5km from the source, although continual or severe dust are most likely to be experienced within 100m of the dust source. The main potential impacts of dust are visual impacts, coating of houses and vegetation, contamination of soils, water pollution and increased inputs of mineral nutrients and altered PH balances.

7.4.28. Dust deposition monitoring was carried out at 4 locations at the subject site. The results of the survey indicated the deposition limit was below the compliance of 350mg/m^2/day with a few exceptions, which were principally due to organic matter in the recorded sample. Dust risk assessment screening indicated dwellings R14 and R15 would experience a 'moderate adverse' effect arising from the proposed development without mitigating effects. The other dwellings within a 500m would have either an 'insignificant' or 'acceptable' effect without mitigating effects.

7.4.29. The proposed batching plant would be located close to the existing entrance of the site and would be screened to a large extent within the existing quarry and by the existing quarry face. It is proposed to plant an area of native tree and shrubs in the north eastern corner of the application area on commencement of the development,

in addition to planting along the base of the existing northern and eastern quarry faces. All of the batching plant elements would be constructed over a concrete slab across an area of 0.9 ha. Aggregates and imported sand would be stockpiled on a dedicated hardstanding area (1ha) to the immediate east and adjacent to the proposed batching plant. Cement would be delivered to the plant in bulk tankers and stored in the sealed silo containers, which would be filled from ground level. Cement would be transferred via a pipe from the cement silos. Aggregates would be transferred from the stockpile area to the hopper and carried along a conveyor belt system to storage bins. Batched concrete would be discharged via a chute into lorry mixer drums. Mitigation dust emissions for the batching plant would include dampening materials and haulage routes, installing the plant on a concrete surfaced area, wheel wash facilities at the entrance, and the storage of aggregates and admixtures in contained storage bins/sheds. Although I note the Environment Section of the P.A had no objections to the development on air quality/dust aspects, it is not clear from the plans as submitted whether the aggregate stockpile area (1 ha adjacent to plant), and the conveyor belt system to the batching plant are enclosed. I would recommend the type of screening/storage enclosure for the stockpile area and conveyor belt cover is agreed by the Planning Authority in the event of planning permission being granted, to further reduce dust emissions.

7.4.30. The quarry face of the proposed satellite quarry would be set back approximately 20m from the boundary to allow for landscaping along the boundary. There are 4 dwellings within a 200m radius of the proposed development site's boundaries, which include R14 at 89m and R15 at 195m to the north east, R29 which is 185m to the south of the existing quarry and R32 which is 174m to the south west of the satellite quarry. Dwelling R14 is the only dwelling within 100m of the site's boundaries and in accordance with the Department's guidelines is the most likely to experience continual or severe dust. The other properties would be in excess of 100m and allowing for the prevailing winds and mitigated measures along the satellite's boundaries as specified in the EIAR are considered to have a low sensitivity. Given the south westerly prevailing winds in the area, I would be of the opinion dwelling R14 despite the mitigating measures proposed in the EIAR, such as dust suppression, use of sprinklers etc., could experience dust deposition from the development.

7.4.31. As part of the landscaping for the development it is proposed to provide a semi natural triangular woodland area approximately 0.6 ha in size to the north east of the satellite quarry. Whilst this would provide a visual buffer to the road and dwelling R14, it is considered having regard to the prevailing winds a similar landscape area would further protect this dwelling from dust deposition along the eastern boundary of the satellite quarry in a similar triangular form. It is recommended if the Board are minded to grant planning permission for the development this additional landscaping is incorporated along the eastern boundary of the satellite quarry.

7.4.32. In conclusion I am satisfied following further mitigation measures including screening details for the aggregate storage area and the enclosure of the conveyor system for the batching plan being implemented dust emissions from the batching plant would adhere to current guidelines. I am satisfied with the incorporation of the additional landscaping together with other mitigation measures proposed that R14 and the surrounding residential properties would not be adversely affected to a significant extent.

Water Quality

7.4.33. Concerns were raised in the grounds of appeal regarding the impact of the proposal on domestic wells in terms of abstraction and discharges from the site. Chapter 7 of the EIAR assesses the hydrology and hydrogeology of the site and is outlined in Section 8 of this report. The existing quarry as part of the planning permission and, the proposed quarry would be a minimum level of 10mOD and above the identified winter groundwater level.

7.4.34. There are no hydrological features within the subject site. The proposed development would not discharge any water from the site and there is no direct hydrological connection between the site and the adjoining watercourses. The potential impact of the development on designated sites and nearby watercourses in is also addressed in Section 9 – Appropriate Assessment.

7.4.35. Existing hydrogeological conditions at the site are outlined in the EIAR. Settlement lagoons are proposed to capture storm surface water from the batching plant and vehicle wash out water, through a closed water treatment system comprising a series of settlement lagoons and a 70,000 litre recycled water storage tank. There would be no discharge from this system to any surface water or groundwater. Admixtures would be stored on bunded pallets and enclosed. Site staff would

continue to use the water facilities from a well on site for the main offices, canteen and toilet, but drinking water is potable at the site offices. A new waste treatment plant is proposed to replace the existing system.

7.4.36. The majority of the satellite quarry area is classified as being of 'High' vulnerability with small areas mapped as 'Extreme' vulnerability. As part of the assessment 14 wells were identified within 2km of the site with the depth to bedrock varying between 0-23m, with yields from the boreholes reported to range from poor to good according to the GSI classification. There is no mains water or group water supply in the around the application site. Borehole monitoring at the existing quarry and proposed satellite quarry indicated with the exception of 1 borehole (western boundary of site), groundwater levels are indicated to fall from 10.2mOD (BH16-09) at the extreme western end to below 8.13mOD (BH16-06) at the eastern end of the satellite quarry. These results indicate that it is not expected that the yields from the surrounding wells would be impacted by the development, as there would be no groundwater drawdown and the development would be 10mOD above the existing water table.

7.4.37. The same monitoring wells/boreholes were tested for groundwater quality. The results indicated levels of nitrate exceeding Ground Water and Drinking Water Regulations, and hydrocarbon levels below detection limits. Based on these results it would suggest the groundwater is impacted by agricultural practices in the vicinity and not by the existing quarry.

7.4.38. The Public Water Supply (PWS) at Dungarvan is c.5.5km to the east of the subject site and comprises four groundwater abstraction wells to a maximum depth of 27.5m bgl. Although the subject site lies outside the outer protection zone for Dungarvan Public Water Supply (PWS), it shares the same aquifer and in the absence of mitigation measures water quality could be impacted.

7.4.39. The proposed development and processes at the existing quarry would operate on a closed loop system and would not result in the discharge of water to groundwater. The floor of the existing quarry area would be at 10mOD above the winter ground water and groundwater levels would not be affected, as this would create an appropriate buffer zone to ensure the attenuation of any silt laden/contaminated water in the lagoon on the quarry floor. It is proposed to continue to monitor ground water levels at the 6 boreholes, and in the event of planning permission it is recommended a condition is attached to ensure this is carried out as part of an EMS.

Standard site operating measures are proposed to deal with accidental spills, storage of admixtures and fuel etc., to prevent pollution to groundwater.

7.4.40. I note the Water Services section of the Council assessed the impacts of the development on local surface and ground water and the proposed mitigation measures were considered appropriate. The Water Services section recommended that the annual report specified in the EIAR, in relation to monitoring of ground water, be submitted to the Planning Authority, and should outline any concerns raised by the monitoring and make recommendations regarding mitigating any concerns.

7.4.41. Based on the nature of the works and the mitigation measures proposed, I am satisfied that the proposed development would not result in any significant impact on the existing watercourses or on the groundwater body underlying the quarry, or on the hydrology and hydrogeology of the site and the surrounding area.

7.4.42. In conclusion therefore, although the existing quarry has operated at the site from 1952, since the aggregates have become depleted the level of activity including noise, dust, traffic has unquestionably reduced. However, a quarry use is established at the site and I consider the use of the existing site for a concrete batching plant is not unreasonable and the extension of the quarry for 17 years is a good use of inherent aggregate resource.

7.4.43. There is little doubt that the nearby residents in the vicinity of the subject site will be impacted to some extent by the proposed development. The presence of an extraction site in the vicinity, and the associated heavy goods vehicles using the road, would have an adverse impact on any quiet rural area. Nevertheless, such activities are a necessary part of the economy and occur in rural areas where deposits exist and is recognised in the County Development Plan. I consider that impact on amenities can be satisfactorily mitigated as outlined in the EIAR and Supplementary Noise report, by restricting the hours of operations as suggested and providing further planting along the eastern end of the satellite quarry.

7.5. **Traffic**

7.5.1. The issue of an increase in traffic was raised by third parties. A Traffic and Transport Statement was prepared for the development and was included in Chapter 14 of the EIAR. The applicant carried out an assessment on the local roads that were identified as having an uplift of HGV traffic because of the development.

7.5.2. Access to the development would be via the existing access into the quarry and the sightlines are to be upgraded as part of the development. The proposed haul route is identified that 95% of vehicles would arrive from the west; of which 25% from the R671 and 75% from the N72.

7.5.3. The assessment states that vehicular movements based on 60,000 tonnes per annum (which would be less than the yearly predicted output for the quarry) the development is likely to generate 200 HGV movements per day in addition to 10 two way staff trips, and a further 10 miscellaneous vehicle trips. However, based on similar developments and a review of the current traffic counts at the quarry 20% of the forecast traffic is expected to arrive/depart during the AM and PM period.

7.5.4. Results of the traffic surveys carried out to assess the capacity and junctions of the haulage route for the development, at the N72, R671, L-2018 and L-2019 were assessed. Allowing for the additional 240 vehicular movements per day associated with the development, all junctions and roads would continue to operate within capacity up to 2037.

7.5.5. I am satisfied that the assessments were carried out in accordance with industry guidance and that the findings are sound. Based on the findings of the assessment, I am satisfied that the haulage route can accommodate the vehicles required to service the proposed development.

7.5.6. Third parties have raised the issue regarding the loss of the local accessway during the tunnel construction. However, the traffic survey counts of this road indicates that it has between 10 and 20 daily traffic movements, comprising light vehicles and agricultural machinery. I have visited the subject site on a number of occasions and I noted that the access road is not heavily used. Although the temporary closure of this road would be an inconvenience to users in the short term, a temporary access track around the perimeter of the quarry is proposed during the construction of the tunnel. The road does not serve any residential properties and the farm to the south of the existing quarry would be able to continue to access the farm either via the access track or from the south along Canty road. I therefore do not consider the temporary loss of this road would result in demonstrable harm to the existing users.

Grounds of First Party Appeal

7.6. **Amendment of condition 12 of P.A's notification to grant**

7.6.1. Condition 11 of the notification to grant placed standard restrictions on noise levels for the proposed development as recommended in the Department's guidelines for quarries, i.e free field noise levels not to exceed 55dB(A) during the operation of the quarry and 45dB(A) at any other time. The restrictions placed by the P.A. is therefore a standard noise condition for a quarry activity if the area is not considered a quiet area. The First party have no objections to this condition.

7.6.2. However, the Applicant has raised concerns regarding the requirements of Condition No.12 of the P.A's notification to grant, relating to noise monitoring and levels not to exceed above 5 dB of the background noise level and the application of BS:4142 to the development.

7.6.3. From the outset I consider it necessary to discuss BS4142 with regards to this development. The scope of BS4142 can apply to noise/sound from a development of an industrial or commercial nature with the focus of protection on residential amenity. The phrase 'industrial and/or commercial nature' has two separate limbs within this document, which can be interpreted in their own right. For example, sound of an 'industrial nature' need not be associated with a commercial venture or activity to be within the scope of BS 4142. Conversely, sound generated by a commercial activity need not necessarily conform to any narrow definition of 'industrial' to be within the scope of BS 4142.

7.6.4. In the interest of clarity, the 6 requirements of condition 12 attached by the P.A are addressed below.

Condition 12 (a)

7.6.5. Condition 12 (a) requires that further background monitoring is carried out at monitoring point BN5/R06. This monitoring point was added following a further information request from the P.A. with regards to undertaking a baseline study in accordance with the criteria set down in BS:4142. This monitoring point was not included within the original EIAR noise report and is located along the L-2019 outside the 500m radius from the quarry, and c.600m from Whitechurch crossroads.

7.6.6. The Supplementary Noise report identified this location as having an average background reading of 46dB, and was therefore 'not in an area of low background noise' as categorised within BS:4142 and NG4. The remaining 4 monitoring locations had background noise levels which ranged between 30-38dB and therefore were all located 'in an area of low background noise', being below 40dB as categorised in the NG4 and BS:4142 documents. These noise levels were similar to that identified in the first noise assessment report at the 4 initial monitoring points. I note the noise report refers to the inflated readings for BN5/R06 being attributed to agricultural activity.

7.6.7. The P.A have not responded to the grounds of appeal, however the Environment section in response to the Supplementary Noise Report (F.I) acknowledged the EPA guidance recommends a noise limit of 55dB, however where background noise levels are very low, lower levels maybe appropriate. The P.A acknowledged that the EIAR report states that the main factor contributing to noise was traffic on the local roads, much of which it was attributed to farm machinery, and that the area does not constitute a 'quiet area' as defined in NG4 and BS4142 due to its proximity to the N72 and to Dungarvan town. I would agree with the P.A in this regard and the subject site does not constitute a 'quiet area'.

7.6.8. Monitoring point BN5/R06 is located approximately 664m from the entrance to the quarry and compared to other properties is much further away from the subject site. However, due to its 'inflated noise reading' based on the guidance in NG4[2], R06, is classified as not being in an area of low background noise, i.e. with an average daytime background noise level ≤40dB, compared to the other 4 locations which had average ratings below 40dB. The Environment section on receipt of the F.I information noise report considered BS:4142 was applicable to the proposed development and that the noise readings at BN5 were compromised by agricultural activity during the readings which elevated the background noise levels at certain locations namely at R06/BN5. This monitoring point was chosen by the P.A in the F.I request as 70% of the development traffic would pass along this road.

7.6.9. The baseline noise level at BN5/R06 compared to the other monitoring locations, is significantly higher. However, I consider given the location of this property on the L-

[2] NG4- EPA Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities 2016

2019 it would have similar average readings to R04 & R05 at BN4, which are both within 500m of the quarry and close to Whitechurch crossroads and are located along the L-2019 & L-2018. It is unfortunate that further readings were not taken at BN5/R06 to provide an average reading over a longer period of time, and for this reason I can understand why the P.A requested further readings at this location by way of condition 12(a).

7.6.10. However, there are other properties closer to the proposed batching plant and further away from the N72, which were located within 'a low background noise area' and were assessed against BS4142 & the NG4 criteria. The predicted sound level from the batching plant is stated as being 25dB. Nevertheless, when the predicted sound level from the batching plant was assessed against the properties in the 'low background noise area', the predicted noise level was so low that the batching plant would not increase the noise levels at the nearest receptor locations above 5dB as specified in BS:4142 and NG4.

7.6.11. I therefore consider condition 12(a) would not provide any further benefit to the assessment of the development from a noise aspect at BN5/R06, and recommend Condition 12 (a) is not required.

Condition 12 (b)

7.6.12. This condition restricts the construction of the berms and tunnel to within a noise limit not exceeding 70dB for a maximum of 8 weeks only. The First party have raised no objection to this condition, and as outlined in Section 7.4, I recommend this condition is applied in the event of permission being granted.

Condition12 (c)

7.6.13. This condition specifies that the noise level shall not exceed 5dB above the background noise between 07.00-20.00 hours, at any of the monitoring points, and in the event that it occurs, enhanced mitigation measures are required. In accordance with BS:4142 a noise level of +5dB above background noise would have an 'adverse effect' and above 10dB would have a 'significant adverse effect'. I also note the Applicant is of the view that it is not realistic to impose a noise level not to exceed 5dB above the background noise, as average noise levels within the vicinity of the quarry are already between 8-26dB(A) higher than background noise levels.

7.6.14. The Departments Guidelines for Quarries & Ancillary Activities recognises that many quarries are situated in areas of low background noise, and it is appropriate to consider this when setting noise limits. The aforementioned guidelines states it can be expected that complaints will result where the noise from quarrying and associated activities are between 5-10dB above the background noise levels.[3] I would therefore be of the opinion the Departments guidelines, BS:4142 and NG4 are similar in this regard.

7.6.15. Both the EIAR noise report and Supplementary Noise report do not predict the noise levels at the satellite quarry and at the concrete batching plant, to exceed 55dB(A), during the day which is the noise limit recommended in the Department's Guidelines, and recommended by the EPA in areas of high background noise levels. The noise levels for the tunnel extraction would exceed this level but this would be restricted to a maximum period of 8 weeks in a year which is permitted in both the Department and EPA guidelines for short term construction periods.

7.6.16. The Departments Guidelines recommend measuring noise levels at the site boundaries near sensitive locations and that they should be carried out on a quarterly basis and that 95% of all noise measured should comply with the specified limit values, and that no individual noise limits should exceed values by more than 2 dB(A)[4]. I would therefore recommend condition 12 (c) is amended to reflect this recommendation specified in the Guidelines.

7.6.17. The noise readings taken at monitoring points BN1-4 for the EIAR which were over a longer period than the BS:4142 and NG4 noise readings (when the quarry was operational) indicate that the average baseline levels were between 49.7dB – 57.3dB, in the years 2019 and 2020, and the readings were strongly influenced by traffic noise. Background noise for the same period ranged between 30dB(A)-40dB(A).

7.6.18. I note that the BS:4142 noise readings indicate the continuous noise level over the measurement period for the 5 locations was between 52 -59dB LAeq, 1 hour. However, subject to further mitigation measures including a 2m acoustic screen

[3] Pg 26 of Department Guidelines for P.A on quarries and Ancillary Activities

[4] A change of 3dB is generally considered to be the smallest change in environmental noise that is perceptible to the human ear or under normal conditions (source: Guidelines for Noise Impact Assessment produced by the Institute of Environmental Management & Assessment).

above the proposed berms the proposed quarry operation would not exceed 55dB(A) at any of the noise sensitive receptors.

7.6.19. I therefore recommend that the operation of the development when measured at the nearest noise sensitive locations shall not exceed 55dB(A) LAeq, 1 hour, between the hours 08.00-18.00 hours Monday to Friday and 08.00-14.00 hours on Saturdays, and shall not exceed 45 dB(A) LAeq, 15min at any other time. These noise levels are recommended in the Department's guidelines and would ensure noise levels are maintained so as not to impact on residential amenity.

7.6.20. Notwithstanding the aforementioned noise limits, I further recommend the developer is required to carry out noise surveys to measure noise levels at the nearest sensitive locations site boundary, including R14, R15, R29 and R30 on a quarterly basis (or as agreed by the Planning Authority) prior to the commencement of the development and 95% of all noise measured shall comply with the specified limits outlined in Condition 11 of the P.A., and no individual noise measurement shall exceed the limit values by 2dB(A). All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2017:Acoustics -Description and Measurement of Environmental Noise.

7.6.21. I am aware that BS:4142 and NG4 consider an increase above 5dB background noise would have an adverse effect on residential amenity. I will discuss the application of BS:4142 and NG4 guidelines in the following section in relation to condition 12(e) and (f) which the first party is seeking to remove.

Condition 12(d)

7.6.22. This condition requires the developer to install 2 continuous monitoring points at BN2 (to south east of satellite quarry) and one other at a location agreed by the P.A to measure sound levels, and in the event that the monitoring points show exceedances for 5 individual 1 hour periods in a calendar month, the developer shall inform the Council and propose mitigation measures to ensure the exceedances do not reoccur.

The First party has no objections to this condition, however, I recommend this condition is amended to require the Applicant to undertake a noise survey and assessment programme arising from the development and the scope and methodology to be submitted and agreed by the P.A., with the results obtained being

reviewed on a regular basis by the P.A in the event of planning permission being granted.

Condition 12 (e) & (f)

7.6.23. Condition 12 (e) requires the developer to undertake manned monitoring, 4 times a year at the 5 monitoring locations during normal operations at the quarry and impulsive noise shall be assessed and a rating penalty applied against the guidance in BS:4142. Condition 12 (f) requires the developer to comply with the current noise assessment guidance published by the Environmental Protection Agency (EPA).

7.6.24. The first party contend the current EPA noise assessment for non-scheduled activities (NG4) guidelines is applicable to licensed industrial activities only, and the current proposal is not a licensed activity. I would not agree with the applicant in this regard, as I consider there is an overlap regarding this guidance and other guidance relating to quarries.

7.6.25. The Department's guidelines on quarries recommend that P.A familiarise themselves with evolving best environmental practice which includes inter alia the EPA guidelines for 'Environmental Management in the extractive Industry: Non-Scheduled Minerals', ICF best practice document for aggregates and concrete production industries and UK and European advice. There is therefore a cross referencing and a general consistency in all legislation relating to quarrying activity. The EPA guidelines for non-scheduled activities states 'where existing background noise levels are very low, lower noise emission level values (ELVs) may be appropriate'.

7.6.26. I also note the HSA's documentation included within the EIAR as part of the consultation process recommended that reference is made by the developer to the EPA's NG4 Guidance note and that the existing background noise level should be considered when assessing the impact of noise from the proposed development on local receptors and when setting ELVs. I therefore do not agree with the applicant that compliance with current EPA noise assessment guidance is not applicable to this development as outlined in Condition 12 (f) of the P.A decision to grant. However subject to appropriate noise conditions being attached in compliance with the Department and EPA guidelines it would not be necessary to attach condition 12 (f) as specified by the P.A which given its open-ended nature would be difficult to enforce.

7.6.27. The applicant also considers the application of BS:4142 only applies to industrial activities and not to construction or demolition works such as the proposed quarry. BS:4142 is used for the rating and assessing of sound of an industrial and /or commercial nature which includes, sound from industrial and manufacturing processes; mechanical and electrical plant and equipment; loading and unloading of goods and materials at industrial and/or commercial premises; and from mobile plant and vehicles. An industrial process is defined within the Planning and Development Regulations 2001, as amended, as 'any process which is carried on in the course of trade or business, other than agriculture, and which is-

> 'for or incidental to the making of any article or part of an article, or for or incidental to the altering, repairing, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article, including the getting, dressing or treatment of minerals,'

However, an industrial building as defined within the same Regulations excludes a structure in or adjacent to and belonging to a quarry.

7.6.28. As outlined previously I consider the proposed concrete batching plant an industrial use, and I therefore consider BS:4142 is applicable in this instance to the batching plant but not the quarrying operations. I consider the noise from a batching plant would be consistent rather than intermittent and therefore not similar to quarry operations. I have addressed the issue of the impact of the batching plant under my assessment of Condition 12 (a) in 7.6.11 above.

7.6.29. BS:4041 states when the rating level is above the background sound level, a difference of around +5 dB is likely to indicate an *adverse impact* and a difference of around +10 dB or more is likely to indicate a *significant adverse impact*, depending on the context. The lower the rating level with respect to the background sound level, the less likely it is that the specific sound source will have an adverse impact. Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context. The NG4 guidance note for noise for Licence applications refers to BS:4142 and that this standard should be applied in the event that there is any uncertainty in obtaining results that are wholly attributable to the activity under investigation.

7.6.30. The Supplementary Noise EIAR assessed the impact of the satellite quarry, tunnel construction and concrete batching plant on all 5 monitoring points, in accordance with BS:4142.

Satellite Quarry

7.6.31. Predicted noise levels from the satellite quarry including the restoration phase indicated the most affected dwellings would be R14, R15, to the north east, and R29 and R30 to the south, although these readings were below 55dB. When assessed against BS:4142:2014, dwellings R14 and R15 would experience an increase of between +6-10dB background sound level during the site preparation works and excavation operations. I acknowledge that site preparation works would be temporary and are specified in the EIAR as lasting no more than 8 weeks. All of the other dwellings would not exceed 5dB above the background levels. Further mitigation measures were proposed in the Supplementary Noise EIAR to achieve further noise attenuation which are outlined in the EIAR noise section of this report to dwelling R14.

Tunnel Construction

7.6.32. The dwellings most impacted from this activity according to the BS:4142 noise assessment would be R30, R32 and R33 to the south of the subject site with noise readings ranging between 40-48dB. I would agree the soil stripping and tunnel works are temporary as specified in the EIAR and as such a higher limit of 70dB is permitted within the EPA and Department guidelines as it would be for a temporary period only. It is recommended in the event of planning permission being granted these works should be limited to a maximum of 8 weeks as specified in Condition 12b of the PA notification to grant.

Concrete Batching Plant

7.6.33. The predicted equivalent continuous sound level for the batching plant at the sensitive receptor locations range from between 13-33dB, with the highest ratings at dwellings R33, R30 and R32 to the south. These levels would be much lower than recommended in the NG4 guidance for the daytime period for areas of low background noise as outlined above (i.e ≤40dB). When assessed against BS:4142 none of the receptors would experience an increase in noise above the established baseline noise levels, including R06, i.e would not experience noise level increases above 5dB when compared with the background level.

7.6.34. In conclusion therefore when applying the BS:4142 standards R14 and R15 would experience an increase in noise levels greater than +5db above background noise levels during soil stripping and quarry operations. As stated previously I do not consider BS4142 applicable to the quarry operation. However, as outlined in 7.4 on air quality I recommend further screening along the eastern boundary to prevent dust deposition to R14 and this would further mitigate any noise impacts to this property. Dwellings R29, R30 and R33 (to the south) would experience an increase of between +1-2dB during quarry operations. All other dwellings including R06/BN5 would have no adverse effects.

7.6.35. Based on the applicant's noise monitoring and in accordance with the BS:4142 guidelines the area within the vicinity of the subject site is classified as an 'area of low background noise'. I am aware that although a quarry has operated on this site since 1952, the residents in the area have become accustomed to the level of activity slowing down as resources have become worked out. I am also mindful of the economic importance of quarries and the continuing need for expanded aggregate operations at source.

7.6.36. However as specified I consider BS:4142 is applicable to the batching plant activity only, and given its noise level reading it would not have a significant impact on residential amenity. I would therefore recommend Condition 12 (e) is omitted and Condition 12 (d) and (e) are incorporated to that recommended in 7.6.22 above.

7.7. **Other issues**

Devaluation of property

7.7.1. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. Vibration levels from blasting would meet industrial standards and the applicant has proposed to carry out structural surveys of the neighbouring properties before the development is implemented. Having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

Community engagement

7.7.2. I note the third party submissions regarding the inadequacies and/or limited extent of consultation with the local community by the applicant. I further note the applicant's response in this regard. Best practice in EIS preparation includes consultation with all relevant parties, such as statutory consultees and the local community, to ensure that their concerns are identified and addressed in the EIS. The 2014 Directive places a strong emphasis on effective public participation in the decision-making procedures for EIA cases. It refers to the need to strengthen public access to information and increased transparency, and to ensure that timely environmental information with regard to the implementation of the Directive is accessible in various formats, including electronic format. The Applicants were requested to consult with members of the public following the lifting of Covid restrictions by way of further information.

7.7.3. The Applicants in line with the P.A's request held a public information meeting on 3rd March 2022 to be held at a public venue in Dungarvan. This was advertised in 2 local papers and residents in the community were informed by post. A total of 14 people attended the evening venue and a further event was held on 16th March 2022 with eight residents at one of their homes. As a result of the meeting a number of amendments were made to the proposed development including

- Additional perimeter screening along the north east and south boundaries;
- Rock breaking was agreed to the be carried out within 0800-1800 hours;
- Continuous monitoring at the quarry (BN2), sharing of data with residents and P.A;
- Structural surveys of local residential properties closest to the satellite development in advance of the development;
- Procedures and protocols regarding dust emissions;
- Monitoring of local wells, and in the event a well is adversely impacted will extend the impacted well or install a replacement;
- Demonstrate compliance with the undertaking not to extract below the groundwater table.

I note the number of amendments made as a result of the public participation process carried out by the applicant following the F.I request. I am also aware that

preceding the submission of the planning application, public meetings were restricted. Nevertheless, the planning process also allows for a large degree of public involvement in the process through public notices, weekly planning lists, Local Authority website, including the Applicant submitting the EIA to the Department's EIA portal. I am satisfied the Applicant carried out a public consultation process although there is no mandatory requirement to do under Irish planning legislation, other than that specified in the Planning Act regarding public notices etc..

Loss of right of way to access road

7.7.4. Third parties have raised issues about the access road to the east of the existing quarry, and a court case in the past relating to the continued use of the road by the public. The Applicant in their planning application have included part of this road within the blue line of the planning application. I note there is an agreement between the original owner of Cappagh quarry that this access is retained. I consider the temporary closure of the access is acceptable providing a new temporary access is provided within the satellite quarry for the users of this road. This is, however, a civil matter to be resolved between the parties, having regard to the provisions of s.34(13) of the Planning and Development Act 2000 as amended.

History of non-compliance

7.7.5. I note from the Third party submissions there has been enforcement issues relating to the quarry, namely relating to the quarry operator extending below the water table and the demolition of Kilgreany cave. The planning documentation confirms the existing quarry is operating in accordance with permitted conditions. There are no outstanding enforcement matters identified by the Planning Authority in this regard. Compliance with planning permission falls within the remit of the Planning Authority under Section 8 of the Planning and Development Act 2000, (as amended). It is not a function of the Board and will not be addressed as part of this appeal.

8.0 Environmental Impact Assessment

8.1. Introduction

This section of the reports comprises an Environmental Impact Assessment (EIA) which considers the likely significant effects of the development/project during the

construction and operational phases, would have on the environment. The section should be read in conjunction with Section 7 above.

8.2. Legislative Requirements

Schedule 5 Part 2, paragraph 2(b) of the Planning and Development Regulations 2001, as amended, provides that an EIA is required for

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

Paragraph 13 (a) of the same part which refers to *changes and extensions of development already authorised which would:*

(i) Result in the development being of a class listed in paragraphs 1 to 12 of Part 2 of the same schedule, and

(ii) Result in an increase in size greater than 25%, or an amount equal to 50% of the appropriate threshold, whichever is the greater.

The proposed 18.2hectare satellite quarry exceeds the 5hectare threshold for EIA as set out above. As it is proposed to link the satellite quarry to the existing quarry by way of an underpass trunnel, it is considered the project/development would also fall within paragraph 13(a) (i) and (ii) of the same schedule.

8.3. Content of the EIAR

8.3.1. The EIAR comprises two parts, the Main Report with 16 chapters and the Non-Technical Summary. The non-technical summary is generally laid out in a similar but condensed format to the main EIAR, and provides a summary of the proposed development and likely effects in non-technical language. The latter fulfils the requirement of Article 94(c) of the 2001 Regulations.

8.3.2. Chapter 1 sets out the introduction and methodology including, a list of the competent experts involved in contributing to the EIAR. Chapter 2 provides a description of the site, context, and proposed development, and Chapter 3 includes an examination of reasonable alternatives, and an indication of the main reasons for selecting the chosen option. Chapters 4-14 inclusive examine the likely direct and indirect significant effects of the project on the specific environmental factors identified in Section 171(a) (b)(i) of the 2000 Act. These are: (a) population and

health; (b) biodiversity, with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in these points (a) to (d).

8.3.3. As referred to above, these environmental factors and the interaction between the factors correspond with Chapters 4 to 15 inclusive of the EIAR. The contents and layout of the chapters are relatively consistent, with a description of the receiving environment, identification of the potential impacts, outline of associated mitigation measures, and prediction and evaluation of impacts, during the construction and operation phases, with the application of same.

8.3.4. I am satisfied that the EIAR and Addendum to 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 applicant, adequately identifies the significant effects on the environment and describes the direct, indirect and cumulative effects of the proposed development on the environment and complies with all relevant the requirements. I am also satisfied that the information contained in the EIAR complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014. The EIAR identifies a list of sources used for the description and assessments used in the report. I have carried out an examination of the information presented by the applicant, including the EIAR, further information submitted on request from the PA and the written submissions.

8.3.5. The EIAR describes the proposed development, including information on the site and the project size and design. Reasonable alternatives were considered and a justification for the outcome was included in the report. The impact of the proposed development was assessed under all the relevant headings with respect to population and human health; biodiversity; land, soils and geology; hydrology and hydrogeology; air quality; climate; noise; material assets; cultural heritage; landscape; traffic; interactions of impacts; and the suggested mitigation measures are set out at the end of each chapter.

8.3.6. I am satisfied that each chapter where applicable identifies measures if any, envisaged to avoid, prevent or reduce and if possible offset likely significant effects. I am satisfied that information in the EIAR is up to date.

8.4. Risk of Major Accidents and /or Disasters

8.4.1. No outstanding risks associated with major accidents or disasters identified and the potential impacts associated with climate change have been factored into most sections of the EIAR. Risks of accidents is largely confined to accidental spills. Slope stability is dealt with under Health and Safety legislation.

Difficulties encountered

The EIAR states that no difficulties were encountered in compiling the necessary information for the EIAR.

8.5. Consideration of Alternatives and Do Nothing

8.5.1. The Planning and Development Regulations, 2001, as amended, requires the EIAR to provide a description of the reasonable alternatives studied which are relevant to the proposed development and its specific characteristics and an indication of the mains reasons for the option chosen, taking into account the effects of the development on the environment. Chapter 3 describes the development and alternatives. It describes the long standing nature of Cappagh quarry, and from the outset it states that the proposed development is a resource based development and therefore the aggregates can only be worked (extracted) where they are present in the land and the environmental effects of working them can be minimised.

8.5.2. The 'Do Nothing' scenario would mean that they existing quarry would cease operation and the proposed satellite quarry would not commence and the site would continue to be worked as farmland for grazing. Notwithstanding the closure of the existing quarry, a market demand for construction materials and ground lime would remain and as such demand would need to be met from other quarries which could in turn generate an increase and intensification of vehicular movements elsewhere.

8.5.3. The alternative to deepen the existing quarry below the existing water table was discounted in view of the potential impact on the underlying regionally important karsified aquifer. The importation of rock from other Roadstone quarries that produce a similar quality of stone are between 57km and 90km away from the existing Cappagh quarry. Although Keenan quarry is 5km south west of the existing quarry the rock at this location is less suitable/unsuitable for current production activities at Cappagh quarry.

8.5.4. The report considers that a greenfield site as an alternative location is likely to be more problematic from an environment and community perspective, given the absence of environmental effects. Therefore an alternative location option of developing a greenfield site in the surrounding wider East Munster Region was discounted, due to the length of time it would take to develop a greenfield site (5-10 years), no immediate identifiable site, limestone would need to be imported to the existing Cappagh quarry, introduction of a quarry development into an area where there is no previous history, and increase in market costs and haulage route to intended market currently served by the existing quarry.

8.5.5. The proposed development including the use of the existing quarry for a ready mix concrete facility and lateral extension into a satellite quarry is justified on the following grounds:

- Existing quarry is established in the local area;
- The quality of the limestone rock at the satellite quarry is comparable to the high quality limestone previously extracted from the existing quarry.
- No identifiable source of comparable limestone rock quality in the surrounding catchment area;
- The proposed extension area is within the Applicant's ownership and is situated adjacent to the existing quarry;
- Availability of good access and road infrastructure in proximity to the national road network and is close to key transport corridors (N72, M8).
- Long established history of traffic movement across the surrounding local road;
- Much of the required site infrastructure necessary to support future quarrying activity is already in place;
- The site is not within a designated ecological area or European site;
- The proposed extension is close to an existing concrete manufacturing facility, which would reduce energy consumption and carbon emissions normally associated with long haulage distances.

8.6. Conclusion

8.6.1. I consider that it is generally favourable to continue and extend an existing quarry over developing a new quarry at a greenfield site or using alternative locations that would increase the haulage distance. The existing quarry is long established (since 1952) and, the local road network has proven to be suitable to accommodate this type of development. Phasing the extraction works will allow for screening for nearby houses by installing berms of topsoil between the site and residential development. The construction of the tunnel underpass would not impact on the overall general road network and an alternative roadway for existing users of the access road would be provided until such time as the underpass is completed.

8.6.2. Having regard to these requirements, and the long established nature of the existing quarry, the alternatives considered by the Applicant are reasonable and sufficient in terms of detail. Further, the pursuit of an extension beyond the water table at the existing quarry is not possible. Do nothing scenarios would have potential benefits to the environment and climate but of themselves are not sufficient reason for considering this option.

8.6.3. As the proposed development is for the continuance and extension of an existing long-established quarry, I consider that the ability to consider alternatives is limited. I acknowledge that aggregates can only be extracted where they occur. The resources recovered are a relatively low-value, high-volume material, and so must be located within reasonable distance of key markets to make transport costs economically viable. I am satisfied that the EIAR has satisfactorily addressed the issue of alternatives.

8.7. Assessment of the likely Significant Direct and Indirect Effects

The likely significant direct and indirect effects of the proposed development on the environment are considered under the headings below which follow the order of the factors as set out in Section 171A(b)(i) of the 2000 Act: Within each of the environmental factors below, as applicable, I also examine and assess the mitigation measures identified to avoid, prevent, or reduce and if possible offset likely negative significant effects on the environment.

8.8. Population and Human Health

8.8.1. Chapter 4 of the EIAR addresses human health in the context of relevant environmental topics addressed in the EIAR, as per EPA guidelines i.e. Water (Chapter 7), Air quality (Chapter 8), Noise & Vibration (Chapter 10), Landscape (chapter 13), Traffic (Chapter 14), which are discussed in the respective chapters of the EIAR.

I consider there is an overlap with Section 7.4 of this report, (Residential Amenity), which addresses these issues in detail.

8.8.2. **Receiving Environment**

The EIAR describes the receiving environment of the development as a rural area interspersed with farmsteads and isolated one-off housing development, predominantly located along the local road network. This section of the EIAR addresses the socio-economic make-up of the local Electoral Divisions and key populations, that have the potential to be impacted upon by the development are identified as persons residing within a 500m radius of the site.

There are 3 dwellings within 200m of the development boundary, a further 15 within 200-500m and a total of 52 dwellings within 1km of the boundary site. The closest dwellings are c.89m from the eastern boundary and c.185m from the south eastern boundary of the proposed satellite quarry boundary. Figure 4-2 of the EIAR indicates the dwellings within 1km of the development boundary. Whitechurch National School is located approximately 2km south west of the existing quarry and Ballinameela Community Centre and GAA club are both located next to the school.

8.8.3. **Potential Impacts**

Given the phased nature of the proposal, the location and intensity of the impacts at the sensitive receptors will vary as the project progresses and the extraction area moves from the western side of the satellite quarry to the east, north and south side of the site. The construction and operational stage and on-going restoration works would provide employment for a minimum of 5 and up to a maximum of 10 on-site based personal on a full time basis.

<u>Construction phase</u>

Impacts on human health and amenity would be from levels of dust, noise and traffic and the potential to cause pollution to soils and ground water. These impacts would be caused by the stripping of soils and vegetation, earth moving, haulage trucks, the temporary closure of the access road and diversion of people and traffic during the tunnel construction, demolition of plant and installation of screening berms during the construction phase.

Operational phase

Impacts would include noise, dust and vibrations from extraction and blasting, rock crushing, ready-mix concrete production activities and vehicular movement. The potential impacts on human beings and human health in terms of air quality, noise, visual impact and traffic are dealt with in the relevant chapters of the EIAR and specific mitigation measures are also outlined in each chapter.

To facilitate the proposed tunnel underpass linking the quarries, it would be necessary to temporarily close the local access road to traffic for the duration of these works. Traffic would be diverted along a temporary track which follows established field boundaries to the north and east of the satellite quarry. Following the completion of the tunnel the access road would be reinstated to the same alignment and standard as currently. I noted on the day of my site inspection that this access road is utilised by walkers and a local dairy farmer for cattle grazing.

Potential noise and air effects would largely cease following the cessation of the use, and the implementation of mitigation measures would prevent groundwater impacts from arising.

I am satisfied that this chapter has identified, described and assessed the direct and indirect significant effects on the environment, arising from the proposal on population and human health.

8.8.4. **Mitigation Measures**

Population and Human Health Impacts	**Mitigation Measures include:**
Dust Noise	• Use of mobile brewers to suppress dust during dry weather.

Blast vibrations Traffic Employment Human Health/water Amenity	• Use of wheelwash to prevent dust deposition on the road. • Restriction of site activities to defined working hours. • Maintaining plant & equipment. • Managing work activities to ensure compliance with specified noise & ground borne vibration emission levels. • Refuelling of plant and machinery on sealed and drained surfaces. • Ongoing noise and dust monitoring. • Environmental Management System (EMS) to be put in place.
Residual Effects: There would be additional noise and dust experienced from the development during construction and operation stages.	
Cumulative Impacts: None predicted with no significant intensification over historic levels. Traffic to and from the site will use the same routes as the existing quarry.	
Conclusion: The development of the satellite quarry would result in additional impacts on the houses in proximity to the site regarding noise and dust. Specific concerns regarding the impact of the proposal on residential amenity were raised in the grounds of appeal. I note the extent of the site and the distance between the proposed extraction areas and the nearest houses. I have considered all the information on file including written submissions made in relation to population and human health and the information contained in the EIAR. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, and through suitable conditions in the event of a grant of permission. I conclude therefore that the proposed development would not have any unacceptable direct, indirect or cumulative effects on population and	

human health. In coming to this conclusion, I have taken into consideration the various concerns raised by third parties.

8.9. Biodiversity

8.9.1. Chapter 5 of the EIAR addresses biodiversity. The EIAR includes a desk top survey and three ecological walkover site surveys, carried out in 2019, 2020 and 2021. The objective of the second and third visits were to determine if the ecological conditions had changed from those observed previously. Habitats were identified and classified and evidence of birds, mammals or amphibians were noted during the walk over surveys. Trees or structures suitable for bat roosts within the application site and potential suitable bat foraging habitat were also noted.

The development site is not within or adjacent to any area designated for nature conservation or subject to any nature conservation designation. The likely zone of impact includes the Blackwater River (Cork/Waterford) SAC and Dungarvan Harbour SPA. The impact on designated sites is detailed and an NIS (further detailed in Section 9 below).

8.9.2. **Receiving Environment**

The habitat of the existing quarry is generally artificial in nature and devoid of vegetation and is species poor and has negligible ecological value. The satellite quarry comprises improved agricultural grassland and any diversity in this habitat is confined to where the fields meet linear habitats such as hedgerows or trees. Table 5-1 in the EIAR provides a summary of the important ecological features within the subject site, including hedgerows, birds and bats. Surveys carried out on the site recorded 17 bird types within the site, one of which is a listed Annexe 1 species of the EU Birds Directive or red listed, and two others amber listed species. A Peregrine falcon (red listed) was recorded within the existing quarry, outside of the subject site area and a potential nest observed in the western part of the existing quarry. Swallows (amber listed) were recorded within the derelict building to the north west of the satellite quarry with nests showing signs of recent use. Following a further information request by the Planning Authority this building and its curtilage are to be retained to protect the nesting swallows. Sand Martins (amber listed) were observed nesting in a sand bank in the north western corner of the existing quarry,

outside of the subject site and would therefore not be disturbed by the proposed development.

A bat survey carried out in 2019 indicated the hedgerows and trees surrounding the site are used for commuting and foraging by a low number of common and soprano pipistrelles, and no potential roost features were identified. The habitat was evaluated as low suitability to support commuting and foraging bats. The survey did not record any bat activity at the derelict building.

8.9.3. **Potential Impacts**

Construction phase

Potential impact on habitat loss or deterioration. The development would result in the loss of approximately 480m of hedgerow within the satellite quarry, which represents a potential loss of nesting habitat for birds and foraging and commuting areas for bats.

Operational phase

The existing derelict cottage and its curtilage is to be retained in the north western corner of the satellite quarry for the nesting of swallows. The bat survey did not highlight any potential impact as no roosting habitats detected. No direct link to Natura 2000 site.

The potential nesting area for the Peregrine Falcon and nesting bank for the Sand Martins would not be affected during the operational or construction phase of the development as they are located outside the subject site.

I am satisfied that this chapter has identified, described and assessed the direct and indirect significant effects on the environment arising from the proposal on biodiversity.

8.9.4. **Mitigation Measures**

Biodiversity Impacts	**Mitigation Measures include:**
Loss of 850m hedgerow & trees Loss of nesting potential for sand martins & peregrine falcon	• Replanting 3,370m of native hedge as part of landscape restoration plan.

Loss of commuting or foraging areas for bats. Loss of swallow nesting habitat	• Planting of 0.61 ha of semi natural woodland triangular area at the north eastern end of satellite quarry. • No fixed or permanent lighting across the site. • Retention of derelict building and curtilage for swallows. • Lands will return to grassland once development ceases. • No site clearance during bird nesting season. • It is not proposed to destroy the quarry face where potential nest for Peregrine falcon is located. • Sand martins nesting outside of site boundary. • Biodiversity Management Plan, including bat boxes on the derelict building.
Residual Effects: Residual effect due to the loss of habitat until native hedge and restoration plan implemented.	
Cumulative Impacts: None as no other planning applications identified in the immediate locality that could give rise to cumulative effects.	
Conclusion: While quarrying activities can clearly impact on ecological habitats, with the adoption of mitigation measures outlined, I am satisfied that the proposed quarrying development would not have any significant residual effects provided the mitigation measures outlined are strictly adhered to. The Restoration Plan which would form part of the landscape plan would be beneficial to the ecology and	

biodiversity of the area. In coming to this conclusion, I have taken into consideration the various concerns raised by third parties.

8.10. Lands, Soils and Geology

Chapter 6 of the EIAR addresses land, soils and geology. There is some interaction with this chapter and chapter 7 (Water), chapter 8 (Air Quality), chapter 12 (Cultural heritage) and Chapter 13 (Landscape) of the EIAR . A baseline desktop was carried out, an inspection of the existing quarry faces, a geophysical survey, geotechnical safety and stability assessment of the site and Geological Survey Ireland (GSI) were consulted in respect of the land, soils and geology of the site, and findings from a walkover survey. An area approximately 1km of the subject site was included within the study area.

Three groundwater monitoring boreholes were drilled across the existing quarry in 2016, and a further 3 wells were installed across the proposed satellite quarry at the same time to provide information on groundwater levels and to test ground water quality.

8.10.1. Receiving Environment

The soils and subsoils at the existing quarry have largely been stripped and have been used for either the construction of screening berms or in the partial restoration of the quarry. The satellite quarry is pasture/grassland, and the extraction of rock at the site is a natural resource that would result in the loss of 13.6ha of agricultural land.

The soil at the site is classified as falling within the Clashmore series which is defined as coarse loamy drift with sandstone and has good drainage and considered to have good agricultural potential. Borehole drilling indicates where present soil cover is thin, with a maximum depth of 2m. Mapping by the Irish Forestry Soils (IFS) project indicates subsoil underlying the satellite quarry area is moderately permeable and is overlain by well-drained soil derived from sandstone, with a small area of karst in the north east corner. The existing quarry is entirely developed within Waulsortian Limestone, and borehole logs indicate it extends to at least 30m below the ground surface.

The existing quarry is designated as a County Geological Site and is one of the best places to see Waulsortian rocks in County Waterford. A pre -application consultation was carried out with Geological Survey Ireland (GSI). A copy of GSI's response is contained within Appendix 6-A of the EIAR report. It is noted on the GSI website 'There was a minor cave in the south west corner of the quarry but it is now inaccessible due to the construction of a settling pond adjacent to the face'. (Source GIS)

8.10.2. **Potential Impacts**

Construction phase

The development would result in the loss of 9.4 ha of agricultural land at the satellite quarry during the period of rock extraction. The soils would be used for the formation of berms or the reinstatement of the land. There would be a permanent loss of subsoils.

Operational phase

A risk of ground instability (i.e accidents) particularly the instability of quarry faces, could occur. Storage of soils would be reused during restoration works.

A positive impact of the development is that it would preserve the existing geological heritage features of the quarry and provide additional geological exposures across the satellite quarry.

I am satisfied that this chapter has identified, described and assessed the direct and indirect significant effects on the environment arising from the proposal on lands, soils and geology.

8.10.3. **Mitigation measures**

Lands, Soils & Geology Impacts	**Mitigation Measures**
Rock instability Loss of a small section of the existing underlying bedrock on the eastern side of the quarry to open up the underground passageway.	• Limestone bedrock will be excavated, blasted & processed at the subject site and adhere to Health & Safety Authority Safe Quarry Guidelines, which will limit the

The existing quarry is designated as an Irish Geological Heritage site (site code WD 013). There are 5 caves or cave systems mapped with approximately 1km of the site. Kilgreaney Cave is to south of existing quarry (WD040) and beyond the subject site.	potential for instability in rock and aggregate stockpiles. • Features of geological interest will be preserved consistent with the geological heritage objectives for the overall quarry. • Photographic recording of additional exposed rock face to eastern side of quarry. • Protection of soil structure and erosion of stockpiles, dust suppression and protection from contaminants in line with Best Practice & A Soil Management Plan. • Excess soils stored will be reused to restore the quarry floor to natural grassland. • After care monitoring of restoration works.
Residual Effects: Removal of subsoil and loss of agricultural land at the satellite quarry. Following cessation of the quarrying activity the lands will be restored to grassland and agricultural use. Residual impacts are considered moderate to low.	
Cumulative Impacts: None predicted.	
Conclusion: The quarrying activities in the satellite site would result in a loss of a geological resource and the loss of land for agricultural use for tillage purposes however, such losses are not unacceptable, having regard to the primary function of the quarrying activities to harness the natural resource which would lead to benefits to the construction and agricultural industries and also noting the availability of agricultural land in the vicinity. Loss of geological reserve is very modest in context of overall size of reserve. A positive outcome is the geological	

heritage of the existing quarry is to be preserved as all of the existing quarry faces will remain unaltered and exposed.

Beyond these identified impacts, the quarrying activities are unlikely to result in significant impacts on land, soils and geological environmental factors. Issues in respect of temporary storage of soils and restoration of the site can be addressed by condition. Kilgreany cave lies to the south of the subject site and would not be impacted by the development. I am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise. In coming to this conclusion, I have taken into consideration the various concerns raised by third parties.

8.11. Water (Hydrology & Hydrogeology)

Chapter 7 of the EIAR provides a description of the water environment, including surface and ground water, around the subject site in the context of its local and regional setting. The methodology for assessment includes reference to desk based survey work, site walkover and site investigations. A local well screening was carried out in 2006 for the existing quarry, and a further survey in 2019 and 14 groundwater abstraction areas were identified and are tabulated in Tables 7-4 and 7-6 in the EIAR within and beyond 1km from the site. Three groundwater boreholes were installed at the existing quarry and a further three in the proposed satellite quarry with a depth ranging from 11m to 34.5m. The ground water levels were monitored over a period of between January 2019 and November 2020 at both sites. The average ground water levels at both sites did not exceed above the 10mOD. The groundwater flow direction beneath the existing and proposed extension is from west to east towards Dungarvan. The water quality of these bore holes were collected on 2 days in March 2019 and 2 days in November 2020.

8.11.1. Receiving Environment

The subject site is underlain by limestone and the bedrock is classified as a ‘Regionally Important Aquifer’. The ground water vulnerability of the site ranges from ‘X’ or Extreme (rock at or near the surface or karst) to ‘High’. It lies within the Dungarvan Groundwater Body (GWB) and is classified as high yielding but of good

status according to the EPA GWB status report, and the risk of deterioration is under review. All aquifers within this GWB flow within the top 30-40m of the aquifer. The aquifer is considered to be of high to extreme vulnerability.

Both the existing and proposed satellite quarry lies outside the source protection zone for Dungarvan public water supply (1.5km to the east) and the subject site is not located within any drinking water zone.

There are no hydrological features at the subject site. The Brickey River is c.460m south of the site and flows in an easterly direction. The Finisk River is c.1.2km west of the site and flows in a southerly direction. The Brickey River is classified as having a 'Poor' status and at risk of deterioration and the River Finisk as being of 'good status. There are a number of karst features including caves, springs and turloughs in the vicinity of the site. There is no risk of flooding at the subject site. The existing quarry has been worked above the groundwater table and the floor level of the existing and proposed quarry is/would be a minimum level of 10mOD above the groundwater level.

Groundwater:

There are no mains water supply or group water supply schemes in the area around the subject site. Figure 7-4 in this chapter identifies a number of wells within 2km of the site. There is no available information available on depth to water table or well depth for these wells. However, the range of yield of the boreholes are reported to range from poor to good.

Groundwater quality monitoring at the quarry and subject site indicates exceedances of nitrate and orthophosphates which suggest it is impacted by agricultural activity in the surrounding area. Groundwater quality monitoring at the existing quarry did not identify the presence of any hydrocarbon contamination in the groundwater.

Surface Water

The Brickey River is the closest surface water receptor which flows into the Dungarven Harbour SPA. All extraction is to take place above the water table, and there would be no discharge of water from the quarry. Surface water from both rivers is not abstracted for drinking water purposes, although there are pressures on the Brickey river from agriculture and domestic wastewater.

8.11.2. **Potential Impacts**

Construction phase

Hydrocarbon leakage/spillage from machinery and storage of topsoil/overburden during excavation of satellite quarry and tunnel to groundwater. Increase in surface water runoff and sediment load.

Operational phase

Erosion of subsoil due to the movement of vehicles along the existing quarry and satellite quarry. Impacts are predicted to arise from soil stripping, contamination of groundwater by nitrate/ammonia residues from blasting, impacts on groundwater levels, increase in suspended solids/release of contaminants into quarry void from storage of admixtures/aggregates with effects on groundwater from extraction, crushing and washing.

I am satisfied that this chapter has identified, described and assessed the direct and indirect significant effects on the environment arising from the proposal on water.

8.11.3. **Mitigation measures**

Water Impacts and issues raised by third parties	**Mitigation Measures include**
Regionally important Aquifer Domestic wells Public water supply Karst features within bedrock Increase in suspended solids, due to blasting and traffic. Reduction in ground water quality as a result of fuel leaks or spills and suspended solids on local ground water supplies to wells.	• No discharge of water from the quarry. • Silt fencing placed downslope of satellite quarry prior to commencement of soil stripping. • Run off from hardstanding areas would pass through hydrocarbon interceptor. • Surface water held in lagoons. • Monitoring of overburden stripping/landscaping works.

Deterioration in water quality downstream at Brickey River and into Dungarvan Harbour SPA.	• Restoration using topsoil and overburden carried out on an ongoing basis. • Refuelling & fuel storage to take place on a sealed surface with surface water run off directed to a hydrocarbon separator. • Floor area of satellite quarry would not be below 10mOD. • Waste, oil & grease containers stored on drip trays. • Traffic routed through existing quarry and passed through wheelwash. • Concrete additives stored in dedicated storage shed. • Ground water monitoring -the 6 existing groundwater boreholes sampled and analysed twice a year by an accredited laboratory.
Residual Effects: Following the listed mitigation measures the potential impacts would be reduced from slight to imperceptible on ground and surface water.	
Cumulative Impacts: None predicted.	
Conclusion: The existing quarry on the site in the past excavated below the water table and there is therefore the potential to impact on the ground water quality to domestic wells in the nearby vicinity could be significant. However**,** groundwater monitoring at the quarry does not identify the presence of hydrocarbons in the groundwater. Subject to restriction placed on the excavation not going beyond 10m above the ground water level and the monitoring of ground water on an annually and biannually event carried out by an independent laboratory with the results provided to the Planning Authority, I consider it is reasonable to conclude that the proposed activities are unlikely to result in significant impacts on surface	

and /or ground water. In coming to this conclusion, I have taken into consideration the various concerns raised by third parties.

8.12. Air Quality/Dust

Air quality is addressed in Chapter 8 of the EIAR. The EIAR states that the proposed development has the potential to generate fugitive dust emissions and particulates, which may result in impacts on local air quality generated by the proposed satellite quarry and readymix concrete production activities.

8.12.1. Receiving Environment

There are 18 residential dwellings within 200-500m of the development boundaries of the site (Figure 8-1 of the EIAR refers) which according to the Department's guidelines would be considered sensitive receptors to air/dust quality. Residential units R14, R15, R29, R30 and R32 are within 200m of the site. Both R14 and R15 would be to the northeast of the site, with R14 the closest at 89m. R32, R29 and R30 are 174m, 185m and 200m respectively to the south and south west of the site. It is noted prevailing winds are southwest to northeast.

The closest air quality monitoring location to the site, and in a similar zone D rural area is located at Killkitt, Co. Monaghan. For comparison purposes, the data from this monitoring station is used for the air quality baseline concentrations in the study area. Data from the Killkitt monitoring station showed that PM_{10} (fine dust particles) concentrations were below the annual mean Air Quality Standards, (AQS). The primary source of PM_{10} in Zone D – rural areas, would be residential fuel emissions and local agriculture or rural based activities. PM_{10} monitoring was carried out over 5 days in September 2020 at 2 locations when extraction related activities were ongoing, one to the eastern boundary and 1 to the north western boundary of the existing quarry. The recorded PM_{10} concentrations at both locations were below the Air Quality Standards.

Dust deposition monitoring was undertaken at 4 locations between January 2018 and June 2021 (Figure 8.1 of the EIAR refers). The EPA guidelines recommend total dust deposition at quarry developments should be no greater than 350mg/m^2/day when averaged over a 30 day period. It is noted that these levels

were exceeded at the 4 monitoring points over that period, but this is attributed to organic matter recorded in the sample. Nevertheless, it is noted monitoring location D1 on the eastern boundary of the satellite quarry (close to residential units R14 & R15) had high results over the monitoring period.

Climatic conditions that impact on the dispersion of dust particles are wind direction, wind speed and rainfall. The predominant wind direction is from the south-west with moderate to high wind speeds (>2m/s) for the majority of the time. Based on the nearest Meteorological Station to the site, natural dust suppression from rainfall is considered to be 47% effective throughout the year (based on 0.2mm of rain per day).

The Blackwater River SAC is 1.3km at its closest point to the site, and lies within the potential zone of influence in terms of dust from the development.

8.12.2. **Potential Impacts**

Construction phase

Dust emissions would be likely to arise from HGV's travelling over unpaved surfaces, during tunnelling works, construction and operational works.

Operational phase

Given the south westerly wind direction, the dwellings closest to the north eastern face of the satellite quarry could be impacted by dust generated from the satellite quarry. Dust from handling and processing of concrete, storage, transfer and stockpiling of aggregates, soil stripping, earthworks and final landscaping. Emissions from plant and machinery would also contribute to air borne pollution in the area.

Atmospheric conditions including suppression of dust by rainfall would be a key contributing factor to modifying the potential for adverse impact along the separation distance between the site and dwellings.

I am satisfied that this chapter has identified, described and assessed the direct and indirect significant effects on the environment, arising from the proposal on air quality/dust.

8.12.3. **Mitigation Measures**

Air Quality Impacts, and third party issues	Mitigation Measures include
Construction Soil stripping, earthworks and topsoil stockpiling Demolition works Installation of underpass *Operational* Handling and processing of excavated rock Transfer & end tipping and stockpiling of aggregates Construction and operation of concrete production plant PM_{10} contributions from operational activities Traffic exhaust emissions *Restoration* Landscaping and restoration work	• Dust monitoring. • Minimise drop heights when handling materials. • Maximise the use of excavated soil for screening berms. • Operating vehicles at a reduced speed, through signage and training, road sweeping to reduce dust. • Dampen materials and haulage routes using mist cannon, sprinklers of water browser during periods of dry and windy weather. • Restrict vehicle speeds to less than 20Kph on site. • Routing traffic away from sensitive receptors. • Travel over paved surfaces. • Wheelwash facility with overhead spray. • Seed & vegetate perimeter mounds and stockpiles of restoration material. • Locate stockpiles in sheltered areas. • Training of staff on dust mitigation measures/ regular watering of areas with potential to give rise to dust during dry/windy periods.

Residual Effects: Adverse impact on air quality in the vicinity of the application site following mitigation measures would be insignificant, with the exception of dwellings R14 and R15 which would be acceptable.
Cumulative Impacts: None predicted.
Conclusion: Concerns were raised in the grounds of appeal regarding the impact of dust from the development on nearby houses. The impacts from dust would have insignificant to moderate adverse effects at receptors located within 500m of the site boundary. The PM_{10} levels at the quarry are within the parameters set out in terms of human health. The implementation of mitigation measures for dust deposition will reduce the dust impact at receptors within 500m to mostly insignificant with the exception of 2 nearby properties where the impact is classified as acceptable. I would recommend that the conveyor belt to the batching plant is enclosed and the area to be used for the storage of aggregate is screened/ enclosed to prevent dust. I am satisfied that potential effects would be avoided, managed**,** and mitigated by the measures which form part of the proposed scheme, through mitigation measures and through suitable conditions and further screening along the eastern boundary to the satellite quarry. I would recommend that a similar screening along the eastern boundary to that proposed in the north eastern boundary of the satellite quarry equating to 0.6 hectare for dwellings R14 & R15 due to prevailing winds. In coming to this conclusion, I have taken into consideration the various concerns raised by third parties.

8.13. **Climate**

Chapter 9 of the EIAR addresses climate. The EIAR considers the baseline conditions of the site and its surrounding vicinity, climate hazards, project vulnerability and potential for greenhouse gas (GHG) emissions.

8.13.1. **Receiving Environment**

The profile of the climate by reference to the synoptic weather station at Johnstown Castle, indicates the wind direction is predominantly from the west and south

westerly direction with the greatest daily total rainfall occurring in the month of August for the Rosslare area. The site is not vulnerable to flooding.

8.13.2. **Potential Impacts**

Direct impacts on climate change from the development would be from greenhouse gas emissions. The development would represent a maximum of 0.0025% of Irelands CO_{2e} emissions for the duration of the development. The project was assessed to be most sensitive to extreme temperatures, rainfall, flash flood, storms and winds.

Construction phase

Decommissioning of existing structures and disposal of materials.

Operational phase

HGV fuel consumption and traffic movement. Emissions from fuel consumption. Energy and electrical power for equipment, crushing plant, concrete production plant, wheelwash, heating etc..

I am satisfied that this chapter has identified, described and assessed the direct and indirect significant effects on the environment, arising from the proposal on climate.

8.13.3. **Mitigation Measures**

Climate Impacts	**Mitigation Measures**
Carbon emissions from machinery and equipment. Greenhouse gas emissions. Waste disposal of decommissioned equipment and material.	• Reduce the development's vulnerability to climate change and increase its resilience through design that allows for future rising water levels. • Adequate onsite drainage, the ability to withstand high winds and storms, and use of equipment onsite which is weather efficient. • Measures to reduce GHG include the option of using renewable

	energy sources / suppliers and low carbon construction materials, utilising energy efficient machinery, and avoiding unnecessary journeys and trips by managing travel and transportation behaviour. • Monitoring for adaptation to climate change, include periodic review of plans and enhancement and monitoring of the project predicated impacts with climate change set out in the Environmental Management Plan.
Residual Effects: On a hot day if there is no dust dampening. Post mitigation, no residual impacts on climate are predicted.	
Cumulative Impacts: GHG emissions from vehicles and plant & disposal of recycling of materials, however these are considered to be negligible.	
Conclusion: The proposed development would represent a maximum of 0.0025% of Irelands CO_{2e} emissions for the duration of the development. The emissions are unlikely to have a significant effect on contributions to the global atmosphere levels of GHGs, however the development will not contribute to any reduction in transport emissions. I consider it reasonable to conclude that the proposed further quarrying activities are unlikely to result in significant impacts on the climate. The extraction of aggregates at source would reduce the need to travel to a processing plant. The retention of the cottage on the site would be a biodiversity gain for the area. However, I would recommend the adoption of a climate action plan with associated measures to reduce energy use and reduce GHG emissions to be addressed in the Environmental Management Plan, including details regarding the recycling of materials of decommissioned plant. In coming to this conclusion, I have taken into consideration the various concerns raised by third parties.	

8.14. **Noise & Vibration**

8.14.1. Third Parties have raised issues regarding noise and vibration, and the First party have requested that Conditions 11 is amended to incorporate aspects of condition 12 of the P.A's notification to grant relating to noise. The First Party are appealing certain aspects of Condition 12, namely concerning the seeking of further background monitoring at point BN5, rated noise levels not to exceed 5dB above the measured background noise level, and the monitoring to be carried out 4 times a year and a penalty rating assessed against BS:4142, and compliance with the EPA's current noise assessment guidance.

8.14.2. Chapter 10 examines noise and vibration. I have assessed the impact of noise in Section 7 above, and therefore both should be referenced. The Planning Authority sought further information regarding the noise assessment in accordance with BS4142 2014 rating (Methods for rating and assessing industrial & commercial sound) and an additional noise monitoring point at residence R06 to the north west of the site along the L2019. The EIAR supplementary noise report is assessed in detail in my planning assessment.

Noise monitoring surveys were carried out at four locations closest to the subject site on 3 occasions; once in April 2019 and twice in November 2020 during the daytime period of 0700 to 1900 hours (Figure 10-1 of the EIAR indicates these locations).

Following a F.I request by the Planning Authority a supplementary noise assessment was carried out on 16th December 2021, when no audible production or processing activity was ongoing at the existing quarry in accordance with BS 4142. The supplementary noise assessment recommended additional mitigation measures including a 2m high acoustic noise barrier/fence on top of perimeters berms to the north east and south of the satellite quarry.

Vibration monitoring was also carried out at 6 locations. I note that no blasting occurred in the years 2012, 2018 and 2019. I also note there are no recordings for 2 of the locations and only 1 for location V5 where the monitor did not trigger. The results indicate the air pressure at the locations recorded did not exceed 125 dB(L) as recommended by the EPA. The EPA recommend the vibration from blasting (PPV) should not exceed 12mm/sec once a week and 8mm/sec if there is more frequent blasting.

A noise prediction assessment was also carried at each receptor location for operational noise rating in accordance with BS5228:2014 " Code of Practice for Noise & Vibration Control on Construction and Open sites" which included noise sources such as excavator, mobile screener and crusher and concrete plant. Mitigation measures were not applied for noise screening around the site for soil stripping, berm construction, concrete plant construction and restoration activities.

8.14.3. **Receiving Environment**

There are 17 sensitive receptors indicated (dwellings) within a 500m radius from the subject site. The existing environment is rural in nature with the N72 approximately 1.7km north of the subject site. Baseline noise levels at all four test locations, (shown in Figure 10-1 of the EIAR), were mainly dominated by road traffic noise. Noise monitoring at Cappagh Quarry indicates that it is located within an area which would meet the criteria for an "area of low background noise" as set out in the EPA's NG4 Guidance. The activity and output at the existing quarry has been reduced since 2017 as the remaining resources were worked down. The LAeq, AVG, (the A - weighted equivalent continuous noise level over the measurement period, i.e average value), at the sensitive receptors ranged between 49.7 – 57.3 dB.

The Blackwater River SAC which is located within 1.3km at its closest point from the subject site being within 2km from the site was deemed appropriate to screen it in as part of the noise assessment. The impacts of blasting is assessed further in the AA on this site.

8.14.4. **Potential Impacts**

The potential impact on noise and vibration to the sensitive receptors in the area would be from the operation of the ready-mix batching plant, traffic movements, construction of the underground tunnel, excavation of the satellite quarry including rock breaking and blasting, machinery, and restoration works for the lifetime of the project up to a maximum of 20 years. Rock breaking would be required occasionally at the quarry to reduce larger, oversized blocks of rock, and it is proposed this would occur one half day per week.

<u>Construction phase</u>

The noise assessment for short term preparatory works including soil stripping, construction of perimeter berms and concrete plant, demolition works and restoration works is predicted to range from 40-57dB(A) at the sensitive receptors. Dwellings R14, would experience noise level greater than 55dB. These operational noise levels would be within the 70dB(A) acceptable noise level for temporary short-term works.

Rock excavation/ Tunnel Construction

The noise levels for this operation would range from 45dB-55(A) at the nearest noise receptors and would be at or below the noise level limit of 55dB(A). The most sensitive receptors would be dwellings R30-R34, closest to the south of the site and tunnel area.

Operational phase

The noise levels generated by the proposed extraction and concrete production activities is assessed as continuous during the site operation and as such the acceptable dB(A) is taken as 55 dB(A). The predicted noise levels from the operational stage were calculated to range from 35-48 dB(A) at the sensitive receptor locations.

The predicted noise levels during the operational phase were added to the baseline noise figures to determine the cumulative impact of the development. The cumulative levels were compared to the ambient noise level at each sensitive receptor. The cumulative long-term impact from all receptors, once established, was determined to be negligible and the short term impacts assessed as minor at receptors R14 (NE of satellite quarry) and R27-R34 (south and SW of subject site) as minor.

The volume of traffic serving the site is predicted to increase as economic activity increases and will lead to a gradual increase in ambient and noise levels.

Blasting and Vibration

Rock excavation would be carried out by blasting and blasted rock would be removed for further processing and crushed by mechanical excavators. Blasting and the associated vibration would have a short-term noise impact. Blasting comprises a number of drilled holes into which explosive charges are placed. Drilling of holes for blasting would involve the use of a mobile rig to drill holes through the upper rock surface, parallel to the exposed quarry face. Drilling of holes would occur during

operational hours. Vibration impacts reduce with increased distance from the blast site. The 17 sensitive receptors are indicated as being between 150m (closest dwelling to NE) and 1130m from the extraction boundary. The EPA threshold limit values for ground borne vibration is 12mm/sec PPV and air overpressure 125dBL. Past blasting monitoring at the site indicates the quarry operated within the recommended blasting ELVs set out by the EPA.

I am satisfied that this chapter has identified, described and assessed the direct and indirect significant effects on the environment, arising from the proposal on noise and vibration.

8.14.5. **Mitigation Measures**

Noise & Vibration Impacts	**Mitigation Measures**
<u>Construction</u> Installation of landscape berms (short term) Extraction of tunnel (short term) (8 weeks) Decommissioning of buildings at existing quarry (short term) <u>Operational – long term</u> Noise from ready mix plant Crushing and blasting of rock Use of machinery including rock breaker, HGVs, loading shovel, mobile crusher & screener. Increase in traffic Residents and damage to property Farm animals Blackwater SAC	• Erection of a 2m high acoustic noise barrier/fence on top of perimeter berms to the north east and south of the satellite quarry (revised site layout drawing Ref: PLPL04). • Locating mobile plant as far as possible from most sensitive residential receptors. • Retention of perimeter hedge around boundary of existing quarry and satellite quarry. • Continuous monitoring point at N2 (north east of satellite quarry) • Noise monitoring to be carried out on a daily basis. • Reduce idling time of plant • Planting of 0.6ha in north eastern corner of site.

	• All mobile crushing to take place on quarry floor, and in initial stages will take place behind temporary stockpiles. • Deliveries during daytime hours, roads maintained, idling and revving of engines prohibited. • Blasting restricted to 11.00-15.00hours Monday to Fridays only, notification of blasting. • Blasting carried out by experienced operator and times agreed by Gardai. • Noise and vibration monitoring to be carried out for duration of extraction. • Ground borne vibration limited to PPV 12mm/sec
Residual Effects There will be an increase in noise from the satellite quarrying and batching plant. However following mitigation measures which includes monitoring the impacts would be negligible.	
Cumulative Impacts: None predicted.	
I have considered all the written submissions made in relation to noise as well as the extent of the development and the scale of its output and impact. Having examined the EIAR noise modelling and supplementary noise report, which has been carried out in line with relevant guidance, I am satisfied that the models and resultant conclusions are robust. Sound emissions from the proposed development would, without design mitigation, exceed the nominated criteria. I am satisfied that adverse noise effects during all phases of the development will not be significant due to the mitigation proposed	

including the procurement of appropriate plant, use of silencers and enclosures and the substantial separation distances to the nearest residential properties. In coming to this conclusion, I have taken into consideration the various concerns raised by third parties.

8.15. Material Assets

Chapter 13 considers the likelihood of impacts on built assets and infrastructure in addition to natural assets. Roads and traffic are discussed within this chapter but this is assessed in detail in Chapter 14 – Roads and Transportation.

8.15.1. Receiving Environment

The proposed concrete batching plant is located within an existing quarry which has a site office and toilets close to the entrance. These facilities are connected to the electricity network. Process water for site activities is provided from an on-site groundwater production well. Potable water is not sourced from the well and bottled drinking water will continue to be delivered to the quarry. A new wastewater treatment plant and percolation area forms part of the overall proposal. Wastewater from the existing facilities is currently fed via sewage pipe to an existing septic tank.

Sensitive receptors include 52 dwellings within 1km of the site with the nearest residential property located 89m from the eastern boundary of the proposed satellite quarry. The dwellings tend to be located along the local road network. Whitechurch NS, Ballinameela Community Centre and Ballinameela GAA club are 2km south west of the site along the R671. This road would be sued by traffic form and to the quarry.

In terms of natural assets as discussed in the biodiversity chapter, the closest European site is the River Blackwater SAC to the west and Dungarvan Harbour SPA to the east.

8.15.2. Potential Impacts

Construction phase

The access road to the east of the existing quarry would be temporarily closed to pedestrians and vehicles to facilitate the construction of the underground tunnel connecting the existing quarry to the proposed satellite quarry. A diversion access track is proposed across the satellite quarry to facilitate users during the temporary closure of the road and until such time it is reinstated. This will inconvenience the current users of this road.

Operational phase

Traffic levels for the development when operational could generate approximately 200 HGV movements a day in addition to 40 vehicular movements for staff and visitors. On site traffic within the quarry would arise from activities including stripping of soil, haulage of rock between both sites. The transportation of materials to and from the site would use the local road network.

The ready-mix plant would increase the demand for water in addition to the need to wash down vehicles etc.. It is proposed to minimise the increase in demand for water by recycling water on the site.

I am satisfied that this chapter has identified, described and assessed the direct and indirect significant effects on the environment, arising from the proposal on material assets.

8.15.3. **Mitigation Measures**

Material assets Impacts	**Mitigation Measures**
Temporary closure of local road until underpass/ tunnel completed.	Temporary access track through the satellite quarry to facilitate users of this road.
Traffic movements to/from subject site.	Upgrade at site entrance to improve sightlines. The TIA indicates the road network has sufficient capacity to accommodate the traffic volumes.
Impact on groundwater & domestic wells in area	
Increase in demand for water	Water to be recycled and captured at the concrete recycling facility in settlement tanks.
Production of waste	

	No extractive waste will be generated by the proposed development.
Residual Effects: None subject to good site practice and mitigation measures implemented.	
Cumulative Impacts: None predicted.	
Conclusion: It can be reasonably concluded that quarrying activities within the site would not result in significant effects on the environment as a result of material assets. In coming to this conclusion, I have taken into consideration the various concerns raised by third parties.	

8.16. **Cultural Heritage**

Chapter 12 of the EIAR addresses the landscape, buildings and archaeology associated with the development.

8.16.1. **Receiving Environment**

Landscape

The site lies within the farmed lowlands landscape of the county and has no landscape sensitivity designation. There are no protected views impacted by the subject site.

Architecture

There are no protected structures within the subject site but Whitechurch Church (RPS No. WA750668) , is c.55m to the north west of the existing quarry, and is a protected structure within the WCCDP 2022 and is registered in the NIAH list as having regionally importance.

The derelict building in the north western corner of the proposed satellite quarry has no architectural merit and is not a protected structure.

Archaeology

There are a number of recorded monuments within the Whitechurch church grounds including the Church (SMR WA0303-017001), graveyard (SMR WA030-017002) and

architectural fragments/grave slab (SMR WA030-017003) to the north west of the entrance to the existing quarry.

Kilgreany Cave (SMR WA030-018001) is a Neolithic burial limestone cave c.72m at its closest point to the south western boundary of the existing quarry. It is noted that the strata at this cave have been disturbed by fluctuating water levels. There has been an excavation at this cave which uncovered archaeological material. There is a Ringfort in Canty c.463m to the south east of the site (SMR WA0303-021).

Kilgreany Cave does not form part of the subject site and is located c.230 to the south west of the proposed satellite quarry. There are 2 cave dwellings (SMR WA030-013) and (SMR WA0303-015) to the north west of the satellite quarry.

A field inspection of the surrounding area was carried out in May 2016 to identify the location of any archaeological sites and assess their significance and to identify any previously unrecorded sites and possible finds. Following feedback from the Development Applications Unit (DUA), a geophysical survey of the satellite quarry was undertaken in July 2021 and included within the archaeology section of this chapter of the EIAR. The geophysical survey revealed the presence of 47 anomalies of which there was the potential that 20 could be of archaeological significance. Further information was requested on foot of the DUA's response to the Archaeology section of the EIAR seeking a more detailed archaeological assessment of the anomalies including testing to inform any mitigation strategy.

An archaeological testing report was submitted dated 30/3/2022. A total of 72 trenches were excavated across the 47 anomalies of the proposed satellite quarry site and potential sub surface archaeological features were uncovered in 29 of the trenches, described as pits, postholes or stakeholes, and there was no evidence of cave openings. The testing was carried out under licence from the Department of Housing, Local Government and Heritage in consultation with the National Monuments Service (NMS). The supplementary AIA was submitted to reflect the findings of the further archaeological testing.

8.16.2. **Potential Impacts**

The EIAR predicts that the development would not have any direct or indirect impacts on any known archaeology or cultural heritage.

Operational Phase:

The potential impacts would be primarily on any archaeology/karst features such as caves within the proposed satellite quarry which would be damaged during extraction work. It is acknowledged the operation of the satellite quarry may disturb previously unknown deposits or artefacts without preservation by record taking place in the unextracted green field area.

Construction Phase:

Kilgreany cave and other unrecorded artefacts from the development particularly during blasting and construction of the tunnel. The proposed satellite quarry would be further away than the existing quarry to the cave and the Whitechurch Church site.

I am satisfied that this chapter has identified, described and assessed the direct and indirect significant effects on the environment, arising from the proposal on cultural heritage.

8.16.3. **Mitigation Measures**

Cultural Heritage Impacts	**Mitigation Measures**
Archaeology Vibration from blasting on Kilgreany cave. Archaeology/geological karst or cave features within the satellite quarry.	Control and monitoring of ground borne vibrations within prescribed threshold limits. Screening berm 8m wide and 2m high around the perimeter of the satellite quarry to provide screening of the quarry from Kilgreany Cave and preserve its setting. Archaeological assessment prior to construction of satellite quarry.
Residual Effects: No direct or indirect impacts on any features of cultural heritage following mitigation.	
Cumulative Impacts: None predicted	
Conclusion: I note third parties have raised issues about the impact of the development on Kilgreany Cave, however the proposed development would be	

further away from this cave than the existing quarry. I have considered all the written submissions made in relation to cultural heritage, in addition to those specifically identified in this section of the report. I am satisfied subject to further archaeological assessment as outlined by the DAU, that any impacts have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise. In coming to this conclusion, I have taken into consideration the various concerns raised by third parties.

8.17. **Landscape**

Chapter 13 assesses the landscape and visual impacts arising from the proposed development. A filed study carried out in December 2020 was carried out and a Landscape Visual Impact Assessment formed part of this assessment. Six selected viewpoints including panoramic viewpoints form part of the LVIA (refer to Figures 13-2,3 and 4 in the EIAR).

8.17.1. **Receiving Environment**

The topography of the site surrounding the site is flat to undulating at levels between 7mOD to 35mOD in a predominantly rural setting. There are intermittent views of the quarry from the surrounding area and the proposed satellite quarry area. The site lies within a low sensitive area with 'a potential to absorb a wide range of new developments' as outlined in the WCCDP 2022. Visually vulnerable areas close to the site include the ridgelines 3km to the south and south west, and ridgelines to the north east of the site. The Cappagh lakes 1.5km to the north of the site are designated as a vulnerable area.

The site does not lie within the vicinity of any scenic routes or protected views identified in the WCCDP 2022. There is a protected view to the north west of the site close to Cappoquin (VP13) of a memorial feature. Areas to the north of the site are screened by existing woodland areas.

Waterford Failte Ireland Cycling Route No. 3 known as the Heritage Route from Dungarvan through Villerstown and Cappoquin extends along the local road to the north of the subject site.

8.17.2. **Potential Impacts**

Operational Phase:

The proposed satellite quarry would result in an increase in the scale of the overall development, which is visible as a narrow band in the middle ground of available views. The top of the silos and storage bins associated with the batching plant would be visible from the road to the north.

Construction Phase:

Views of the existing quarry and proposed satellite quarry from the elevated ground between 1.5km and 3km to the south west and south of the subject site. Number of intermittent gaps in the hedgerow along the northern boundary of the satellite quarry and from the east. A loss of hedgerows and 7 agricultural fields within the satellite quarry during the construction phase and exposure of the quarry floor.

I am satisfied that this chapter has identified, described and assessed the direct and indirect significant effects on the environment, arising from the proposal on the landscape.

8.17.3. **Mitigation Measures**

Landscape Impacts	**Mitigation Measures**
Change in landscape, removal of hedgerows and grassland. Use of HGV vehicles on accessway during construction of underpass. Satellite quarry exposed along accessway and L-2018. Views from local roads to the west of the site. Use of local road by cyclists along heritage route. Sensitive landscape area 2-3km to the south west and north of site.	Landscape & Restoration Plan. Screening berms around the site's perimeter. Replacement of hedgerows following tunnel completion. No additional static lighting proposed. Tree planting in the ne corner of satellite quarry. Tallest elements of the proposed concrete plant will be painted in a grey/green colour.

	Removal of production plant, equipment and stockpiles from the application site on completion of extraction work. Phase restoration of the quarry floor to grassland and hedegrows to break up expansive area.with .
Residual Effects: Following mitigation measures including the a landscape and restoration plan , the views of the site would be temporary and minimal.	
Cumulative Impacts: Due to the nature of quarrying operations there will inevitably be an impact on the surrounding landscape, but these would be off set by mitigation. However due to the site's topography views of faces would be limited.	
Conclusion: Given the location of the site in a non-sensitive landscape, and the limited views of the subject site it is considered the impacts on the landscape would be slight to insignificant. The views of the subject site are limited to the north, east, west and south west of the site. The proposed satellite quarry would be visible predominantly along the L-2018, for pedestrians, residents, cyclists and car users. However, overtime with the additional planting and the erection of berms to the north, south and east of the proposed satellite quarry the impact on visual amenity would be minimal. The concrete batching plant would be located on the quarry floor, and the painting of the silos and storage tanks would help to assimilate them into the landscape. The restoration of the quarry floor following the cessation of extraction will partially reverse the visual effects. The satellite quarry will be substantially screened by the vegetation to be retained along its boundaries, in particular along the access road. Proposed screening berms and planting will provide additional screening once constructed and planted. I have considered all the written submissions made in relation to landscape, in addition to those specifically identified in this section of the report. While the quarrying activities would alter the landscape locally resulting in moderate impacts at a local level, given the enclosed nature of the site which is well screened, and noting the purpose of the activity and the restoration plan proposed, I am satisfied on completion of all extraction, landscape and restoration works the predicted	

landscape and visual impacts will reduce to a small level of change during construction works becoming negligible post construction and that no significant adverse effect is likely to arise. In coming to this conclusion, I have taken into consideration the various concerns raised by third parties.

8.18. **Traffic and Transportation**

The methodology for this chapter included a seven day, 12 hour traffic counts undertaken between 18th October 2017- 24th October 2017, at six locations in the vicinity of the quarry between the hours of 0700-1900 hours. Growth factors were applied to this data for 2022 (assumed opening year), 2027 and 2037. The traffic count locations reflect the established haulage route used by the quarry.

It is estimated the upper limit of traffic movements to and from the quarry by HGV vehicles would be 200 based on 60,000 tonnes per annum. The traffic counts showed the maximum inbound and outbound vehicular movements to the quarry were 70 and 72 respectively. Predicted trips for staff and visitors is indicated as being 20. The traffic counts indicated that approximately 20% of the traffic to the subject site would occur during the AM and PM peak hours.

The traffic results indicate the greatest impact from traffic associated by the development would be on the two local roads in the area, the L-2018 & L-2019, although they both would not exceed capacity as a result of the development. The traffic capacity assessment for the L-2018 indicates an increase in traffic of 32.33% (2022) and 26.61% (2037) of the total combined traffic along this road. The L-2019 heading north would represent an increase of 28.9% and 24.3% for the same period, with slightly reduced figures travelling west along this road. The increase in traffic experienced along the R671 would have reduced figures for the same years between being 13.6% and 11.23% respectively. It is considered the N72 will continue to operate within capacity for each of the assessment years with traffic associated with the proposed development representing between 4.1% and 3.37% increase for the assessment years 2022 and 2037 respectively.

The junction capacity analysis indicates that all the junctions would continue to operate within capacity up to 2037.

8.18.1. **Receiving Environment**

The existing quarry fronts the L-2108 and is located c. 1.5km south of the N72 and c.2.5km west of the R671 junction. Access into the existing quarry is via the L-2108 and it is proposed to increase the visibility splays to 160m in both directions into the quarry as part of the development to meet current CDP standards. There is a total of 18 parking spaces dedicated for the development as permitted in (ABP Ref: PL.24.225443) to accommodate staff parking and visitors. These are not currently demarcated within the site.

Haulage routes

The existing haulage route for the vehicles to and from the quarry is predominantly towards the junction with the N72, or south west towards the junction with the R671. The traffic counts indicated that 95% of incoming vehicles would arrive to the quarry from the west, 25% from the R671 and the remaining 70% from the N72.

Access road to east of existing quarry

This is a narrow single width road that is used by the local community to access from the L-2018 onto the L-6072 Canty Road. It is also used by a local farmer to move dairy cattle. As part of the proposal this road is to be temporarily closed and a new access track provided for vehicles along the satellite quarry. Traffic counts indicated low levels of vehicular usage on this road. Following completion of the underground tunnel the road would be reinstated. This road would not be used by operational or construction traffic.

8.18.2. **Potential Impacts**

Operational Phase:

Existing vehicular movements associated with the existing quarry would not equate to past movements as the reserves are significantly depleted. There will therefore be an increase in traffic along the haulage route.

Construction Phase:

The closure of the access road to the east during the tunnel construction will inconvenience local traffic using this route.

I am satisfied that this chapter has identified, described and assessed the direct and indirect significant effects on the environment, arising from the proposal on traffic and transportation.

8.18.3. **Mitigation Measures**

Traffic Impacts	**Mitigation Measures**
When fully operational vehicular movements per annum/240 movements per day. Level of HGVs will increase using the local road network particularly during peak hours 0800 hrs and 1700 hours compared to current levels.	Sightlines into quarry to be increased. Temporary track installed along the boundaries of the satellite quarry to accommodate local travel using the passageway road to provide a separation between established traffic and quarry construction traffic.
Residual Effects: Temporary loss of local road between L2018 & Canty Road.	
Cumulative Impacts: None predicted	
Conclusion: Third parties to the appeal raised the issue of increased levels of traffic on unsuitable roads due to the proposed development. The proposed development will increase the level of traffic currently using the local road network, However most of the traffic from the development would access onto the N72 or R621 away from the local roads and onto the designated haul routes The results of the traffic surveys show that the existing road network has sufficient capacity to absorb the level of traffic predicted from the development and adequate sightlines can be provided at the access. I have considered all the written submissions made in relation to traffic and it can be concluded that the proposed development would have a slight impact on the existing local road network in terms of traffic flow, junctions are forecast to operate well within capacity during operation. The road network in the area is capable of carrying the traffic generated. In coming to this conclusion, I have taken into consideration the various concerns raised by third parties.	

8.19. **Chapter 15: Interactions**

I have also considered the interrelationships between the key receptors and whether this might as a whole affect the environment, even though the effects may be acceptable when considered on an individual basis. In particular, the potential arises for the following interactions and interrelationships.

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

Population & Human Health	• Noise & Vibration • Air quality/dust • Water • Traffic, (i.e additional emissions, road safety & disturbance) • Landscape- visual impact
Biodiversity	• Noise • Water • Air quality • Landscape
Lands, Soils & Geology	• Human health, (i.e soil stripping & dust generation) • Water
Water (Hydrology & Hydrogeology)	• Human health (i.e potential pollution & water supply) • Biodiversity, (surface & ground water)
Air Quality	• Human Health

	• Traffic (emissions) • Noise & Vibration • Biodiversity
Climate	• Human health • Biodiversity
Noise & Vibration	• Human Health • Biodiversity
Material Assets	• Traffic • Water, (quality & supply) • Cultural Heritage
Cultural Heritage	• Population & Human Health • Land & Soils (Archaeology) • Landscape (views)
Landscape	• Population & Human Health (visual impacts) • Biodiversity
Traffic & Transportation	• Human Health • Noise • Air Quality • Climate

I have reviewed each of the elements listed above on an individual basis and how they may interact with each other, and I am satisfied that any significant impacts can be avoided, managed, and mitigated by the measures which form part of the proposed development. I note that many of the mitigation measures proposed serve to mitigate against several impacts.

Cumulative impacts were assessed in each chapter of the EIAR. There are no extant permissions in the vicinity of the site which have the potential for cumulative impacts.

8.20. Reasoned Conclusion on EIAR

8.20.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the applicant, and the submissions from the Planning Authority and prescribed bodies and third parties and observers 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, and would be mitigated, as follows:

- The project could give rise to minor localised impacts on **residential amenity and human health** during the construction and operational phase (noise, dust, traffic safety & general disturbance). These impacts would be mitigated by the implementation of measures related to the protection of air quality, control of noise and dust, traffic management, the erection of screening berms and additional planting, and by the agreement of measures within a Construction Environmental Management Plan and an Environmental Management Plan.
- **Noise** effects during the construction of the tunnel, installation of landscape berms and decommissioning of structures at the existing quarry. This impact will be temporary and short term (8 weeks). Mitigation will include hours of operation and the installation of landscaping and acoustic barriers.
- During the operational phase **noise and vibration** will impact dwellings in the immediate vicinity of the site. This is considered a long term/reversible effect. This will be mitigated by continuous noise and vibration monitoring, blasting carried out by experienced operators, structural surveys on dwellings before the works commence, landscape berms, restriction on blasting times, and noise levels not exceeding 55dB(A).
- The construction and operation of the proposed project could also potentially impact negatively on **ground and surface waters** by way of contamination through accidents and spillages. These impacts would be mitigated by the agreement of measures within a Construction and Environment Management Plan, and the implementation of mitigation measures related to control and management of sediments, accidental spills and contamination, and drainage management.

- Negative impacts on **biodiversity** arising from construction and operational activities. The proposed development would give rise to significant localised impacts. These impacts will be mitigated through the adherence to best practice operational measures and the implementation of a biodiversity plan for the building to the north west of the site. A method for breeding birds and nesting locations will be safeguarded.
- During construction & operational phase, there will be a localised increase in vehicle and HGV movements resulting in **traffic impacts** on minor roads. These impacts would be mitigated by the implementation of a Traffic management Plan, CEMP and an Environmental Management Plan.
- During the operational phase, there will be a localised **visual impact** due to the change in the character and topography of the site. These impacts would be mitigated by the implementation of the landscaping measures proposed such as screening berms and additional planting and through the restoration of the site through an agreed Landscaping Plan.

In conclusion, having regard to the above identified significant impacts, I am satisfied that the proposed development would not have any unacceptable direct or indirect impacts on the environment, subject to the implementation of the mitigation and measures outlined in the EIAR and supplementary noise report.

9.0 Appropriate Assessment (AA)

9.1. The requirements of Article 6(3) as related to Appropriate Assessment of a project under part XAB, section 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement (NIS) and associated documents
- Appropriate assessment of implications of the proposed development on the integrity of each European site.

9.1.1. **Compliance with Article 6(3) of the Habitats Directive**

Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

9.1.2. **Screening the need for Appropriate Assessment (Stage I)**

Notwithstanding the submission of a NIS by the applicant, it is necessary to review the screening process to ensure alignment with the sites brought forward for AA and to ensure all sites that may be affected by the development have been considered.

Description of the Development

A description of the project is provided in Section 3 of the NIS and I refer the Board to Section 2 of this report. In summary the development within the NIS is described as follows:

- Construction and operation of a new batching plant at the northern end of the existing Cappagh quarry. The batching plant will be erected onto a concrete slab area at12mOD.
- A new sub surface connecting tunnel (40m in length) beneath the local road to the east of the existing quarry to access the proposed satellite quarry from the existing quarry.
- The satellite quarry would have a total area of 13.6 ha of which 9.4 hectares would be extracted. It would be excavated in 5 separate phases in tandem with the final restoration of the existing quarry.
- Surface water would be collected in a closed loop concrete recycling and settlement system which would be installed adjacent to the proposed concrete plant. All water used in the washing of trucks will be directed to a system of settlement lagoons, and treated water from the lagoons will be pumped to the on-site water storage tank and recycled for re-use in the concrete production process.

- Surface water run off from the concrete paving slab would either infiltrate into the underlying bedrock immediately north of the paving slab or captured in settlement lagoons.
- Water/effluent from on-site activities would be treated and reused/recycled.
- Waste water treatment system connected to a septic tank and percolation area.

9.1.3. **European Sites likely to be Affected**

The application site is not located in or immediately adjacent to a European site. The NIS identifies the two nearest European sites to the subject site which include the Blackwater River (Cork/Waterford) SAC and Dungarvan Harbour SPA. I note there are other Natura 2000 sites within the precautionary 15km radius of the site, not included within the Applicant's NIS however, given the distance and lack of a hydrological link, I consider that significant impacts are unlikely, and I have not considered any European sites, other than those discussed in Table 2 below, as being within the zone of influence due to the nature and scale of the project, the distance from, and absence of, a source-pathway-receptor connection to the site.

Table 2: Natura 2000 sites likely to be affected identified

European Site Name & (site code) (Refer to NPWS website)	**Qualifying Interests**	**Distance from subject site**	**Source-pathway-receptor**	**Considered further in screening Y/N**
Special Area of Conservation (SAC)				
Blackwater River (Cork/Waterford) SAC (002170) Conservation objectives to restore (R) and maintain (M) favourable conservation condition	Estuaries [1130] (M) Mudflats and sandflats not covered by seawater at low tide [1140] (M) Perennial vegetation of stony banks [1220] (M) Salicornia and other annuals colonising mud	c.1.3km west of site	There is no hydrological pathway to the SAC. The Finisk River is c.1.7km west of the subject site and is a tributary of the Blackwater River which	Screened out for need for AA.

	and sand [1310](M) Atlantic salt meadows [1330] (R) Mediterranean salt meadows [1410] (M) Water courses of plain to montane levels [3260] (M) Old sessile oak woods in the British Isles [91A0] (R) Alluvial forests) [91E0] (R) Freshwater Pearl Mussel [1029] (R) White-clawed Crayfish [1092] (M) Sea Lamprey [1095] (R) Brook Lamprey [1096] (M) River Lamprey [1099] (M) Twaite Shad [1103] (R) Atlantic Salmon [1106] (M) Otter [1355] (R) Killarney Fern [1421] (M) Taxus baccata woods of the British Isles currently under review		forms part of this SAC. However, the river flows westwards and away from the site. Site lies west and upwind of the subject site-therefore no dust deposition.	
Special Protection Area (SPA)				
Dungarvan Harbour SPA	Great Crested Grebe [A005] (M)	c.6.1km south east of site	The site lies within Dungarvan	Screened in for the need for AA due to potential

(004032) Conservation objectives to maintain (M) favourable conservation condition	Light-bellied Brent Goose [A046] (M) Shelduck [A048] (M) Red-breasted Merganser [A069] (M) Oystercatcher [A130] (M) Golden Plover [A140] (M) Grey Plover [A141] (M) Lapwing [A142] (M) Knot [A143] (M) Dunlin [A149] (M) Black-tailed Godwit [A156] (M) Bar-tailed Godwit [A157] (M) Curlew [A160] (M) Redshank [A162] (M) Turnstone [A169] (M) Wetland and Waterbirds [A999] (not included within S.I) (M)		groundwater body which is shared with the SPA. Potential for indirect hydrological link between the site and Brickey River c.460m south east of site via surface or groundwater, which flows into Dungarvan Harbour SPA.	for ground water pollution via surface water during construction and operational phase.

In relation to Blackwater River SAC, noting the absence of any hydrological connection between this site and the subject site, no complete source-pathway receptor chain could be identified. The Blackwater SAC is located 1.3km at its closest point to the subject site and lies west and upwind of the quarry application and separated and screened by intervening hedgerows and trees.

Air quality monitoring at the existing quarry shows levels of dust and particulate emissions at the site are below 350mg/m^2/day, where it is considered that dust could be likely to have a significant effect on sensitive ecosystems. In addition natural dust suppression from rainfall is considered to be effective for 47% of the year. Studies by the Air Quality Management indicate fugitive dust is typically deposited within 100m to 200m from the source and effects beyond 400m from quarries is uncommon. Having regard to the distance from both Natura 2000 sites it is considered the levels of dust emissions from the development would not impact on these sites.

Noise levels arising from the development would be within the 55dB(A) limit. Given the site is 1.3km the west at its closest point and extraction works are extending eastwards works would become further removed from the Site. Blasting at the satellite quarry would be limited to the area around the satellite quarry and dust deposition to PPV 12mm/sec and ground borne vibration to 125dB.. The development would have an insignificant dust and noise impact on this site and, therefore I agree with the submitted AA Screening report that this European Site can be screened out. The proposed development, individually or in combination with other plans and projects would not be likely to have a significant effect on this European sites, in view of its site conservation objectives.

9.1.4. **Identification of Potential Impacts on the Designated Site**

Taking account of the characteristics of the proposed development, in terms of its location and scale of works, I consider the potential impacts that could arise during the construction and operational stages of the proposed development relate to:

- Deterioration of water quality arising from release of sediment and pollutants and potential for discharge to groundwater during the construction and operational phases.
- Release of effluent from the on-site wastewater treatment system.
- Loss and/or disturbance to habitats and or/species.

9.1.5. **Screening Determination Conclusion**

Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on European Site Dungarvan Harbour SPA , in view of

the sites Conservation Objectives, and an Appropriate Assessment is therefore required.

I confirm that the site screened in for Appropriate Assessment is the site included in the NIS prepared by the project proponent.

The possibility of significant effects on other European sites has been excluded on separation distance and lack of substantive ecological linkages between the proposed works and European sites.

In reaching the conclusion of the screening assessment, no account was taken of measures intended to avoid or reduce the potentially harmful effects of the project on any European Site.

9.1.6. **Appropriate Assessment (Stage II)**

Natura Impact Statement:

The following AA implications of the proposed development, alone or in combination with other relevant plans and projects will be carried out in relation to the following European site in view of its conservation objectives:

- Dungarvan Harbour SPA (site code:004032)

The planning application was accompanied by a Natura Impact Statement (NIS) (dated August 2021) and was informed by a desk study and a total of 3 field studies carried out in 2019, 2020 and 2021. The NIS submitted on behalf of the Applicant concluded that the proposal would not, beyond reasonable doubt, adversely affect the integrity of any Natura 2000 designated sites, either directly or indirectly and that many of the mitigation measures outlined were implemented during previous phases of development at the quarry and concludes as follows:

> " Baseline groundwater quality monitoring at the quarry does not identify the presence of any hydrocarbon contamination or pollutants in groundwater beneath the site. This is strongly supportive of an assessment that the proposed environmental management measures will be successful in preventing any adverse impact on groundwater quality.
>
> We therefore consider that, with the implementation of the mitigation measures identified to prevent ground water contamination throughout all stages of the proposed development, there will be no perceptible adverse

impact on groundwater quality and by extension, there will be no adverse effects on the integrity of the Dungarvan Harbour SPA. The mitigation measures will also ensure that there is no possibility of in-combination effects when this project is considered in-combination with other plans or proiects."

Having reviewed the documentation available to me, I am satisfied that the information allows for a complete assessment of any adverse effects of the development on the conservation objectives of the European site Dungarvan Harbour SPA (004032), alone or in combination with other plans and projects.

9.1.7. **Assessment of the Implications of the project**

The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any negative effects are considered and assessed.

I have relied on the following guidance: Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2010), Assessment of plans and projects significantly affecting Natura 2000 sites: methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002), and Managing Natura 2000 Sites: the provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

A description of the site, and its Conservation and Qualifying interest/Special Conservation Interests, are set out in Table 1 above.

Description of Site's Characteristics

Dungarvan Harbour SPA is located in south-west Co. Waterford and includes Dungarvan Harbour as far east as Ballynacourty Point and west to include the tidal sections of the River Brickey. Three rivers flow into Dungarvan Harbour - the Colligan River, which runs south from the Comeragh Mountains, enters the bay by Dungarvan town, the River Brickey, which flows into the harbour from the west, and the Glendine River which enters from the north. The absence of a large river entering the site means that the bay is essentially a marine habitat, although it dries out at low tide to give extensive mud and sand flats. The inner bay is extremely sheltered, being almost closed off by the linear Cunnigar spit to the east.

The site supports multiple species under the E.U Birds Directive and is also of special conservation interest for holding of over 20,000 wintering waterbirds. The E.U. Birds Directive pays particular attention to wetlands, and as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds. A major part of the ecological importance of Dungarvan Harbour is the wintering waterbirds which are present in large numbers. It is an important site for wintering waterfowl, providing good quality feeding areas and roost sites for an excellent diversity of waterfowl species.

The main threats to the site and current damaging activities include disturbance, water pollution, climate change, change in species composition, aquaculture, bait digging, aggregate extraction, industrialisation, port/marina, communications networks and water pollution.

The qualifying species for the site are associated with the coast and wetlands. The site specific conservation objectives for the Dungarvan Harbour SPA are to maintain the favourable conservation condition with the long term population trend stable or increasing for the bird species outlined in Table 1 above.: A description of the site and its Conservation and Qualifying Interests are set out in the NIS and outlined in table 1 above as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website (www.npws.ie).

Relevant prescribed bodies consulted

The NIS does not identify specific consultations with prescribed bodies but does refer to a desktop review of published documentation and information. At application stage the application was referred to the relevant prescribed bodies by Waterford County Council. In response to these referrals, no submissions were received from the prescribed bodies.

9.1.8. **Qualifying interests that could be affected in the Blackwater Harbour SPA**

Direct Effects

There is no potential for direct impacts on the Dungarvan Harbour SPA i.e. no displacement of species, or the permanent removal of habitat supporting qualifying interests and ecological features of the designated site, as the site is not located

within or directly adjacent to this SPA. There are no existing streams/rivers/surface water drains connecting it to the SPA.

The subject site is not a wetland site and although the Golden Plover and Lapwing make use of drier habitats, neither of these species were identified during the 2 habitat surveys. I would agree with the conclusion in the NIS that the site and surrounding area not an *ex-situ* site for qualifying populations of SPA birds and no pathway exists for displacement of SPA birds.

Potential for indirect effects

The subject site shares the same ground water body as Dungarvan Harbour SPA. The regionally important aquifer underlying the site is identified as the Dungarvan Groundwater Body (GWB). Groundwater flows beneath the site broadly in an easterly direction towards the sea. The Brickey River is c.460m to the south east of the site and flows towards the SPA.

The potential for large scale uncontrolled, accidental emissions of pollution and subsoil of the groundwater and via surface water during the construction, operational and restoration phases of the development could impact on the wetlands and health and distribution of birds in the SPA.

Potential in combination effects

In-combination effects have been considered having regard to developments in the vicinity of the proposed development. I accessed the Waterford Planning Applications Viewer (31/5/2024) for relevant planning permissions in the vicinity of the proposed development with potential to impact on the SPA, and I am satisfied that there are no in-combination effects with other plans and projects that arise from implementing the proposed development.

9.1.9. **Mitigation measures**

Section 5 of the submitted NIS sets out the mitigation measures and refers to the Applicant's existing Environmental Management System (EMS) in place at the existing quarry which is overseen by the location/quarry manager. The implementation of the EMS will be extended to incorporate the proposed satellite quarry and operation of the batching plant. The mitigating measures in the EMS are

used in standard quarry operations n admeasures to protect ground water include the following:

- Environmental Management System (EMS) in place
- There will be no direct point discharges from the site to surface water or groundwater.
- Quarry activities would be 10mOD above groundwater levels.
- All fuel will be stored in bunded tank areas with a capacity of 110% of the storage capacity, or in tanks with built in integral bunding system (i.e double skinned tanks).
- All petroleum – based products will be stored under cover within existing bunded areas or on drip trays in the existing workshop/maintenance shed or proposed admixture storage shed to prevent pollution due to accidental leakages.
- All plant used on the site will be regularly maintained and inspected daily for leaks of fuels, lubricating oil or other contaminated liquids.
- Regular inspection and testing will be undertaken of the integrity of the tanks, drums, bunded pallets and double skinned containers.
- Mobile plant and machinery will be serviced/maintained on the hardstand refuelling area to minimise the risk of uncontrolled release of polluting liquids to groundwater. Hydrocarbon interceptors are provided at the existing refuelling hardstanding area.
- An emergency response spill kit will be maintained on site to deal with any minor accidental fuel spillages or leaks. The EMS contains an emergency plan procedure which will be implemented.
- Refuelling of vehicles would be undertaken on hardstanding areas.
- Wastewater treatment system would comply with EPA Code of Practice..

Overall, I consider that the mitigation measures are clear, straightforward and that conclusions can be reached whereby the likely significant effects of the proposed development on the qualifying interests of the Dungarvan Harbour SPA has been addressed. The measures proposed are considered to be effective, reflecting current

best practice, and can be secured over the short/ medium term and the method of implementation can be secured through an EMS.

Integrity Test

Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of the Dungarven Harbour SPA, either alone or in combination is European site and no reasonable doubt remains as to the absence of such effects.

In the event of a grant of permission, I recommend that the implementation of these mitigation measures be the subject of a condition.

9.1.10. **Appropriate Assessment Conclusion**

Following an appropriate assessment, (Refer to Appendix 1), it has been ascertained that the proposed development, individually or in-combination with other plans or projects would not adversely affect the integrity of the Dungarvan Harbour SPA (004032), or any other European site, in view of the sites' conservation objectives.

This conclusion is based on:

- An assessment of all aspects of the project including proposed mitigation measures in relation to the conservation objectives of the Dungarvan Harbour SPA.
- An assessment of in-combination effects with other plans and projects including historical projects, current proposals, and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Dungarvan SPA (004032).

10.0 Recommendation

10.1. I recommend that planning permission be granted for the proposed development for the reasons and considerations set down below, and subject to the attached conditions.

11.0 Reasons and Considerations

Having regard to:

- Project Ireland 2040 National Planning Framework,
- The policies and objectives set out in the Waterford County Development Plan 2022-2028,
- the nature, scale and extent of the proposed development,
- mitigation measures proposed for the construction, and operation of the site and subject works,
- the submissions and observations on file including those from prescribed bodies, the planning authority and other third parties,
- the distance to dwellings or other sensitive receptors,
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or otherwise of property in the vicinity or have an unacceptable impact on the character of the landscape pr cultural or archaeological heritage, would not have a significant adverse impact on ecology, would be acceptable in terms of traffic safety, public health and would make a positive contribution to the economy. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.1.1. **Environmental Impact Assessment:**

The Board completed an environmental impact assessment of the proposed development taking account of:

(a) the nature, scale, location, and extent of the proposed development on a greenfield site,

(b) the Environmental Impact Assessment Report (EIAR), associated documentation and Supplementary EIAR, submitted in support of the application,

(c) the submissions received from the prescribed bodies, planning authority, first and third parties and observers, and

(d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development, and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made during the application. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Noise and dust during the construction and operational phases would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report (EIAR) and Supplementary Noise report, which includes specific provisions relating to the control of dust and noise.
- The increase in vehicle movements and resulting traffic during the construction and operational phases would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report (EIAR).
- The impacts on residential amenity during the construction and operational phases in terms of noise, disturbance, nuisance and visual impact would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report (EIAR) which includes specific provisions relating to the control and management of dust, noise, water quality and traffic movement.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

11.1.2. **Appropriate Assessment – Stage 1**

The Board considered the Screening Report for Appropriate Assessment and all other relevant submissions and carried out an appropriate assessment screening exercise relation to the potential effects of the proposed development on designated European sites. The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site and considered the nature, scale, and location of the proposed development, as well as the report of The Board agreed generally with the screening report submitted with the application and with the screening exercise carried out by the Inspector.

The Board concluded that, having regard to the qualifying interests for which the sites were designated and in the absence of connections to, and distance between, the application site and the European Site; Blackwater River SAC (002170), could be screened out from the further consideration and that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effects on these European Sites or any other European Sites in view of the sites' conservation objectives and that a Stage 2 appropriate assessment is therefore not required in relation to these European Sites.

11.1.3. **Appropriate Assessment Stage II**

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for the Dungarvan Harbour SPA (004032) in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment as well as the report of the Inspector.

In completing the assessment, the Board considered the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, the mitigation measures which are included as part of the current proposal and the Conservation Objectives for this European Site. In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the sites' Conservation Objectives. In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity

of Dungarvan Harbour SPA (004032)r any other European Site in view of the sites' Conservation Objectives.

11.1.4. **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 13th day of August 2021, (including the Environmental Impact Assessment Report and Natura Impact Statement), as amended by the further plans and particulars submitted on the 1st 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.

   Reason: In the interest of clarity.

2. The grant of permission shall be for a maximum period of 20 years from the date of this Order. At the end of 17 years from the date of this order, the satellite and existing quarry and batching plant use shall cease and all related structures removed and remedial works including restoration works, in accordance with the general principles set out in the application, shall be carried out, unless, before the end of that period, planning permission shall have been granted for the continuance of quarrying for a further period. The site restoration works described in the application shall be completed within two years of the cessation of quarrying on the site.

   Reason: In the interest of visual amenity and orderly development.

3. a) Mitigation and monitoring measures outlined in the Environmental Impact Assessment Report, EIAR Addendum Report, and the Natura Impact Assessment, Hydrological and Hydrogeological Assessment and associated documents submitted with this application, shall be compiled into a single Schedule of Monitoring and Mitigation Measures and submitted to the planning authority. These measures shall be carried out in full, except where otherwise required by conditions attached to this permission.

b) The Schedule shall be included in an updated Environmental Management System (EMS) and an updated Site Specific Environmental Monitoring Plan (EMP) which shall be submitted to and agreed in writing with the planning authority prior to commencement of the development. The EMS shall include a Climate Action Plan.
c) The development shall be operated and managed in accordance with the agreed EMS required under (a) and (b) above.

Reason: In the interest of protecting the environment and the residential amenities of property in the vicinity and in the interest of public health.

4. Prior to commencement of the development the Applicant/Developer shall carry out structural surveys of all the dwellings within 500m of the subject site, in advance of the satellite quarry development, which shall be used as a reference record to assess the impact from blasting, and submitted to the Planning Authority and relevant residents.

   Reason: To establish the structural integrity of the dwellings prior to construction.

5. No extraction shall take place below 10m OD, as in the detailed documentation submitted to the Planning Authority dated 12th August 2021, and at all times extraction shall take place above the water table.

   Reason: To protect groundwater in the area.

6. Prior to commencement of the development a revised landscape plan shall be submitted for the agreement of the planning authority to provide an identical 0.6 ha triangular landscape area on the eastern boundary of the satellite quarry, immediately to the south of the proposed triangular landscaped area.

   Reason: To prevent dust deposition to dwelling R14.

7. a)The satellite quarry and all associated activities with the quarry shall only operate between 0800 hours and 1800 hours, Monday to Friday inclusive and between 0800 hours and 1400 hours on Saturdays.

b) The operating hours of the concrete batching plant and all associated activity with the plant shall only operate between 0700 hours and 1800 hours, Monday to Friday inclusive and between 0700 hours and 1400 hours on Saturdays.

c) Rock breaking within the site shall be limited to 0800 hours and1800 hours Monday to Friday inclusive only.

d) Rock breaking shall be carried out a maximum of one day per week.

e) Blasting shall be confined to 1100 hours and 1500 hours Monday to Fridays inclusive only and shall not occur more than 4 times a year.

No activity (e.g loading, movement of machinery or material etc.) shall take place outside these hours or on Sundays or Bank Holidays.

Reason: In order to protect the residential amenity in the vicinity.

8. a) Free-field noise levels attributable to the operation of the development when measured at the nearest noise sensitive locations shall not exceed
    i. 55 dB(A) Leq,1h between the hours of 07.00-18.00 Monday to Friday inclusive, and
    ii. 0700-1400 hours on Saturday and shall not exceed 45 dB(A) Leq, 15 min at any other time.

    b) Notwithstanding (a) above, where any temporary quarry activity is expected to exceed the noise limits above, this shall be notified in advance to the planning authority, and to residents in the vicinity, indicating the reason for such activity, and its likely duration. No such exceedance of noise limits shall occur without the prior written agreement of the planning authority.

    c) Notwithstanding (a) and (b) above, 95% of all noise levels shall comply with the above specified limit values. No noise level shall exceed the limit value by more than 2 dB(A).

    d) A noise survey and assessment programme shall be undertaken to assess the impact of noise emissions arising from the operation of the entire quarry complex. The scope and methodology of this survey and assessment programme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any quarrying works on the site. The results obtained from the programme shall be submitted for review [at quarterly intervals, unless otherwise

agreed] to the planning authority. The developer shall carry out any amendments to the programme required by the planning authority, following this review.

e) During soil stripping and the construction of the berms and tunnel, the noise limit shall not exceed 70dB LAeq (1 hour) between the hours of 0800 hours and 1800 hours. This limit shall apply for a maximum of 8 weeks from the commencement of the operations on site.

f) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2017: Acoustics -Description and Measurement of Environmental Noise.

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

9. a) 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 who shall be agreed in writing with the planning authority.

b) Prior to the firing of any blast, the developer shall give notice of his intention to the occupiers of all dwellings within 500 metres of the site. An audible alarm for a minimum period of one minute shall be sounded. This alarm shall be of sufficient power to be heard at all such dwellings.

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

10. a) Vibration levels from blasting shall not exceed a peak particle velocity of 12 millimetres/second, when measured in any three mutually orthogonal directions at any sensitive location.

b) Blasting shall not give rise to air overpressure values at sensitive locations which are in excess of 125 dB (Lin) max peak with a 95% confidence limit.

c) Transient vibration shall not exceed 15mm/s at low frequencies, rising to 20mm/s at 15 Hertz and 50mm/s at 40 hertz and above.

d) A monitoring programme, 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 prior to the commencement of any quarrying works on the site. 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 review.

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

11. a) Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details to be submitted shall include monitoring locations, commencement date and the frequency of monitoring results, and details of all dust suppression measures.
    b) A monthly survey and monitoring programme of dust and particulate emissions shall be undertaken to provide for compliance with these limits. Details of this programme, including the location of dust monitoring stations, and details of dust suppression measures to be carried out within the site, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any quarrying works on the site. This programme shall include an annual review of all dust monitoring data, to be undertaken by a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority following this annual review.
    c) The conveyor belt of the batching plant shall be enclosed/housed and the hardstanding area to be used for the storage of aggregates (1ha) shall be screened/enclosed, details of which shall be submitted prior to commencement of the development for the written agreement of the Planning Authority.

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

12. The developer shall manage surface water drainage in accordance with a Drainage Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall incorporate a monitoring programme relating to control and management of water on the site. The plan shall provide for the monitoring of ground and surface water quality, levels and discharges on the site and for ongoing sampling of the River

Bickley downstream of any discharge and ongoing monitoring of the capacity and efficacy of the settlement lagoons.

Reason: In order to protect ground water quality.

13. The developer shall protect ground water sources from spillages or leakage from chemical tanks, fuel tanks and all over ground tanks containing liquids (other than water) shall be contained in a waterproof bunded area, which shall be of sufficient volume to hold 110 per cent of the volume of the tanks within the bund. The refuelling within the site shall only be permitted within a designated refuelling zone that's shall be paved, sloped and constructed so as to retain any spillages that may occur and any run offs shall be diverted through an oil interceptor and shall be installed and operated in accordance with the written requirements of the planning authority.

    Reason: In order to protect groundwater and surface water.

14. Prior to commencement of the development

    a) The onsite waste water treatment system including the percolation area/soil polishing filter hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted to the planning authority on 1st day of April 2022 and shall be in accordance with the standards set out in the document entitled "Code of Practice- Domestic Waste Treatment Systems (Population Equivalent ≤10)"- Environmental Protection Agency 2021.

    b) The location, construction and commissioning of the waste water treatment system and percolation area shall be installed under the supervision of a civil engineer or appropriately qualified professional, who upon completion of works/commissioning shall submit to the planning authority certification supported by photographs that the system has been laid out and constructed in accordance with the relevant codes of practice.

    c) The developer of the site shall be responsible for the maintenance of the waste water treatment system.

    d) The existing septic tank and percolation area shall be decommissioned once the system permitted is operational.

Reason: In the interest of public health and to prevent water pollution.

15. The developer shall provide and arrange for the continuous and indefinite maintenance of an adequate supply of potable water for the sanitary needs of the development.

    Reason: In the interest of public health.

16. The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. The EMS shall include the following:

    a) Proposals for the suppression of on-site noise levels.

    b) Proposals for the on-going monitoring of sound emissions at dwellings in the vicinity.

    c) An annual topographical survey carried out by an independent qualified surveyor approved in writing by the planning authority. This survey shall show all areas excavated, depth of excavation, those areas being actively managed for biodiversity gain and restored.

    d) Proposals for the suppression of dust on site and on the access road.

    e) Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.

    f) A written record from the on-site weighbridge of the quantity of material leaving the site. This quantity shall be specified in tonnes.

    g) Details of safety measures for the lands adjoining the quarry, to include warning signs and stockproof fencing.

    h) Management of all landscaping.

    i) Specification of extraction limits in relation to the following parameters between 185,000 -215,000 tonnes per annum annually.

    j) Monitoring of ground and surface water quality, levels and discharges.

    k) Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.

l) A record of the volumes of waste oils, used batteries, used tyres, disused plant and machinery, and scrap metal arising within the site shall be kept on-site and made available to the planning authority on request.

m) A written record of all complaints, including actions taken in response to each complaint.

Reason: In the interest of protecting residential amenities and ensuring a sustainable use of non-renewable resources.

17. Prior to commencement of the development the existing vehicular entrance shall be fully upgraded to comply with the following:

a) The entrance shall be upgraded so that clear and unobstructed sightlines available from a point of 4.5m back from the nearside edge of the roadway at the centre of the entrance to a point to the left and right on the nearer edge of the roadway (which includes the hard shoulder) for a distance of 160m. The roadside boundary shall be set back behind the sightlines to accommodate this requirement.

b) Any existing service or utility poles between the new road fence line and the roadway shall be relocated with the agreement of the relevant service provider, and relocated at the same time as when the roadside boundary is being removed.

c) The existing finished road levels shall not be raised or lowered to facilitate the development without prior consultation with the Roads Department and the subsequent written agreement of the planning authority.

Reason: In the interest of traffic safety.

18. The developer shall comply with the requirements of the planning authority with regard to traffic management and access arrangements and the details of such works, including general road works, shall be agreed in writing prior to the commencement of development.

Reason: In order to safeguard local amenities.

19. Prior to commencement of development the developer shall submit to and agree in writing with the planning authority a signage scheme warning road uses of the existence of the quarry. This signage scheme shall be maintained at the developer's

expense for the duration of the quarrying activity permitted by this grant of planning permission.

Reason: In the interests of traffic safety.

20. a)The wheels and undersides of all vehicles transporting aggregate from the site onto the public road shall, prior to the exit of such vehicles onto the public road, be washed in a wheel washing facility.

    b) The entrance/access road shall be surfaced using bitumen macadam material or other materials to be agreed with the planning authority, between the public road and the wheel wash.

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

21. The developer shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to carry out pre-development of archaeological excavation as identified in the Archaeological Assessment Report submitted on 1st day of April 2022.

    b) An archaeological assessment of any karst features will be carried out in advance of development works.

    c) A detailed methodology to facilitate archaeological monitoring/recording of the areas shall be prepared and submitted to the Licensing Section of the Department of Housing, Local Government & Heritage for consideration and no site preparation, site investigation, construction or extraction works shall proceed on site until the required archaeological methodology has been agreed with the Department and the necessary archaeological excavation has been completed on site.

    d) All topsoil stripping/groundworks within the confined oof the site shall be monitored by a suitably qualified archaeologist licensed under the National Monuments Act. Should archaeological material be found during the during the course of monitoring, the archaeologist may have work on the site stopped pending consultation with the Department of Housing, Local Government & Heritage to agree the appropriate treatment of archaeological remains and any mitigation action to facilitate recording any material found.

e) A detailed report describing the results of the archaeological excavations, monitoring works, post excavation reports and analysis shall be submitted to the planning authority following the completion of all archaeological work on site and all post excavation analysis.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

22. a)The works to the derelict cottage and its curtilage shall be carried out in accordance with the submitted further information on the 1st day of April 2022, having regard to Birdwatch Ireland's 2021 Guidance Document, 'Wildlife in Buildings Linking our Built and Natural Heritage'. The site shall then be monitored for 3 seasons to establish continued use as a nesting habitat. Confirmation of the continued use or any interventions shall be submitted to the Planning Authority.

    b) All works to secure the building shall be not be carried out during the bird nesting season (i.e. March 1st to August 31st).

    c) All measures detailed in the Biodiversity Management Plan shall be implemented in full.

    Reason: In the interest of protecting biodiversity.

23. Prior to the commencement of development, a Climate Adaption Plan shall be submitted to the planning authority for written agreement. It shall identify measures to reduce energy use and greenhouse gas emissions at the site, an assessment of the vulnerability of the project to climate change and measures to address these vulnerabilities.

    Reason: In the interest of biodiversity.

24. Restoration shall be carried out in accordance with a restoration plan, which shall include existing and proposed ground levels, landscaping proposals and a timescale for implementation. This plan shall be prepared by the developer, and shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

25. Prior to the commencement of development, the Developer shall submit to and agree in writing with the Planning Authority, details of all landscaping mitigation measures to be implemented on the site during the construction and operational phase of the development. This shall include the details and locations of all berms, planting, and overburden areas. Hedges and trees shall not be removed during the nesting season, (i.e. March 1st to August 31st).

    Reason: In the interest of residential and visual amenity.

26. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of waste.

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

27. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

    Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

28. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, or other security to secure the satisfactory reinstatement of the site, 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.

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

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.

Catherine Dillon
Planning Inspector

14th August 2024

Appendix 1- Site Specific conservation objectives for Dungarvan Harbour SPA

Dungarvan Harbour SPA (004032)						
Summary of Appropriate Assessment						
Qualifying Interest Feature **Site Conservation Condition (SCC)**	**Conservation Objectives, (NPWS.ie)**	**Trend & habitat**	**Potential adverse effects**	**Mitigation measures**	**In combination effects**	**Can adverse effects on integrity be excluded Y/N**
Great Crested Grebe [A005] SCC: Intermediate (unfavourable)	Maintain the favourable conservation condition.	Trend indicates numbers declining from 53 (baseline period) to 36 in recent data. Forage around shoreline and dive for prey .Only 1 bird spotted roosting during survey, roost on wetlands.	Pathway between site and habitat via surface water & water contamination from spills & waste water treatment system.	Summary of mitigation measures outlined in 9.1.9 of report above	None arising post mitigation	**Yes**
Light-bellied Brent Goose [A046] SSC: Favourable	As above	Trend indicates numbers are increasing. 723 baseline to 1,422 recent. Terrestrial foraging near SPA. Roost within SPA shoreline.	As above	Mitigating measures outlined in 9.1.9 of report above.	**As above**	**Yes**
Golden Plover [A140] SCC: Intermediate (unfavourable)	As above	Numbers have dropped since 2004. Feed within agricultural grassland and arable land.	Use of site for foraging. Surface water & water contamination from spills &	No evidence of Golden Plover during site surveys. Mitigating measures	**As above**	**Yes**

		Roost/nest on tidal flats.	waste water treatment system.	outlined in 9.1.9 of report above.		
Dunlin [A149] SSC: Unfavourable	As above	Declining from baseline 4,984 to 2,903 recent. Decline nationally. Forage on intertidal areas & roost within SPA area.	Surface water & water contamination from spills & waste water	Mitigating measures outlined in 9.1.9 of report above	**As above**	**Yes**
Black-tailed Godwit [A156] SSC: Favourable	As above	Trend indicates slight decline from baseline 779 to 706 recent data. Forage within intertidal flats & roost inter tidally. Roost within saltmarsh	Surface water & water contamination from spills & waste water	Mitigating measures outlined in 9.1.9 of report above	**As above**	**Yes**
Bar-tailed Godwit [A157] SSC: Favourable	As above	Trend indicates slight decrease 1,068 (baseline) to 913 in (recent data). Forage within intertidal sediment/wading bird. Roost within saltmarsh habitat	As above	Mitigating measures outlined in 9.1.9	**As above**	**Yes**
Redshank [A162] SSC: Favourable	As above	Trend indicates slight increase 731 (baseline) to 941 in 2010 (recent data) Forage within inert tidal mudflats & roost within saltmarsh. Roost along shoreline	As above	Mitigating measures outlined in 9.1.9 of report above	**As above**	**Yes**
Turnstone [A169] SSC: Favourable	As above	Long term population trend, stable or increasing (177 to 196 in 2010 (recent data)	As above	Mitigating measures outlined in 9.1.9 of report above	**As above**	**Yes**

		Forage within shorelines with rocky substratum. Roost close to SPA site. (baseline)				
Shelduck [A048] SCC: Intermediate (unfavourable)	As above	Numbers increasing peak 269 (2010). Forage where tidal flats exposed. Roost around shoreline.Roost in tidal falts.	As above	Mitigating measures outlined in 9.1.9 of report above	**As above**	**Yes**
Red-breasted Merganser [A069] SCC: Intermediate (unfavourable)	As above	Trends indicate a recovery in decline peak-32 (2010). Feed on fish. Not recorded roosting during survey programme.	As above	Mitigating measures outlined in 9.1.9 of report above	**As above**	**Yes**
Oystercatcher [A130] SSC: Favourable	As above	Numbers recorded in 2007 and 2009 were the highest since data period began. Forage on tidal flats & terrestrially. Roost intertidally or around the SPA.	As above	Mitigating measures outlined in 9.1.9 of report above.	**As above**	**Yes**
Grey Plover [A141]	As above	Numbers increasing. Forage intertidally. Roost close to shoreline.	As above	Mitigating measures outlined in 9.1.9 of report above.	**As above**	**Yes**
Lapwing [A142] SSC: Unfavourable	As above	Numbers have been declining steadily – consistent with All Ireland trend. Inland waders will forage using lowland farmland and fresh	As above	No evidence of Lapwing during site surveys. Mitigating measures outlined in 9.1.9 of report above.	**As above**	**Yes**

		water wetlands, Roost intertidally.				
Knot [A143] SSC: Favourable	As above	Numbers recorded in 2007-20009 were the highest since the data period began. Forage on mud and sandflats.	As above	Mitigating measures outlined in 9.1.9 of report above.	**As above**	**Yes**
Curlew [A160] SCC: Intermediate (unfavourable)	As above	Nos. declined from 766 (baseline period) to 452 in 2009/10. Forage within intertidal areas. Roost close to shoreline.	As above	Mitigating measures outlined in 9.1.9 of report above	**As above**	**Yes**
Wetland habitat [A999]	As above	Wetland habitat area should be stable and not significantly less than 2,219 ha.	As above	Mitigating measures outlined in 9.1.9 of report above	**As above**	**Yes**

Overall Conclusion: Integrity Test

River waters entering the site are classified as of good quality (SERBO, 2010a), the waters of Dungarvan Harbour SPA are classified as moderate because of low levels of dissolved oxygen, the transitional waters of Dungarvan harbour are deemed 'at risk' from nutrient inputs. Disturbance to the SPA according to the NPWS survey arises from walking and recreational pursuits such as collecting molluscs, horse riding and aircarft flying. Pollution and issues of water quality at Dungarvan harbour may arise from domestic and urban wastewater discharges, agricultural run off and marine based pollution.

Following the implementation of mitigation, the construction and operation of the proposed development will not adversely affect the integrity of the Dungarvan Harbour SPA, either alone or in combination is European site and no reasonable doubt remains as to the absence of such effects.