An Bord Pleanála

Inspector's Report ABP-314861-22

Development	10-year permission sought for an extension to an existing authorised quarry, which would comprise the following: • Extraction of material by blasting means down to a level of – 2.0 OD, • Transportation of extracted material to the existing quarry for processing, • Landscaping and restoration of the site upon completion of works, and • All associated ancillary facilities.
Location	Mullafarry and Cloonawillin, Killala, Co. Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	21/1284
Applicant(s)	Mullafarry Quarry Ltd
Type of Application	Permission
Planning Authority Decision	Grant, subject to 24 conditions

Type of Appeal	Third Parties -v- Decision
Appellant(s)	Gertie Gardiner John Gardiner
Observer(s)	None
Date of Site Inspection	7th March 2023
Inspector	Hugh D. Morrison

Contents

2.0 Site Location and Description

2.1. The site adjoins the applicant's existing 10.3-hectare quarry. It abuts part of the southern and part of the eastern boundaries of this quarry. This site is located 10.2 km to the north north-west of the town centre of Ballina and 2.5m to the south south-west of the town centre of Killala. The site lies within rolling countryside. To its east lies another quarry, which is operated by the Killala Rock Company. Between the two quarries lies the appellants' bungalow and farmstead. Further to the east lies Killala Business Park and Tawnaghmore peak power gas-fired electricity generating station, and, to the north-east, the 6-turbine 20 MW Killala Community Wind Farm.

2.2. The applicant's quarry is accessed off the local road network (L1111 and L5150/78), which lies to the west of the R314. (This regional road runs between Killala and Ballina). This quarry is active insofar as rock continues to be extracted from its southern face adjacent to the current application site. Other activities occur within the quarry. They comprise its partial filling with inert waste and the operation of an asphalt mixing plant. Water within the quarry is managed by means of a series of settlement ponds, which discharge via pipes/wet ditches to the Magherabrack Stream, which is a tributary of the Cloonaghmore River further to the west.

2.3. The site itself is roughly square in shape, and it extends over an area of 1-hectare. This site rises at gentle/moderate gradients from its south-western corner to its north-eastern corner. It presently forms a field, which is down to grass. Its northern boundary with the existing quarry is fenced, while its remaining boundaries are denoted by hedgerows.

3.0 Proposed Development

3.1. The applicant seeks a 10-year permission to extend its existing authorised quarry into the application site. Such extension would entail the following activities:

- The extraction of material by means of blasting down to a level of – 2.0 OD,
- The transportation of extracted material to the existing quarry for processing,
- Upon completion of extraction works, the landscaping and restoration of the site, and

- All associated ancillary facilities.

4.0 Planning Authority Decision

4.1. Decision

Following receipt of further information and unsolicited further information, permission was granted, subject to 24 conditions.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The following further information was requested:

- An archaeological assessment,
- An unmapped stream to the south of the site to be shown and assessed,
- Impact on a down gradient well to be assessed,
- Dust, noise, and vibration monitoring to be reviewed,
- Cumulative impacts from wind farm, neighbouring quarry, and biogas facility to be assessed,
- Details of site boundary treatments with adjoining farmlands, and
- The critique of the DoHLGH of the stage 1 screening for appropriate assessment to be addressed.

The applicant submitted as unsolicited further information a Geotechnical Assessment of the existing quarry dated April 2022.

The following further information was requested:

- Clarify details of wells in the vicinity of the site and the potential impact of the proposal upon them, and
- Justify monitoring locations.

4.2.2. Other Technical Reports

- Department of Housing, Local Government and Heritage (DoHLGH): The originally submitted stage 1 screening for appropriate assessment is critiqued, along with the commentary on biodiversity in the environmental report.
- Mayo County Council
  - Flood Risk Management: No objection.
  - Archaeology: Following receipt of further information, no objection.
  - Road Design: No objection.
  - Environment: Further information requested.

5.0 **Planning History**

The site

- QY/17: Section 261 registration of the quarry as pre-1963 development.
- PL16.QC.2043: Quarry was conditioned ultimately following an appeal to the Board.
- CQ17 and PL16.QV.0266: Section 261(2)(a)(i) and (ii) determinations: Following an appeal to the Board, no EIA and AA would have been required.
- 14/15: Filling of lands with inert waste (24,500 tonnes over 5 years) for the purpose of quarry restoration: Permitted.
- 19/205: Asphalt mixing plant, aggregate loading bins, and hot storage bins on a 0.2-hectare site within the existing quarry: Permitted.
- 21/342: Filling of lands with inert waste (24,500 tonnes over 5 years) for the purpose of quarry restoration: Permitted.

Neighbouring quarry to the east

- 21/708: Continued use and operation of the existing limestone quarry and all associated ancillary activities, permitted under plan reg. ref. no. 02/1931 and 08/1563; installation of a packaged wastewater treatment system and polishing filter: Permitted, subsequent appeal ABP-312717-22 declared invalid.

Neighbouring site to the south-east

- 21/93: A anaerobic digestion (ad) biogas facility and associated gas pipeline comprising of renewable energy project consisting of an ad biogas facility using locally sourced silage & slurry as feedstock to generate biogas for export to the national grid with residual digestate being available for use locally as bio-fertiliser and associated site works: Subject of third-party appeals ABP-313975-22.

6.0 Policy and Context

6.1. National Planning Framework and Guidelines

- National Planning Framework 2020 – 2040
- Quarries and Ancillary Activities Guidelines

6.2. Development Plan

Under the County's Landscape Appraisal CLA), the site lies just within Area G North Mayo Drumlins, which corresponds with Policy Area 4, Drumlins and Inland Lowlands. CLA Policies 21 – 24 are relevant to Policy Area 4. They recognise that this Area is made up of a variety of working landscapes, wherein opportunities exist to utilise existing infrastructure. They encourage development that will not interfere/detract from Lakeland vistas and that "will not result in detrimental impacts (through excessive bulk, scale or inappropriate siting) on the landscape at a local or micro level as viewed from areas of the public realm."

The development impact – landscape sensitivity of quarrying/extraction in Policy Area 4 is deemed to be of "medium potential to create adverse impacts on the existing landscape character. Such developments are likely to be clearly discernible and distinctive, however with careful siting and good design, the significance and extent of impacts can be minimised to an acceptable level."

The Mayo County Development Plan 2022 – 2028 (CDP) addresses extractive industries in the following policies and objectives:

EDP 27

To support adequate supplies of aggregate resources to meet the future growth needs of the county and the wider region where there is a proven need for a certain mineral/ aggregate and to exercise appropriate control, while addressing key environmental, traffic and social impacts.

EDP 28

To support the development of aggregate resources (stone and sand/gravel deposits) in a manner which minimises effects on the environment and having regard to the principles of sustainability.

EDO 62

To ensure that the development of aggregate resources (stone and sand/gravel deposits) is carried out in a manner which minimises effects on the environment, including the Natura 2000 network and its sustaining habitats (including water dependent habitats and species), amenities, infrastructure and the community, and can demonstrate environmental enhancement through habitat management plans/ecological restoration.

EDO 63

Have regard to the Quarry and Ancillary Activities Planning Guidelines for Planning Authorities DoEHLG (April 2004) and to the Geological Survey of Ireland's Geological Heritage Guidelines for Extractive Industries, or any new or subsequent quarry guidance.

Section 13.8 of the CDP's development management volume sets out guidance for planning applications for extractive industries under topical headings.

6.3. Natural Heritage Designations

- Killala Bay/Moy Estuary pNHA & SAC (000458)
- Killala Bay/Moy Estuary SPA (004036)
- Killala Esker pNHA (001517)

6.4. EIA Screening

Under Parts 1 and 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2023, criteria are set out to enable mandatory EIA projects to be identified. Under Item 19 of Part 1, quarries where the surface of the site exceeds 25

hectares are cited, and, under Item 2(b) of Part 2, quarries where stone would be extracted over an area greater than 5 hectares are cited. Additionally, under Item 13(a) of Part 2, where any extension occurs that would result in an increase in the size of the existing stone quarry greater than 25% or an amount equal to 50% of the appropriate threshold, whichever is greater, mandatory EIA arises.

Under the proposal, the applicant's existing 10.3-hectare quarry would be extended by 1 hectare. The resulting increase in the size of this quarry would thus be less than either 25% of its area and less than 50% of the appropriate threshold of either 25 or 5 hectares. The proposal does not, therefore, require to be the subject of mandatory EIA.

The applicant has submitted an EIA screening report for the proposal and the Planning Authority has undertaken its own EIA screening. Both conclude that sub-threshold EIA is not required. Given the applicant's submission, under Article 109(2B)(a) of the aforementioned Regulations, the Board is obliged to undertake its own screening, too. I have, therefore, undertaken a screening exercise, which reached the following conclusion:

Having regard to:

- Item 19 of Part 1 and Items 2(b) and 13(a) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2023, the proposed quarry extension would fall well below the thresholds cited in these Items,
- The nature and scale of the proposal, which would be a relatively small extension to an existing quarry, within the vicinity of another quarry,
- The criteria set out in Schedule 7 of the Planning and Development Regulations, 2001 – 2023,
- The location of the site outside any sensitive location specified in Article 109(4)(a) of the Planning and Development Regulations, 2001 – 2023, and
- The reliance of the proposed quarry extension upon established facilities in the existing quarry,

It is considered that the proposed quarry extension would not be likely to have significant effects on the environment and that the preparation and submission of an EIAR is not therefore required.

7.0 The Appeal

7.1. Grounds of Appeal

Appellant (a) re-presents her objection to the original application, and the initial and subsequent further information stages.

- Since these objections, the appellant has undertaken aerial and ground surveys which indicate that the following distances exist between the south-eastern corner of the site and her property:
    - 106.11m to the well on the east side of her property, and
    - 134.25m to the well adjacent to her dwelling house, which is itself 155.14m away from the south-eastern corner of the site.

  Both wells are natural springs, and they are both used for domestic drinking water.
- The appellant also submits a photograph of the drain to the south of the site. This drain carries water, which flows through it from east to west.
- The appellant critiques the Planning Authority's conditions, as follows:
    - No. 1: The submitted plans omit her dwelling house,
    - No. 2: The site is not in the applicant's ownership,
    - No. 3: Any revised restoration plan should have been submitted prior to any decision to facilitate public scrutiny,
    - No. 4: Exception is taken to the establishment of a benchmark post the decision,
    - No. 5: Conditioning of hours of operation to 0700 – 1800 flies in the face of existing hours of operation between 0600 – 2000,
    - No. 6: Rate of extraction: the appellant expresses the view that only 79,000 tonnes could be extracted annually over 10 years – a higher rate of extraction would allow for a shorter permission,
    - No. 7: Blasting practice to minimise the risk of polluting residues: how would this be monitored?

- No. 8: Any delay in agreeing a blasting regime is unsatisfactory, against the backdrop of the neighbouring quarry and alleged damage to the appellant's chimney resulting from blasting there,
- No. 9: A 95% confidence level for the stated maximum vibrations from blasting is not sufficiently reassuring,
- No. 10: Warning signals concerning blasting should be seen against the backdrop of the very recent introduction of advanced written notice of blasting,
- No. 11: Noise levels: unless continuous monitoring occurs, how can compliance with such levels be verified?
- No. 12: Dust levels: how will these levels be monitored?
- No. 13: Spillages: does this condition refer to the existing quarry or its extension?
- No. 14: Emergency Response Plan: does this condition refer to the existing quarry or its extension?
- No. 15: Routing surface water run-off through oil interceptors: does this condition refer to the existing quarry or its extension?
- No. 16: Design of oil interceptors: should this not have been included in the application?
- No. 17: No surface water run-off onto the public road: does this condition refer to the existing quarry or its extension?
- No. 18: Establishment of an Environmental Monitoring Committee: the effectiveness of such a committee is questioned, what about safety matters?
- No. 19: Environmental Monitoring Plan: such a plan should have been agreed prior to any decision,
- No. 20: Revised restoration plan: such a plan should address safety, especially along the site's boundaries,

- No. 21: Water discharge licence: such a licence has been pending since 2011: water discharges not only from the applicant's quarry, but from the neighbouring one, too, into the local river,
- No. 22: Funding of works necessitated by conditions: these should include works to secure the boundaries of the site,
- No. 23: Cash deposit for reinstatement of the site: will the public be able to confirm that such a deposit has been made?
- No. 24: Annual community fund payment: will the public be able to confirm that such a payment has been made?

- The existing quarry is exhausted, and its proposed extension would only allow quarrying to continue for a short period of time.
- The cumulative effects of activities in the existing quarry, the neighbouring quarry, a wind farm, and a proposed anaerobic digester are significant in terms of the local community and landscape.
- Extensive working hours and associated traffic movements generate noise and disturbance at anti-social hours leading to sleep loss.
- The appellant would lose views, and, in the light of a previous rock face collapse and damage to her property from blasting, she has on-going concerns for her personal safety.

Appellant (b) re-presents his objection to the original application, and the initial and subsequent further information stages.

- Since these objections, the appellant has undertaken aerial and ground surveys which indicate that the following distances exist between the south-eastern corner of the site and his property:
  - 106.11m to the well on the east side of his property. This well is a natural spring and it is used for livestock drinking water, and
  - 150.79m to his largest agricultural building.
- The appellant submits an aerial view of the extent of his farm, the boundaries of which abut both the applicant's quarry and the neighbouring quarry to the

east. He draws attention to the presence of poorly maintained stock proof fences with no warning signage.

- As the existing quarry is exhausted, the proposal should not be referred to as an extension, but as new development.
- Part of the southern face of the applicant's quarry collapsed in March 2015 with a loss of a strip of the appellant's lands. Remedial measures were required within the same strip. A further collapse occurred over part of the northern face of the neighbouring quarry in November 2020 with implications for his lands, too.
- Concern is expressed that, under the proposal, blasting would occur 5m away from where the collapse occurred in 2015. The applicant's reassurances as to stability are based on no more than a visual inspection. Concern is also expressed that a fence line set back 5m from the envisaged faces of the extended quarry would be inadequate to ensure safety.
- Attention is drawn to a dwelling house 80m south of the site, which is in Mayo County Council's ownership.
- A question is raised as to whether one of the stated directors of Mullafarry Quarries Ltd is still a director.
- Attention is drawn to the commentary on the south and west faces of the existing quarry, which is set out in the applicant's Geotechnical Assessment (April 2022).
- The appellant critiques the Planning Authority's conditions, which he considers to be generic, or requiring information that should have been submitted prior to any decision, or which fail to distinguish between the existing and proposed quarries.
- The appellant expresses concern over safety: the management of boundaries between the quarries and his lands, and blasting, with resultant vibrations, and the risk posed by fly rock.

7.2. Applicant Response

The applicant begins by summarising the planning and wider history of its existing quarry. The quarry face collapse in March 2015 is referred to. This was due to a concealed vertical joint plane within the rock formation. It affected 70 sqm of appellant (b)'s land, and he was subsequently compensated for his loss.

The applicant explains that the existing quarry is almost exhausted. The proposed extension would lead to the processing of rock largely for use in value added materials such as bituminous products. Consequently, a reduction in the overall material exported from the site annually would occur. The extension for 10 years would provide continuity of employment for the workforce (40 directly employed employees and 20 employees in ancillary services).

The applicant proceeds to respond to the appellants as follows:

- Fencing, berms, and buffer zones

  The need for access to maintain fencing is accepted. Accordingly, the proposed fence line would be set back 3m from the proposed berms to facilitate such maintenance.

  The proposed berms would vary in height between 3m and 5m (the typical section submitted at the appeal stage shows a height of 3.45m). They would be formed behind the existing ditch, and so they would have minimal impact upon visual amenity.

- Geotechnical stability of quarry faces

  Since March 2015, the existing quarry is the subject of regular geotechnical assessment and on-going monitoring.

  The risk of fly rock has greatly receded since explosives experts have taken over the role of overseeing blasting.

- Surface water

  Surface water run-off is from higher lands to the east of the site to lower lands to the west, where the Magherabrack Stream flows northwards to the Cloonaghmore River. This water collects in a watercourse that passes to the

south of the site, and it includes the discharge from the neighbouring quarry to the east. The watercourse would be unaffected by the proposal.

- Groundwater and local wells

  A hydrogeological assessment of the existing quarry was undertaken in 2011. This assessment drew upon the findings of pump tests, which reported that hydraulic conductivity was low and that water within this quarry accounted for only an estimated 0.9% of the volume of water moving through the local groundwater catchment. The quarry's impact on groundwater was therefore minimal.

  On-going experience of the quarry confirms this minimal finding insofar as the sump in the base of this quarry has remained at a level below – 2m OD for over 10 years. The proposed extension would replicate this level, and, as the appellants' well is up gradient, no impact upon it is predicted.

- Noise and vibration

  Noise and vibrations at the existing quarry have been monitored on an on-going basis and compliance with conditions in the air emissions licence and planning permission has been achieved.

  Under the proposal, the applicant is confident that such compliance can be maintained. Output from the extended quarry would be less and so fewer blasts would be needed.

  The applicant will attend to any monitoring arrangements that may be deemed to be necessary.

- Air quality

  The applicant strictly adheres to the conditions in the air emissions licence.

- Hours of operation

  The quarry is conditioned to operate between the hours of 0700 and 1800 and this is strictly adhered to. The bituminous materials facility is the subject of a separate air emissions licence and planning permission. Additional hours can be requested of the Local Authority to cover occasional busy periods.

- Compliance with the Habitats Directive

  The Stage 1 screening for appropriate assessment, which was submitted under further information, concluded that a Stage 2 Natura Impact Statement was not necessary.

7.3. Planning Authority Response

None

7.4. Observations

None

7.5. Further Responses

The appellants have responded to the applicant's response.

- Brief history

  The appellants draw attention to the applicant's statement that conditions have been "substantially" complied with and "most" of the rock excavated would be used in bituminous materials facility. The meaning, in practise, of these adjectives is questioned.

  They also draw attention to the applicant's commentary of monitoring and yet they are not aware of any monitoring locations along the boundaries of the existing quarry, and they have not been approached to agree upon such locations.

- Fencing, berms, and buffer zones

  The illustration of an indicative berm submitted at the appeal stage is contextless and it changes the nature of the submitted application.

- Geotechnical stability of quarry faces

  Concern is expressed that just as an "unforeseen" vertical joint plane led to the rock face collapse in March 2015 so this could happen again. The view is expressed that the absence of benching may have contributed to this collapse, too.

Concern is expressed over the loose reference to fly rock, which did, over 40 years ago, damage the appellants' dwelling house.

- Surface water

  The watercourse in question is accessible to the applicant to fully assess, so the need for approximations does not arise.

- Groundwater and wells

  The applicant relies upon data from 2011 and so it is not in a position to give assurances now.

- Noise and vibration

  Crushers in the applicant's existing quarry can be heard from 06.00 to 20.00 with the attendant dis-amenity to the appellants.

  The open-ended invitation to condition is unrealistic.

- Air quality

  At a distance of 150m from the appellants' dwelling house, the impact of the proposal on air quality from, e.g., dust would be enormous.

- Hours of operation

  The appellants do not accept the applicant's statement that they comply with the conditioned hours of operation.

- Compliance with the Habitats Directive

  The question of cumulative impact has not been properly addressed.

8.0 **Assessment**

8.1. I have reviewed the proposal in the light of the National Planning Framework 2020 – 2040 (NPF), the Quarries and Ancillary Activities Guidelines, the Mayo County Development Plan 2022 – 2028 (CDP), relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

(i) Planning policies and planning history,

(ii) Land use and traffic,

(iii) Stability and safety concerns,

(iv) Environmental impacts, cumulative impact and visual and residential amenity, and

(v) Stage 1 screening for appropriate assessment.

(i) Planning policies and planning history

8.2. The NPF and the CDP recognise quarries as a national resource that are of key importance in their provision of aggregates to the construction sector and in their provision of employment within the rural economy. They also recognise that aggregates are a finite resource, which needs to be safeguarded. The Quarries and Ancillary Activities Guidelines recognise, too, the land use reality that "aggregates can only be worked where they occur" and the economic reality that, in order to limit transportation costs, quarries need to be excavated throughout the country.

8.3. The existing operational limestone quarry and a swathe of land on its eastern side, including the current application site, was registered (QY/17) under Section 261 of the Planning and Development Act, 2000 (as amended). The existing quarry was thereafter the subject of a conditioning exercise, which the Board ultimately adjudicated upon (PL16.QC.2043). Significantly, the Planning Authority's second condition was retained. It reads as follows:

No quarrying works shall be carried out outside the current extracted area unless planning permission is granted for such works. Within four weeks of the order the following shall be submitted for the written agreement of the Planning Authority a map of suitable scale showing (a) the area of the quarry currently being worked, (b) the areas that are exhausted and no longer to be worked, (c) the areas in the applicant's ownership not yet worked.

Reason: To establish the extent of the current extraction area in the interest of orderly development.

Accordingly, the inclusion of the current application site within the Section 261 registration site does not amount to the grant of planning permission for quarrying outside the current extraction area defined by the above condition. Hence the need for planning permission for the proposed quarry extension is clear and unambiguous.

8.4. The question as to whether substitute consent was required was also adjudicated upon by the Board (PL16.QV.0266). It determined that, as neither EIA nor AA would have been requirements on the relevant dates laid down in the Act, substitute consent was not necessary.

8.5. The existing quarry has been the subject of further applications in recent years for an asphalt mixing plant (19/205) and for the filling of lands with inert waste (24,500 tonnes over 5 years) for the purpose of quarry restoration (14/15 and 21/342), all of which were permitted.

8.6. Under the extant permission (21/342) for inert waste, 3.7 hectares of the existing quarry floor would be filled with inert waste to a height of 8m OD. This proposal was accepted by the Planning Authority as being compatible with the restoration plan for the site, which was approved by it under Condition No. 30 attached to PL16.QC.2043. This restoration plan would entail flooding the existing quarry floor to a height of 27m OD, i.e., the level of the water table. If it needs to be the subject of "minor changes", then Condition No. 3 attached to the extant permission (21/342) allows for such to be the subject of written agreement.

8.7. Under the current application, the submitted plans do not acknowledge the filling of part of the existing quarry with inert waste. During my site visit, I observed that such filling has commenced in the south-eastern corner of the quarry, i.e., to the east of the southern face of the quarry, which would be affected by the proposed extension. Under 21/342, the submitted plans showed the area proposed for filling as being stepped back from the said portion of the southern face. Accompanying commentary on this application states that the continuing extraction of rock and filling with inert waste would be conducted independently of one another, although opportunities to pair outward loads of aggregate with return loads of inert waste would be availed of. An update on the water management system for the existing quarry stated that it was continuing to perform well. Conditions Nos. 10 and 12 attached to the permission granted, variously, implied that this water management system may need to be adapted as filling progresses, and integration with the previously agreed quarry restoration plan would need to be undertaken.

8.8. The applicant appears to be confident that the compatibility of extraction and filling activities in the existing quarry would continue under the proposed quarry extension.

The Planning Authority appears confident, too, insofar as, under Condition No. 20 attached to its permission granted to the current application, only a new site restoration plan for the existing quarry and its extension, which would have regard to the previously agreed restoration plan, is required.

8.9. The neighbouring quarry to the east, which is operated by the Killala Rock Company, received planning permission (21/708) to continue for a further 15 years with an annual rate of extraction of 250,000 tonnes. This quarry would ultimately be shallower than the applicant's quarry with extraction occurring to a depth of 15m OD.

8.10. I conclude that in the light of national and local planning policies it is accepted that quarrying to service local needs is appropriate. I conclude, too, that in the light of the planning history of the applicant's existing quarry, the current application site was one that it previously signalled its aspiration to quarry, but that planning permission for the same is required.

(ii) Land use and traffic

8.11. As authorised, the existing quarry is nearing exhaustion, and the applicant has begun its restoration by importing inert waste. Under the current planning application, extraction would continue at a projected rate of 50,000 tonnes per annum over a 10-year period. This application would entail the excavation of an adjoining 1-hectare field, which is presently in agricultural use.

8.12. As the proposal envisages continuity in the rate of extraction of limestone and importation of inert waste, the average trip generation to and from the existing quarry and its extension would remain unchanged at an average of 20 lorry loads daily and 10 staff cars daily. Given the opportunity for linked trips, i.e., outward loads of aggregate and return loads of inert waste, the proposed extension of the existing quarry would lead to only slightly greater numbers of traffic movements than would occur under a landfill only scenario.

8.13. I conclude that the proposal would raise no land use or traffic generation issues.

(iii) Stability and safety concerns

8.14. The appellants draw attention to a rockslide (c. 2000 tonnes), which occurred on the south face of the existing quarry in March 2015 due to an unforeseen vertical joint plane. They express concern that the proposed extension of this quarry would occur

within the vicinity of this south face and so the stability of this extension may, likewise, be an issue. The applicant has responded to this concern by stating that, since 2015, the quarry has been the subject of regular geotechnical assessments and on-going monitoring. Its geotechnical engineer reports that "My observations and results of a topographical survey undertaken in 2022 confirm that there has been no significant movement at the south face where the rockslide occurred in March 2015."

8.15. Under unsolicited further information, the applicant submitted a "Geotechnical Assessment" dated April 2022, which drew upon a site inspection undertaken in accordance with Regulations 19 and 54 of the Safety, Health, and Welfare at Work (Quarries) Regulations, 2008, and the HSA's "Safe Quarry" document (as amended in 2020). This Assessment comments on each of the faces of the existing quarry, and it sets out twelve good practices for future quarry development.

8.16. While I understand the appellants' concerns over stability, as this question relates essentially to how the proposed quarry would be worked, it is overseen by legal codes and advice beyond that of the planning system.

8.17. Appellant (b) also draws attention to his assessment that the existing quarry is inadequately fenced along the common boundaries between his lands and the applicant's existing quarry. He also cites the absence of any warning signage from the fencing that does exist.

8.18. Under further information, the applicant submitted a photograph of the fencing that would accompany the eastern and southern boundaries of the proposed quarry extension. This fencing would comprise timber posts and stock proof wire netting. At the appeal stage, the applicant has undertaken to set it back 3m from the adjacent proposed berm to facilitate maintenance of the same, and, by the same token, to the fencing itself. Given these arrangements, such fencing would suffice. The applicant has also undertaken to attach warning signs to this fencing.

8.19. I conclude that the, while the applicant has provided an update on the stability of the existing quarry, the stability of the proposed extension would be the subject of legal codes and advice beyond the planning system. I also conclude that the proposed boundary fencing and warning signs, would be appropriate to secure the site.

(iv) Environmental impacts, cumulative impact, and visual and residential amenity

8.20. The applicant has submitted an Environmental Report (ER), aspects of which were amplified under further information and clarification of further information. This Report examines twelve impacts, which I will review below, in conjunction with the appellants' concerns and information available on the planning file received from the Planning Authority.

(a) Population and human health

8.21. The site is located within a relatively sparsely populated rural area to the south of Killala. Under the proposal, it would provide continuity of employment at the applicant's existing quarry. Potential impacts upon health are addressed below under specific subject areas.

(b) Biodiversity

8.22. The habitat of the site is that of mainly improved agricultural grassland. No rare or threatened species of flora or fauna have been identified therein. This habitat is the predominate one in the surrounding rural area and so its loss, under the proposal, would not be significant.

8.23. The site adjoins the applicant's existing quarry. Under the proposal, a relatively modest extension to this quarry would occur. The resulting environmental impacts would be comparable to those that occur at present from the working of the existing quarry. Under the proposed restoration plan, the quarry floor would be flooded, and planting undertaken around the perimeter of the site would promote flora and fauna.

8.24. The DoHLGH critiqued the ER's presentation of biodiversity on the grounds that it was not based on site surveys of flora and fauna. Under further information, the applicant responded to this critique by drawing upon site habitat walk-over surveys, which were undertaken on 26th September 2019 and in early April 2022. The applicant concludes that "None of the habitats or species of flora and fauna within the proposed extension to the existing quarry are listed as being protected species, and none are worthy of specific conservation."

(c) Land, soils, and geology

8.25. The topography of the site and the surrounding area is made up of drumlins. Soils on the site comprise limestone till and the bedrock in the site is Lower Ballina Limestone, both of which are from the Carboniferous period. The site lies within an audited geological heritage site (GSI site code MO068), known as Killala Area, which is of County importance for its glaciotectonic ridges.

8.26. The ER acknowledges that, by definition, quarrying impacts upon soils and geology, as the overburden from the site would be removed and limestone would be extracted. The resulting void would be flooded under the proposed restoration plan for the site.

(d) Water

8.27. Under the proposal, surface water and disturbed groundwater within the site would be directed to the water management system (WMS), which serves the existing quarry. This WMS comprises three sumps at progressively lower levels. Water from the lowest of these sumps in the northern tip of the quarry is pumped via a pipeline to a wet ditch to the west of the quarry from where it flows into the Magherabrack Stream, which is a tributary of the Cloonaghmore River. During my site visit, I observed each of these sumps. I also observed, by means of an inspection chamber sited in the western boundary of the quarry, water flowing through the pipeline and its onward flow through the accompanying wet ditch.

8.28. The applicant's quarry was the subject of conditioning (PL.QC.2043), which followed the quarry's registration (QY/17). At the current appeal stage, the applicant has submitted a copy of a hydrogeological report, which addressed the conditions relating to water that were formerly imposed. The WMS envisaged by this report envisaged a single sump in the lowest part of the quarry from where water would be pumped to a three-pond settlement lagoon before being discharged via a hydrocarbon interceptor and inspection chamber to the aforementioned wet ditch.

8.29. Under Appendix 1 of the ER, a copy of a completed application for a licence to discharge trade wastewater to surface water, under the Local Government (Water Pollution) Acts 1977 and 1990, is set out. This application was made by the current applicant to Mayo County Council (MCC) in 2011, but it was never determined. It envisages the WMS that is outlined under the above cited hydrogeological report. At

the current appeal stage, the applicant states that it has been instructed by MCC to make a new updated licence application as envisaged by Condition No. 21, which was attached to the planning permission granted by MCC to the current planning application.

8.30. Under application 14/15 for the importation of inert waste to the quarry, drawings were submitted, which effectively show the WMS that I observed on site and how this WMS would be adapted in the presence of the proposed landfill, i.e., the second sump would be omitted. Under application 21/342 for the importation of inert waste to the quarry, the question of the compatibility of this proposal with the operational WMS was raised. The applicant advised that they would be compatible. In this respect, the landfill would not extend as far as the lowest sump in the northern tip of the quarry.

8.31. Under the current application, the differences between the WMS envisaged under the hydrogeology report and the operational WMS in the existing quarry have not been addressed. Accordingly, I am not able to establish if the operational WMS is comparable to the one outlined in the hydrogeology report. The WMS in this report complied with the relevant conditions imposed under PL.QC.2043. In the absence of the applicant demonstrating the same for the operational WMS, such compliance is not assured.

8.32. Beyond the question of the baseline authorisation of the WMS in the existing quarry is the further question as to whether it would be capable of satisfactorily serving the increased volumes of water that would arise under the current proposal. Again, the applicant has not demonstrated that this would be so.

8.33. Turning to how the proposal might impact upon water external to the existing quarry and its proposed extension, under further information, the applicant commented upon an intermittent stream that flows through a wet ditch to the south of the site on an east/west axis. This stream is affected by water, which is discharged from the neighbouring quarry to the east, and it flows into the Magherabrack Stream, to the west of the site. The stream would be unaffected by the proposal.

8.34. Under further information and clarification of further information, the applicant commented upon three identified wells. The wells denoted as Nos. 1 and 2 are in close proximity to the above cited stream. Well No. 1 is in appellant (b)’s land and

well No. 2 is in land adjoining the site, which is owned by the same landowner. The applicant was able to inspect the latter, but not the former. Nevertheless, it expresses the view that both wells are fed from the said stream and/or groundwater springs. The invert levels of these wells are at much higher levels than either the existing quarry or its proposed extension, and so no impact from the proposal is predicted. The remaining well, No. 3, is a shallow one that is fed by a different watercourse. Given the separation distance between it and the site, no impact from the proposal is predicted.

8.35. Appellant (a) draws attention to another well, which is adjacent to her dwelling house to the south-east of the site. The applicant has not commented on this well. During my site visit, I observed its siting and the fact that it appeared to be operational, insofar as a pipe was protruding from it. This well is not fed by any watercourse. Appellant (a) states that it is fed by groundwater springs.

8.36. The applicant cites the aforementioned hydrogeological report, which calculated that the groundwater in the existing quarry accounts for only c. 0.9% of the local groundwater catchment. The proposed extension would be modest in size relative to the existing quarry and so it would account for a smaller percentage again. However, it would be closer to appellant (a)'s well.

8.37. Appellant (a)'s well is sited on lower lying ground than the site. However, under the proposal, the finished level of the site would be lower than the ground level beside the well. In the absence of any information on the invert level of this well, whether the proposal would impact upon it and, if so, by what extent cannot be ascertained.

8.38. In summary, the efficacy of the WMS in the existing quarry and its ability to cope with the additional volume of water generated by the proposal has not been demonstrated. Likewise, the impact, if any, of the proposal upon appellant (a)'s well has not been ascertained.

(e) Climate

8.39. The applicant acknowledges that its quarrying activities inevitably contribute to greenhouse gases, the build-up of which is contributing to climate change. It undertakes to implement a range of mitigation measures that would minimise such contribution.

(f) Air

8.40. The applicant acknowledges that dust generated by quarrying and associated vehicle movements can affect air quality. It draws attention to Condition 17 imposed under PL.QC.2043, which cites the standard threshold of 350 milligrams per square metre per day over a continuous period of 30 days. Submitted results from two monitoring sites from 2020/21 indicate that this threshold has not been exceeded. One of these sites lies close to the south face of the existing quarry, which is presently being excavated. It returned results as high as 315 and 319 milligrams per square metre per day over a continuous period of 30 days.

8.41. The applicant states that research shows that the likelihood of dust occurring at distances of over 100m from quarries is very low. The nearest dwelling house to the site is 80m to the south and appellant (a)'s dwelling house is 155.14m to the south-east. Such dwelling houses are deemed to be of "medium sensitivity", while farms are deemed to be of "low sensitivity".

8.42. The applicant undertakes to adhere to several standard mitigation measures. It also undertakes to move the above cited monitoring site to the south-east corner of the site, a position that would be of relevance to the aforementioned dwelling houses. Nevertheless, it is unclear how these standard mitigation measures would prevent dust reaching the dwelling house to the south of the site, which would lie within 100m.

(g) Noise and vibration

8.43. The applicant acknowledges that noise and vibration generated by quarrying and associated vehicle movements can affect local residents.

8.44. The applicant draws attention to Condition 11 imposed under PL.QC.2043, which cites the following standard noise thresholds:

- For the daytime, 55dB(A) LAeq (1h) between 0800 and 2000, and
- For the night time, 45dB(A) LAeq (1h) between 2000 and 0800.

Daytime monitoring undertaken in 2020 illustrates adherence to the daytime threshold.

8.45. The applicant also draws attention to Condition 15 imposed under PL.QC.2043, which cites the following standard vibration thresholds:

- Ground vibration from any blast shall not exceed a peak particle velocity of 12 mm/s measured in any of the three mutually orthogonal planes at the threshold of any dwelling house in the vicinity of the site, and
- Air over pressure from any blast shall not exceed 125 dB (linear) maximum peak value at the threshold of any dwelling house in the vicinity of the site.

Both these thresholds are subject to 95% confidence limits. Monitoring undertaken in 2020/21 indicates adherence to these thresholds.

8.46. The above cited monitoring results were recorded, in the case of noise readings, at two dwelling houses on the opposite side of the L1111 from the existing quarry, and, in the case of the vibration readings, at these two dwelling houses and the dwelling house to the south of the current application site. Under the proposal, the applicant undertakes to monitor noise and vibration at each of these dwelling houses and, in addition, at a roadside location adjacent to appellant (a)'s dwelling house.

8.47. I note that noise monitoring was not undertaken at the dwelling house to the south of the site. I note, too, that, under the proposal, the applicant proposes to undertake such monitoring at this dwelling house and adjacent to appellant (a)'s dwelling house to the south-east. The site slopes downwards towards these dwelling houses and the intervening land is open and low-lying. In these circumstances, I am not confident that the limited noise monitoring readings cited in the ER for dwelling houses that lie further away from the site and to its south-west beyond a spoil heap in the existing quarry can be relied upon to indicate that the standard noise thresholds would be capable of being met, especially during the site's early phases when any attenuation from being enclosed within the extended quarry would not apply. Accordingly, in the absence of any more thorough going and comparable noise surveys and modelling of the proposal, it would be premature to attach a condition requiring adherence to these standard noise thresholds.

(h) Traffic

8.48. As discussed under the heading of traffic above, the applicant anticipates maintaining the present rate of production from its quarry under the proposal, and so traffic generation and its associated environmental impact would be as at present.

(i) Cultural heritage

8.49. Under the National Monument Service's historic environment viewer, the nearest existing recorded monument to the site is a holy well (MA022-028), which lies c. 250m to its south-west. This monument would be unaffected by the proposal.

8.50. Under further information, the applicant submitted an archaeological assessment of the site, which was informed by test trenches. This assessment concluded that there was nothing of archaeological interest therein.

(j) Landscape and restoration

8.51. Under the County's Landscape Appraisal CLA), the site lies just within Area G North Mayo Drumlins, which corresponds with Policy Area 4, Drumlins and Inland Lowlands. CLA Policies 21 – 24 are relevant to Policy Area 4. They recognise that this Area is made up of a variety of working landscapes, wherein opportunities exist to utilise existing infrastructure. They encourage development that will not interfere/detract from Lakeland vistas and that "will not result in detrimental impacts (through excessive bulk, scale or inappropriate siting) on the landscape at a local or micro level as viewed from areas of the public realm."

8.52. The development impact – landscape sensitivity of quarrying/extraction in Policy Area 4 is deemed to be of "medium potential to create adverse impacts on the existing landscape character. Such developments are likely to be clearly discernible and distinctive, however with careful siting and good design, the significance and extent of impacts can be minimised to an acceptable level."

8.53. The ER sets out landscape and visual assessments of the proposal, which draw upon the experience of the applicant's existing quarry. The former assessment states that the proposal, against the backdrop of the existing quarry, would result in a "medium" magnitude of change and it would be of "medium" landscape sensitivity. The resulting landscape impact would be "moderate". The latter assessment states that the proposal, against the backdrop of the existing quarry, would result in a "low" magnitude of visual resource change and it would be of "low" visual receptor sensitivity. The resulting landscape impact would be "slight".

8.54. The visual assessment draws upon the findings of a visual survey of the site and the existing quarry, which was undertaken from the surrounding local road network, i.e., the L1111 and the L5150/78. This survey indicated that the site is visible from the

L1111 behind the dwelling house to its south and the existing quarry is visible from the L5150/78 to its north. Both views are fleeting. Elsewhere, a combination of topography and vegetation screen views that would otherwise be available.

8.55. I consider that the above cited views, which are available to road users, can reasonably be described as involving “low” visual receptor sensitivity. However, the existing views available to the residents of the dwelling houses to the south and the south-east of the site are of greater sensitivity and so “medium” would be a more reasonable description of them. Likewise, the magnitude of visual resource change would be “medium” when viewed from these dwelling houses. Consequently, the visual impact would be “moderate”.

8.56. The applicant proposes to form a berm with a height of c. 3.45m around the eastern and southern boundaries of the site and to plant the same with native species of trees and hedging. Once established, this berm and planting would screen the site, and provide some mitigation to the above cited landscape and visual impacts. That said, views into the existing quarry, which do not exist at present would inevitably be opened up, and it would take a considerable period of time for the planting to mature sufficiently to screen these views.

(k) Material assets

8.57. Identified material aspects and the impact that the proposal would have upon them are discussed under the above sub-headings to my discussion of environmental impacts.

Cumulative impact

8.58. The ER addresses cumulative impacts in relation to several of the above cited environmental impacts, i.e., biodiversity, land, soils, and geology, air, and noise and vibration. Cumulative impacts were not predicted to occur, except in the latter case where they were considered to be unlikely.

8.59. Under further information, the applicant was requested to address the cumulative impacts that may result from the proximity of the Killala Rock Company’s quarry to the east of the site and the 6-turbine 20 MW Killala Community Wind Farm to the north-east. Additionally, cumulative impacts that may result from the proximity of a proposed biogas facility (21/93 and ABP-313975-22) to the south-east were referred to too. The applicant responded to this request by referring to its Stage 1 screening

report for appropriate assessment, which cited several recent applications pertaining to the aforementioned projects. Each of these was considered to have been assessed for in-combination effects under Stage 1 screening for appropriate assessment.

8.60. During my site visit, I observed that the site adjoins the applicant's existing quarry, and it lies within the vicinity of the above cited projects. Insofar as this quarry and the majority of these projects are operational, they have environmental impacts, which need to be considered in conjunction with the environmental impacts that would emanate from the proposal for the site.

Visual and residential amenity

8.61. The visual and residential amenity of the existing residents of the dwelling houses within the vicinity of the site, which lie along the L1111, is clearly affected by the environmental impacts of the existing projects. It would also be affected by the environmental impacts of the proposal. In the light of my assessment above, under the sub-headings of air and noise and vibration, the applicant has submitted insufficient information to demonstrate that dust and noise would not have a significant impact upon amenity. Insofar as these subjects have not been considered in conjunction with the neighbouring quarry in particular, it is not possible to say if the impacts from the proposal would be of such an order that they would still be significant within the context that pertains already. Accordingly, uncertainty surrounds the impact of the proposal upon the amenity of existing residents.

8.62. The hours of operation of the applicant's existing quarry are addressed by Condition No. 6 imposed under PL16.QC.2043, i.e., 0700 – 1900 on Mondays to Fridays and 0700 – 1400 on Saturdays. Under Condition No. 5 attached to the Planning Authority's permission granted to the current application, these hours would vary slightly, i.e., 0700 – 1800 on Mondays to Saturdays. Either of these conditions allows for flexibility based on written agreement with the Planning Authority.

8.63. The appellants express concern that the conditioned hours of operation are breached. The applicant has responded by submitting at the appeal stage, under Appendix 4 to its response to the appellants, a recent example of a written agreement between it and MCC over a temporary variation in the hours of operation.

Ultimately, the upholding of conditioned hours of operation is a matter for the Planning Authority.

Conclusion

8.64. I conclude that the applicant has submitted insufficient information with respect to the WMS in the existing quarry to enable reliance upon it by the proposed quarry extension to be endorsed. I also conclude that the applicant has submitted insufficient information with respect to water, air, and noise to enable the impact of these environmental factors to be fully assessed, especially insofar as they would impinge upon the amenity of local residents. In these circumstances, it would be premature to grant planning permission to the current application. The Board may wish to make these matters the subject of a request for further information.

(v) Stage 1 screening for appropriate assessment

8.65. The requirements of Article 6(3) of the Habitats Directive as related to screening the need for appropriate assessment of a project under Part XAB, Section 177U of the Planning and Development Act, 2000 – 2023, are considered fully in this section.

8.66. The applicant has submitted a screening report for appropriate assessment as part of the application, which is entitled "Habitats Directive Appropriate Assessment Screening Report (Stage 1) dated 18th April 2022. This report reached the following conclusions:

The proposed extension to the existing quarry at Mullafarry, Killala, Co. Mayo will:

1. …not cause deterioration of water quality, which will have a negative impact upon any downstream Natura 2000 sites.

2. There will be no loss of any Natura 2000 site area…

3. …As the proposed extraction area will replace exhausted reserves it will not result in intensification or an increase in output. There will be no cumulative impact upon any Natura 2000 sites in combination with other plans or projects.

4. The proposed development will not compromise the maintenance of Annex 1 habitats…

5. It is concluded that the conservation objectives of the Natura 2000 sites screened during this report will be met, as the habitats and species will be maintained at a favourable conservation status…

The AA screening findings and conclusions remove all reasonable scientific doubt as to the effects that the works proposed may have on the Natura 2000 sites. It is our professional opinion that the project can therefore be screened out of any further stages of AA and a Stage 2 NIS is not required for this development.

8.67. The project is not directly connected with or necessary to the management of a European site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

8.68. The proposed development is examined in relation to any possible interaction with European sites designated SAC and SPA to assess whether it may give rise to significant effects on any European site.

8.69. The applicant provides a description of the project on pages 17 and 20 of the AA screening report. In summary, the development would entail an extension to the existing quarry to a depth of -2m OD over a 1-hectare area of adjoining farmland. Rock would be extracted at a rate of 50,000 tonnes per annum and transported to the existing quarry for processing. A 10-year permission is sought.

8.70. Taking account of the characteristics of the proposed development in terms of its location and the scale of operations, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Surface water and disturbed groundwater run-off, and
- Environmental impacts resulting from quarrying, e.g., dust, noise, and vibration.

8.71. The development is not located in or immediately adject to a European site. The closest European sites are Killala Bay/Moy Estuary SAC (000458) and Killala Bay/Moy Estuary SPA (004036), which lie c. 2.2km to the north-east “as the crow flies”. A hydraulic link between the site and these European sites exists. This link extends over c. 6km, and it incorporates a wet ditch into which water from the existing quarry discharges, the Magherabrack Stream, and the Cloonaghmore River (water quality “good”), which flows into Rathfran Bay/Killala Bay. There are no other source/pathway/receptor routes between the site and other European sites in the wider area.

8.72. Killala Bay/Moy Estuary SAC has the following qualifying interests. Their accompanying conservation objectives are either to maintain (M) or restore (R) their favourable conservation condition.

Estuaries [1130] M

Mudflats and sandflats not covered by seawater at low tide [1140] M

Annual vegetation of drift lines [1210] M

Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] M

Salicornia and other annuals colonising mud and sand [1310] M

Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] M

Embryonic shifting dunes [2110] R

Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] R

Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] R

Humid dune slacks [2190] M

Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] M

Petromyzon marinus (Sea Lamprey) [1095] M

Phoca vitulina (Harbour Seal) [1365] M

8.73. Killala Bay/Moy Estuary SPA has the following qualifying interests. Their accompanying conservation objectives are either to maintain (M) or restore (R) their favourable conservation condition.

Ringed Plover (Charadrius hiaticula) [A137] M

Golden Plover (Pluvialis apricaria) [A140] M

Grey Plover (Pluvialis squatarola) [A141] M

Sanderling (Calidris alba) [A144] M

Dunlin (Calidris alpina) [A149] M

Bar-tailed Godwit (Limosa lapponica) [A157] M

Curlew (Numenius arquata) [A160] M

Redshank (Tringa totanus) [A162] M

Wetland and Waterbirds [A999] M

8.74. The applicant undertook a bird survey, which did not record any of the SPA's qualifying interests on the site.

8.75. The distance between the site and the SAC and SPA is c. 2.2km. The environmental impacts of the proposed development cited above would have a localised reach that would not extend as far as these European sites.

8.76. The hydrological link between the site and the SAC and SPA could potentially be the means of conveying pollutants between the site and these European sites. The possible ensuing reduction in water quality could have significant effects upon the conservation objectives of qualifying interests.

8.77. The applicant refers to data submitted as part of its application for a licence to discharge trade wastewater to surface water, which was lodged with MCC in 2011. This data indicated that water being discharged from the existing quarry came within relevant parameters for ensuring the maintenance of an acceptable level of water quality. Such water was discharged into the above cited hydrological link.

8.78. The proposed development would be served by the water management system (WMS) that operates in the existing quarry, and so water from the site would ultimately enter this hydrological link. The operational quarry to the east of this site also discharges water into the Magherabrack Stream.

8.79. The WMS is designed to ensure that water discharged from the site is of a higher quality than would otherwise be the case. Such intervention is undertaken for the purpose of reducing the risk posed to the Magherabrack Stream and, by extension, the Cloonaghmore River. It is not undertaken with the European sites in view.

8.80. I am concerned that the absence of recent data on the file pertaining to the quality of water being discharged from the site means that the efficacy of the operational WMS is not capable of being established. (Only date from 2011 has been submitted). Given the reliance of the proposed development upon this WMS, I am unable to confirm that water emanating from the site and discharging via it into the hydrological link would be of a quality that would ensure that no significant effect upon the conservation objectives of the said European sites would be likely to arise.

8.81. I, therefore, conclude that, on the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects, would not be likely to have a significant effect on European sites Nos. 000458 and 004036, or any other European site, in view of the

sites' conservation objectives. In such circumstances the Board is precluded from granting approval/ permission.

9.0 Recommendation

9.1. That permission be refused.

10.0 Reasons and Considerations

1. Having regard to the applicant's proposal that the proposed quarry extension would rely upon the water management system in the existing quarry, which discharges to local watercourses, it is considered that the applicant has failed to demonstrate that this water management system is authorised for planning purposes and that it is operating satisfactorily. It is also considered that the applicant has failed to demonstrate that it would have sufficient capacity to satisfactorily service water emanating from the proposed quarry extension. In these circumstances, it would be premature to grant planning permission, as to do so may jeopardise the quality of water downstream from the existing quarry, which would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the site and the proximity of dwelling houses to the south and the south-east, it is considered that the applicant has failed to demonstrate that dust and noise generated by the proposed quarry extension would be compatible with the existing amenities of these dwelling houses. In these circumstances, it would be premature to grant planning permission, as to do so may lead to serious injury to these amenities, which would be contrary to the proper planning and sustainable development of the area.
3. On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects, would not be likely to have a significant effect on European sites Nos. 000458 and 004036, or any other European site, in view of the sites' conservation objectives.

The proposed quarry extension would be served by the water management system in the existing quarry. The efficacy of this water management system in ensuring that water discharging from the quarry is of a requisite quality has not been demonstrated by means of recent data. As such discharged waters ultimately flow into European sites Nos. 000458 and 004036, doubt attends the quality of these waters and so it cannot be concluded that they would not significantly affect the conservation objectives of the qualifying interests of these European sites.

In such circumstances the Board is precluded from granting approval/ permission.

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.

Hugh D. Morrison
Planning Inspector

15th May 2023