



An
Bord
Pleanála

Inspector's Report

ABP-314861-22 Addendum

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	7 th March 2023
Inspector	Hugh D. Morrison

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1.0 Introduction

- 1.1. The Board considered this application/appeal on 8th February 2024. It decided to defer making a decision to allow time for the applicant to respond to a request for the following information:

(i) A detailed description of the water management system at the facility between the point of water entry to the point of water discharge.

(ii) Detailed (1: 500) drawing(s) of the water management system (indicating the direction of water flow) including the location of any settlement ponds and pipelines, and

(iii) Clarification of the ability of the water management system to support (a) the projected additional volume of water generated by the proposed development, and (b) its discharge to quality standards.

- 1.2. The applicant responded to this request by submitting the requisite plans, a Surface Water Drainage Assessment Report, and a Statement on the projected additional volume of water generated by the proposed development and its discharge to quality standards.

- 1.3. The Board considered the applicant's submissions on 5th April 2024. It decided that these submissions should be the subject of consultation exercise with the second and third parties to the appeal. The third parties responded by making a joint submission. The Board also decided that an addendum report should be made to it by the case inspector.

2.0 Summaries

The applicant

- 2.1. The applicant has submitted plans of the site and its immediate context, which depict the existing and proposed extension to its water management system (WMS). Five sumps are shown along with accompanying outfall pipelines and a pumped main to the discharge point from the site to a wet ditch, which flows into the Magherabrack Stream, which is a tributary of the Cloonaghmore River. These plans bear explanatory notation of the WMS. They are further elucidated by photographs in Appendix A of the Surface Water Drainage Assessment (SWDA) Report.
- 2.2. The SWDA Report describes the WMS under four headings that address the following topics:

- Firstly, an estimate of the required attenuation volume for the extended quarry,
- Secondly, an estimate of the conveyance capacity for the gravity surface water drainage network,
- Thirdly, an estimate of the settlement velocity in sump No. 5 relative to the revised inflow rate, and
- Fourthly, an estimate of the pump discharge head and operating rev speed.

- 2.3. Under the first heading, the Report states that the required attenuation volume for a 1 in 100-year storm event plus a 20% allowance for climate change is 2878 cubic metres. The combined five sumps comprised in the WMS would have a capacity of 4178 cubic metres, i.e., 145.2% of the required attenuation volume.
- 2.4. Under the second heading, the Report envisages that the proposed extension to the quarry would be served initially by sump No. 2, which would discharge into sump No. 3. Sump No. 3 presently discharges at a rate of 19 litres per second. Under the proposed extension, this would increase by 3 litres to 22 litres per second. However, the final discharge from sump No. 5 off-site would be held at 19 litres per second. The Report also confirms that there is ample capacity in both the on-site and the off-site drainage channels to serve the proposed extension.
- 2.5. Under the third heading, the Report advises that particles with diameters greater than 0.015 mm would settle within sump No. 5 over a length of 11m, which represents 16.2% of its overall length of 65m.
- 2.6. Under the fourth heading, the Report confirms that the pump in sump No. 5 would need to operate at 1715 revs per minute to ensure the discharge rate of 19 litres per second. This rate occurs at present, and it would be maintained under the proposed extension of the quarry.
- 2.7. The Statement on the projected additional volume of water generated by the proposed development and its discharge to quality standards advises that, while there would be an increase in the volume of water discharged from the site, there would not be any alteration in the quality or nature of the discharge. This statement sets out water sample results taken from five points on 12th December 2019. These points were as follows:

- MF1 settlement pond,
- MF2 final effluent,
- MF3 river downstream,
- MF4 final effluent discharge, and
- MF5 river upstream.

2.8. The Statement's conclusion of no alteration in the quality or nature of the discharge is based on the observation that, under the proposed extension, no additional processes would occur, and the processes relied upon would be those already in-situ within the existing quarry. Tables record the results of sample testing undertaken in 2019. The Statement also refers to more recent sampling, the results of which will be forwarded to the Board.

The appellants

2.9. The appellants make the following points:

(i) The applicant has not addressed its inert waste facility in the existing quarry.

- The view is expressed that C & D waste should not be used to infill a void below the ground water level.
- The view is expressed that such infilling in conjunction with extraction risks water contamination. (Water in existing sumps is used for dust suppression on the Mullafarry Road).
- Infilling is authorised under permitted application 21/342.

(ii) The plans do not indicate the presence of a flow meter to ensure that the discharge rate is held at 19 litres per second.

(iii) How the pump operating specification set out under the fourth heading of the SWDA Report would be achieved has not been stated.

(iv) Photograph No. 2: Attention is drawn to the recent provision of sump No. 2.

(v) Photograph No. 8: Attention is drawn to recent blasting for extraction in the vicinity of sump No. 5, and so its stated size is questioned.

(vi) A fire to the east of sump No. 3 is reported to have occurred on 20th April 2024. It was extinguished with water from within the existing quarry.

(vii) Two pipes exist at manhole (MH2), i.e., the discharge point from the site, and yet only one is addressed by the applicant.

(viii) The pump characteristic curve shown in Appendix B to the SWDA Report is critiqued as being generic.

(ix) An expert witness, acting on behalf of the neighbouring quarry, Kilala Rock, testified in legal proceedings that it is likely that the applicant has impacted ground water under lands adjoining its quarry.

(x) The submitted tables showing the results of sample testing are critiqued on the grounds that they do not state the location of the site in question, the data is from 2019 and so dated, and the compliance thresholds are not shown.

(xi) The applicant refers to recent sampling, the results of which are awaited. The implication is that this is the first sampling since 2019.

(xii) Any flood risk and attendant pollution risk to the extended quarry does not appear to have been assessed.

(xiii) The adequacy of the applicant's site survey in February 2024 is questioned.

(xiv) The applicant has not addressed the drainage channel to the south of the proposed extension. Works at the existing quarry have led to an increased flow in this channel.

(xv) The applicant has not acknowledged that extraction, infilling, and the operation of a tarmacdam plant are all operating simultaneously at the existing quarry.

3.0 Commentary

3.1. The applicant has submitted an existing/proposed WMS, which would be capable of satisfactorily handling the volumes of surface water run-off from the existing quarry and its proposed extension up to and including under a 1 in 100-year storm event with a 20% allowance for climate change.

3.2. I note that the contribution of ground water has not been allowed for in the WMS. I note, too, from Paragraphs 3.4.4 & 5 of the applicant's Hydrogeological Report (May 2011), submitted at the appeal stage, that seepage of ground water into the existing quarry has not been an issue, due to very low hydraulic conductivity rates in the local limestone. (By the same token, the extent of draw down is very limited, which

provides a measure of reassurance for local well owners in the vicinity of the site). Accordingly, given the headroom in the WMS, any likely ground water contribution would be capable of being accommodated satisfactorily.

- 3.3. The appellants draw attention to the inert waste infilling of the existing quarry, which was authorised under 21/342 on 27th December 2021 for a 5-year period. Such infilling would occur where four of the five sumps are located, i.e., only the fifth sump is sited outside the area in question. The appellants express concern that the simultaneous infilling of the existing quarry and its extension would risk water contamination.
- 3.4. I note that, to date, infilling of the existing quarry has not occurred at the rate envisaged under 21/342, i.e., during my site visit in May 2023 only the south-eastern corner of this quarry has begun to be infilled. I also note that permission for infilling was granted in advance of the full excavation of the quarry, and so the risk of water contamination would have arisen under a previous scenario of sequential activities. That said, under 21/342, the restoration of the existing quarry was in view rather than its extension, as now proposed.
- 3.5. The appellants signal that the applicant's WMS does not acknowledge either the infilling activities or the applicant's tarmacadam plant. As outlined above, the former activities would, if progressed more extensively within the existing quarry, overlap with the WMS, and yet the WMS has been presented as a static facility. How the WMS would be adapted to allow for such progression in conjunction with the proposed extension of the quarry has not been explored by the applicant.
- 3.6. The appellants express concern that any external flood risk attendant upon the proposed extension to the existing quarry has not been assessed. Under the OPW's Flood Maps, the site is not shown as being the subject of any formally identified flood risk. Furthermore, localised flooding would be mitigated by a combination of the surrounding topography and the proposed berms that would be formed around the boundaries of the site. Accordingly, I do not consider that any external flood risk would be significant, and so its omission from the calculations behind the WMS is not of concern to me.
- 3.7. The submitted water quality data is from 2019. The appellants critique this data on the basis that it is not up-to-date, and it is presented without reference to either the

exact location of the sampling points or the relevant levels of acceptability for the various parameters tested. These points are valid.

- In relation to the former one, the applicant has intimated that more recent samples have been taken, the results of which it intends to forward to the Board. As they were presumably not available within the statutory period for responding to the Section 132 notice, these results are not before the Board.
- In relation to the latter of the two, relevant levels of acceptability for several of the parameters tested are cited in Section 3 of Part III of the copy of the application for a licence to discharge waste water to surface water, which is attached as Appendix 1 to the applicant's Environmental Report. A comparison of these levels with those set out in the applicant's water quality data indicates that compliance in the sample from the final effluent discharge would be achieved, although total hydrocarbons were not tested for.

- 3.8. In the absence of more up-to-date water quality data, I continue to be of the view that it would be premature to set aside that aspect of my first reason for refusal, which refers to water quality, and my third reason for refusal, which likewise refers to water quality. (The second reason for refusal relates to concerns over dust and noise generation. These concerns were not the subject of the Board's Section 132 notice).
- 3.9. The appellants raise several other matters of detail, which I have considered. One of these matters was addressed under my original report, i.e., the existing drainage channel to the south of the site of the proposed extension, and one would be capable of being conditioned, i.e., the installation of a flow meter to ensure that the discharge rate is held at 19 litres per second. The remaining matters relate to points of detail that I do not consider to be critical to my assessment.
- 3.10. In the light of the above commentary, I consider that the second and third reasons for refusal set out in my original report remain valid. The first reason needs to be amended to reflect the fact that the submitted WMS would replace the one previously authorised for the existing quarry. However, insofar as the applicant has neither demonstrated the compatibility of this WMS with authorised infilling activities nor submitted up-to-date water quality data, it would be premature to authorise it. I, therefore, recommend that the first reason for refusal be amended to read as follows:

Having regard to the water management system that the applicant submitted to the Board under further information, it is considered that the applicant has failed to

demonstrate how this water management system would be compatible with the ongoing infilling of inert waste permitted under application 21/342 in the existing quarry. Furthermore, it is considered that, in the absence of up-to-date water quality data on the water discharging from the existing quarry, the efficacy of the water management system has yet to be fully demonstrated by the applicant. In these circumstances, it would be premature to grant planning permission for the proposed extension to the existing quarry, as to do so may jeopardise the quality of water downstream from it, which would be contrary to the proper planning and sustainable development of the area.

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

28th May 2024