Inspector's Report
ABP-319764-24

Development	Continuation of operation and extension of an existing limestone quarry. An Environmental Impact Assessment Report (EIAR) has been submitted.
Location	Carrigdownane Upper, Rockmills, Kildorrery, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	23/4944
Applicant	Denis O'Keefe
Type of Application	Planning Permission
Planning Authority Decision	Notification of Grant
Type of Appeal	Third Party
Appellant	Peter Sweetman c/o Wild Ireland Defence CLG
Observers	None
Date of Site Inspection	10th April 2025
Inspector	Gary Farrelly

1.0 Site Location and Description

1.1. The subject site has a total stated area of 9.54 hectares and is located within the rural townland of Carrigdownane Upper, Rockmills, County Cork, which is located approximately 4km south of the village of Kildorrey. The site comprises of an existing limestone quarry which has a total excavation area of 2.61 hectares to date. The site also comprises of a services yard, lime manufacturing and storage facilities. The services yard comprises of an existing wheel wash, site office and diesel and fuel storage area. The area of the proposed extraction (i.e. extension) area comprises of agricultural lands which amount to 4.21 hectares.

1.2. The site is also located next to an adjacent business, Crossmore Tyre Recycling Ireland. Access to the site is via an existing entrance taken off the local road L-5612. This access is located approximately 900 metres south of the R-512 junction and also serves the adjacent Crossmore Tyre Recycling facility.

1.3. The topography of the proposed extraction area is relatively level ranging from 82 metres above ordinance datum (AOD) along the eastern boundary to 80 metres AOD along the western boundary. The immediate area is characterised by rural agricultural lands with a number of residential properties located along the L-5612, the nearest (outside the ownership of the applicant) being approximately 650 metres east of the proposed extraction area. There are two agricultural farmyards approximately 500 metres to the north and approximately 350 metres to the south of the proposed extraction area.

2.0 Proposed Development

2.1. Permission is sought for a period of 10 years for the continuation and extension of an existing limestone quarry. The existing quarry was granted a 10-year permission on 18th January 2016, which expires in 2026. This permitted an extraction rate of 50,000 tonnes per annum. The subject application proposes a maximum extraction rate of 150,000 tonnes per annum. Limestone will be extracted through blasting, crushing and screening.

2.2. There will be no alteration to the existing infrastructure, management or control systems as part of the proposed development. The hours of operation of the quarry

are 07:30-18:00 hours Monday to Friday and 07:30-16:00 hours on Saturdays. The current permitted extraction area is c. 2.923 hectares, and the current permitted depth is 64 metres AOD. There is no dewatering onsite as all extraction takes place 1 metre above the water table. The existing operation is served by an access road and wheel wash.

2.3. The extension area proposes to extract at a depth of 66.12 metres AOD. This was increased from 64 metres AOD at further information stage. The extraction area of the proposed extension (net of berms) is c. 3.84 hectares. The proposal includes for a 2-metre-high boundary earth berm surrounding the proposed extension area.

2.4. The application is accompanied by a number of particulars including the following:

- Environmental Impact Assessment Report (EIAR),
- Report in Support of Appropriate Assessment Screening,
- Environmental Management Plan,
- Closure, Restoration and Aftercare Management Plan, and
- Environmental Monitoring Compliance Report for the existing quarry operation.

3.0 Planning Authority Decision

3.1. Decision

Cork County Council (the planning authority) decided to Grant permission, by Order dated 8th May 2024, subject to 22 no. conditions.

3.2. Planning Authority Reports

Planning Reports

There are a total of 2 no. area planner (AP) reports on file. The AP carried out an Environmental Impact Assessment (EIA). Further information was requested due to the submitted Environmental Impact Assessment Report (EIAR) being deficient in terms of its non-technical summary, the residual effects not being adequately presented, cumulative effects not being adequately considered and the intensification of operations onsite in terms of dust and noise not been adequately addressed. The

AP also considered that the restoration plan and project phasing did not adequately ensure full restoration of the site. This recommendation was endorsed by the Senior Executive Planner (SEP). After submission of the further information and updated EIAR, the AP and Senior Planner (SP) concluded that the development would not have a significant impact on the environment, would be in accordance with the provisions of the County Development Plan, would not seriously injure the visual or residential amenities of the area, would not be prejudicial to the environment or public health and would be acceptable in terms of traffic safety. A grant of permission was recommended by the AP which was endorsed by the SP.

Other Technical Reports

- Ecology (*reports dated 30/06/2023 and 01/03/2024*) – A screening for Appropriate Assessment was undertaken and concluded that given the absence of a source-receptor pathway, to the distance from the nearest surface water body to a Natura 2000 site and absence of suitable ex-situ habitat for otter or special conservation interest species for the Blackwater Callows SPA, it was considered that the proposed development would not give rise to significant impacts to the integrity of the Blackwater River (Cork/Waterford) SAC or any other European sites. The biodiversity chapter of the EIAR was also assessed and there was no objection to the development subject to conditions.
- Environment (*reports dated 03/07/2023, 29/02/2024 and 05/03/2024*) – This section requested groundwater monitoring records, information on groundwater monitoring and maximum depth of excavation. After submission of further information, it noted that the groundwater monitoring data in both wells showed that the groundwater level exceeded the lowest permitted floor level in the quarry for a period of 4 weeks in October and November 2023. It noted the commitment made to not extract below a level of 66.12mAOD and it had no objection to the development subject to conditions including for the submission of amended site layout and section drawings showing the quarry floor no lower than 66.5m AOD.

- Area Engineer (*report dated 23/06/2023*) – This section outlined no objection to the proposed development subject to conditions. It also recommended the attachment of a special development contribution.

Conditions

- Condition No. 5 required the restoration of the quarry to be in accordance with chapter 2 of the EIAR.
- Condition No. 6 required the carrying out of a sand martin survey prior to commencement of each breeding season.
- Condition No. 13 required that the depth of excavation in the extended quarry does not exceed 66.5m OD and in any case does not extend any deeper than 1 metre above the natural winter water table.
- Condition No. 14 required the operator to implement a groundwater monitoring regime at three locations, the two existing borewells and a third to be located downflow of the proposed area to be quarried.
- Condition no. 17 required that any blasting of rock is carried out and monitored in accordance with procedures agreed and conditions under application ref. 15/5484.
- Condition No. 20 required the payment of a special development contribution of €577,114 in respect of upgrade works to the R512.
- Condition Nos. 21 and 22 related to archaeological monitoring during groundworks and the carrying out of an archaeological assessment.

3.3. Prescribed Bodies

An Taisce – This Body outlined that the proposal should be assessed against Article 4 of the Water Framework Directive to determine whether the project may cause a deterioration of the status of a surface or ground water body or if it may jeopardise the attainment of good surface or ground water status or of good ecological potential and good surface or ground water chemical status.

Geological Survey Ireland – This Body welcomed the use of the GSI datasets within the EIAR and highlighted other data sets in relation to groundwater and geohazards.

It recommended a condition to allow access to quarry faces during quarrying to check for new stratigraphy and relationships.

Inland Fisheries Ireland – This Body raised no objection in principle to the proposed development subject to implementation of silt controls, storage of fuel and oils in sheltered locations and the employment of biosecurity measures.

3.4. Third Party Observations

There were 2 no. third party observations on the application which raised concerns in relation to, inter alia, traffic safety, compliance of conditions and issues in relation to the Habitats Directive.

4.0 Relevant Planning History

PA ref. 21/5792

Denis O'Keefe was granted permission to retain a quarry service yard extension, control room, lime crusher enclosure, lime storage shed, site office, generator enclosure, weighbridge office and lime manufacturing together with permission to extend the lime storage shed.

PA ref. 15/5484

Denis O'Keefe was granted permission for the retention of an existing quarry area and to extend an existing limestone quarry. Condition no. 5 of this permission required the depth of excavation to not exceed 64m OD and not deeper than 1 metre above the natural winter water table onsite. Condition no. 14 only permitted one blast per month.

5.0 Policy Context

5.1. Cork County Development Plan 2022-2028

Section 8.17 Mineral Extraction

Cork County Council recognises the economic value and significance of the aggregate and mineral sector to the local, regional and national economy in terms of employment generation and providing raw materials for the construction industry. The Council

therefore aims to protect and safeguard the operations of working quarries and proven aggregate resources from incompatible developments to ensure the continued viability of the extractive industry, whilst also ensuring that environmental, rural, scenic and residential amenities are protected.

5.2. National Policy

- Project Ireland 2040 – National Planning Framework (2018) and National Development Plan 2021-2030

National Policy Objective 23

Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.

- Climate Action Plan (CAP) 2025 / CAP 2024

Climate Action Plan 2025 builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

- Ireland’s 4th National Biodiversity Action Plan (NBAP) 2023-2030

The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Board. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

- Water Action Plan 2024, A River Basin Management Plan for Ireland

The Plan responds to the requirements of the Water Framework Directive, to accelerate the identification and implementation of the right measures in the right places to both restore and protect all water bodies. The catchments.ie website provides substantial background information for this plan and the most current and up-to-date information on the status of local rivers, lakes and water bodies.

5.3. Regional Policy

- Regional Spatial and Economic Strategy for the Southern Region

5.4. National Guidelines

- Quarries and Ancillary Activities, Guidelines for Planning Authorities (Department of Environment, Heritage and Local Government, April 2004)
- Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009)
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (Department of Housing, Planning and Local Government, 2018)

5.5. Natural Heritage Designations

The subject site is not located within any designated site. Brown's Farm, Togher Cross Roads proposed Natural Heritage (pNHA) is located approximately 900 metres south of the site. The Blackwater River (Cork/Waterford) Special Area of Conservation (SAC) (Site Code 002170) is located approximately 3.5km west of the site. This area is also designated as the Awbeg Valley (Castletownroche) pNHA. The Blackwater Callows Special Protection Area (SPA) (Site Code 004094) is located approximately 12km southeast of the site.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal by Mr. Peter Sweetman of Wild Ireland Defence CLG was lodged to the Board on 21st May 2024. The grounds of appeal are summarised as follows:

- The PA failed to assess the effects of the Work Directive and CJEU Case C-301/22.
- The PA should have determined that the development may have an effect on the Blackwater River (Cork/Waterford) SAC and therefore should have requested a Natura Impact Statement (NIS).
- The PA identified the possible effects. “The likely impacts identified relate to surface water discharge, dust, noise and vibration.” The Board is referred to Kelly v An Bord Pleanála.
- No screening for appropriate assessment was undertaken for the restoration plan.
- The PA failed to have any regard to Guidance on Assessment and Construction Management in Margaritifera Catchments in Ireland and supplementary guidance for the Blackwater River (Cork/Waterford) SAC when determining no significant impacts via groundwater pollution or disturbance to any qualifying interest species.
- The possibly of there being a significant effect on a European site generates the need for an appropriate assessment. There is no need to establish such an effect, it is merely necessary to determine that there may be such an effect. This has been implemented into Irish law in Kelly v An Bord Pleanála (2014).
- An appropriate assessment cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable to removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned. This is explained in paragraph 44 of CJEU Case 258/11. If this is not met the Board does not have legal jurisdiction to give permission.

6.2. Applicant Response

The applicant issued a response to the third-party grounds of appeal on 25th June 2024. This is summarised as follows:

- The submitted appropriate assessment screening report was prepared by competent experts with over 25 years / 15 years respectively in ecology and ornithology. No expert reports have been listed to support the contention that an NIS should have been submitted. No specific concern in relation to any particular aspect of the development or the PA's AA screening has been raised, only an assertion that the PA's conclusion is incorrect.
- A robust AA screening report was prepared to enable the Board to conduct a full and detailed screening for appropriate assessment in compliance with the Habitats Directive and Section 177U of the Act.
- The requirements of paragraph 47 of the opinion of Advocate General Sharpston and to the decision of Kelly v An Bord Pleanála (2014) have been fully complied with and the appellant does not point to any basis on which to suggest otherwise.
- The appellant has not identified any basis to question the conclusion of the PA, by reference to a number of potential impact types, that the proposed development will not have a significant effect.
- Whilst the statement in paragraph 44 of CJEU C-258/11 relates to stage 2 appropriate assessment, the AA screening report contains complete, precise and definitive findings and conclusion capable of removing all reasonable scientific doubt as to whether or not the proposed development is likely to have a significant effect on any European site.
- The ecology report referenced by the appellant does not relate to the proposed development and therefore does not appear relevant to the appeal and should be disregarded by the Board.
- The restoration plan forms part of the proposed development, as described in Section 3.3 of the AA screening report, and the screening report included consideration and assessment of this plan. Further detail regarding the plan

was submitted at further information stage, however, the additional detail did not alter the conclusion reached in the AA screening report.

- The submitted AA screening report considered and assessed the potential for likely significant effects on the freshwater pearl mussel and identified the only pathway for impacts would be impacts on water quality. However, it was concluded that there would be no likely significant effect on water quality. Whilst the guidance documents do not have any particular legal status and post-date the submission of the application, they do not alter the conclusion reached in the AA screening report.
- No provision of the Water Framework Directive that has not been complied with has been pointed to nor any evidence of any such non-compliance has been provided. The relevance of CJEU C-301/22 is not explained by the appellant. All the waterbodies potentially impacted by the proposed development have been characterised and classified by the EPA.
- The AA screening report and EIAR identified the relevant waterbodies, their status assigned by the EPA in accordance with the WFD, the potential impacts and conclusions that no significant impacts on surface water quality or groundwater were anticipated. It is clear that the development will not cause a deterioration of the status of a body of water or jeopardise the attainment of good surface water status or of good ecological potential and good surface water chemical status.
- Updated site-specific conservation objectives for the Blackwater Callows SPA were published by the National Parks and Wildlife Service on 26th March 2024, however, there will be no effects on any of these conservation objectives as there is no pathway to wetland habitats within the SPA and the development will not impact on water quality within the SPA.

6.3. Planning Authority Response

The PA issued a response on 18th June 2024 and 29th July 2024 stating that all relevant issues were covered in the technical reports already forwarded to the Board. It had no further comment to make.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local, regional and national policies and guidance, I consider that the substantive issues in this appeal to be considered are in relation to the following:

- Environmental Impact Assessment (EIA)
- Appropriate Assessment (AA) (*addressed under Section 8 and Appendix 1*)

Environmental Impact Assessment (EIA)

Statutory Provisions

7.2. The proposed development is for the continuation of an existing quarry operation which has a permitted extraction area of approximately 2.923 hectares, the extension of the existing quarry by 4.21 hectares (extraction area of 3.84 hectares) and the restoration of the extracted areas. I note that an EIAR (or EIS) for the existing quarry operation was not submitted as part of application ref. 15/5484.

7.3. The relevant classes of development that require EIA are set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. Part 1 of Schedule 5 sets out the categories and scale of development that qualify for mandatory EIA as per Annex I of the EIA Directive (2011/92/EU). The relevant class of development in this case relates to:

- "*19. Quarries and open-cast mining where the surface of the site exceeds 25 hectares*."
- "*22. Any change to or extension of projects listed in this Annex where such a change or extension in itself meets the thresholds, if any, set out in this Annex.*"

7.4. The Board should note that the proposed extraction area of 3.84 hectares together with the existing extraction area of 2.923 hectares would not extend the project above the 25-hectare mandatory threshold under Class 19.

7.5. Part 2 of Schedule 5 sets out the Annex II projects that may require EIA based on the scale of development. The relevant class of development in this case relates to:

- "*2(b) Extraction of stone, gravel, sand or clay, where the area of extraction would be greater than 5 hectares*."
- "*13(a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:-*

  (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and

  (ii) result in an increase in size greater than –

  - 25 per cent, or

  - an amount equal to 50 per cent of the appropriate threshold,

  whichever is the greater."

7.6. Having regard to the 3.84 hectare proposed extraction area together with the existing 2.923 hectare extraction area, I note that this would result in the development being 6.763 hectares and above the 5 hectare threshold of Class 2(b). Therefore, EIA is required.

EIA Structure

7.7. This section of the report comprises the environmental impact assessment of the proposed development in accordance with the Planning and Development Act 2000, as amended, and the associated Regulations, which incorporate the European Directives on environmental impact assessment (Directive 2011/92/EU as amended by 2014/52/EU). Section 171A of the Planning and Development Act 2000, as amended, defines EIA as:

(a) consisting of the preparation of an Environmental Impact Assessment Report (EIAR) by the applicant, the carrying out of consultations, the examination of the EIAR and relevant supplementary information by the Board, the reasoned conclusions of the Board and the integration of the reasoned conclusion into the decision of the Board, and

(b) includes an examination, analysis and evaluation, by the Board, that identifies, describes and assesses the likely direct and indirect significant effects of the proposed development on defined environmental parameters and the

interaction of these factors, and which includes significant effects arising from the vulnerability of the project to risks of major accidents and/or disasters.

7.8. Article 94 of the Planning and Development Regulations 2001, as amended, and associated Schedule 6 set out requirements on the contents of an EIAR. This EIA section of the report is therefore divided into two sections. The first section assesses compliance with the requirements of Article 94 and Schedule 6 of the Regulations. The second section provides an examination, analysis and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on the following defined environmental parameters, having regard to the EIAR and relevant supplementary information:

- Population and human health
- Biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive,
- Land, soil, water, air and climate,
- Material assets, cultural heritage and the landscape,
- The interaction between the above factors, and
- The vulnerability of the proposed development to risks of major accidents and/or disasters.

7.9. It also provides a reasoned conclusion and allows for integration of the reasoned conclusion into the Boards decision, should it agree with the recommendation made.

Compliance with the requirements of Article 94 and Schedule 6 of the Regulations, 2001

7.10. Compliance with the requirements of Article 94 and Schedule 6 of the Regulations is assessed within Table 7.1 below.

Table 7.1: Compliance with the requirements of Article 94 and Schedule 6 of the Regulations 2001

Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)

A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development (including the additional information referred to under section 94(b).
A description of the proposed development is contained within chapter 2 of the submitted EIAR. It includes details on the location, site, existing site operation, design and size of the development and information on restoration of the existing extracted area. In each technical chapter the EIAR details are provided on use of natural resources and the production of emissions and/or waste (where relevant). It is noted that the proposal does not involve demolition works.
A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b).
An assessment of the likely significant direct, indirect, and cumulative effects of the development is carried out for each of the technical chapters of the EIAR. I am satisfied that the assessment of significant effects is comprehensive and robust and enables decision making.
A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development (including the additional information referred to under section 94(b).
The EIAR includes designed in mitigation measures and measures to address potential adverse effects identified in technical studies. These, and arrangements for monitoring, are summarised in each environmental chapter. Mitigation measures comprise standard good practices and site-specific measures and are largely capable of offsetting significant adverse effects identified in the EIAR, for the reasons stated in the assessment below.
A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment (including the additional information referred to under section 94(b).
A description of the alternatives considered is contained in Chapter 3 of the EIAR. The alternatives considered include, alternative location and route, alternative layout, design and processes, mitigation measures and 'do nothing' alternative. The main reasons for opting for the current proposal were based on the proven presence of the required quality of aggregate, the presence of existing infrastructure and services to support the activity, the

aggregate can be accessed due to its relative shallow depth below the surface and without the need to dewater and the site is close to established haulage routes. I am satisfied, therefore, that the applicant has studied reasonable alternatives in assessing the proposed development and has outlined the main reasons for opting for the current proposal before the Board and in doing so the applicant has taken into account the potential impacts on the environment.
Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2).
A description of the baseline environment and likely evolution in the absence of the development.
A description of the baseline environment is included in each technical chapter of the EIAR and an assessment of the likely evolution of it, in the absence of the development.
A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved
The methodology employed in carrying out the EIA is set out in each of the individual chapters assessing the environmental effects. The applicant has indicated in the different chapters of where difficulties have been encountered (technical or otherwise) in compiling the information to carry out EIA. I comment on these, where necessary, in the technical assessment below and for the reasons stated, I am satisfied that forecasting methods are adequate in respect of likely effects on biodiversity.
A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.
This issue is specifically dealt with in section 4.5 of the EIAR. It is considered that the site is not at risk to natural disaster and no dangerous substances would be used at the site.
Article 94 (c) A summary of the information in non-technical language.
A non-technical summary has been provided within pages 15 to 23 of the submitted EIAR. I have read this summary, and I am satisfied that it is concise and comprehensive and is written in a language that is easily understood by a lay member of the public.

Article 94 (d) Sources used for the description and the assessments used in the report
The sources used to inform the description, and the assessment of the potential environmental impact are set out at the end of each chapter. I consider the sources relied upon are generally appropriate.
Article 94 (e) A list of the experts who contributed to the preparation of the report
A list of the various experts who contributed to the report are set out in Section 1.7 of the Report (and in Table 1.7). I am satisfied that the EIAR has been prepared by experts with competency in the technical subject areas.

Consultations

7.11. The application has been submitted in accordance with the requirements of the Planning and Development Act 2000, as amended, and the Planning and Development Regulations 2001, as amended, in respect of public notices. Submissions have been received from statutory bodies and third parties and are considered in this report, in advance of decision making.

7.12. I am satisfied, therefore, that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development in advance of decision making.

Compliance

7.13. Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information provided by the developer is sufficient to comply with Article 94 of the Planning and Development Regulations 2001, as amended.

Assessment of Likely Significant Effects

7.14. This section of the report sets out an assessment of the likely environmental effects of the proposed development on the environmental parameters outlined above under paragraph 7.8, as set out in Section 171A of the Planning and Development Act 2000, as amended.

7.15. In accordance with Section 171A of the Act, which defines EIA, this assessment includes an examination, analysis and evaluation of the application documents, including the EIAR and submissions received and identifies, describes and assesses

the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interaction of these. Each topic section is therefore structured around the following headings:

- Issues raised in the appeal and application (if applicable)
- Examination of the EIAR
- Analysis, Evaluation and Assessment: Direct and Indirect Effects
- Conclusion: Direct and Indirect Effects

Population and Human Health

(a) Issues Raised

7.16. The Board should note that no issues relating to population and human health are raised within the grounds of appeal.

(b) Examination of the EIAR

Context

7.17. Chapter 4 of the EIAR deals with population and human health. The assessment was undertaken by reviewing available information with regards to population and dynamics, economic activity, employment, land use and residential amenity with information being obtained from the Central Statistics Office (CSO) and Environmental Protection Agency (EPA) licencing information.

7.18. Additionally, chapter 6 of the EIAR deals with the noise environment and the potential noise impacts on residential receptors. An environmental noise monitoring programme is in place at noise sensitive receptors in the vicinity of the quarry and noise monitoring is carried out quarterly at three noise sensitive locations. Each blasting event is required to be monitored at the boundary of the quarry and such events are limited to within the hours of 09:00 and 18:00 Mondays to Fridays. The frequency of blasting cannot exceed 1 blast per month.

7.19. Daytime, evening and night-time noise monitoring was carried out at noise sensitive locations in May 2022 where weather conditions were dry and calm and wind speeds were less than 5m/s. Locations of the monitoring are provided within Appendix 6.1.1. The equipment used for the monitoring was a Cirrus CR:171B Sound Level Meter, a

Cirrus CR:831C Sound Level Meter and a CR:515 Acoustic Calibrator. No difficulties were encountered during this assessment.

Baseline

7.20. The baseline environment is described in Section 4.3 and Section 6.4. The proposed development is located in a rural agricultural landscape, sparsely populated with residential development primarily linearly aligned along the existing road network. A number of large farmsteads as well as some commercial developments are located within the area. Community infrastructure within the vicinity of the proposed development is primarily located within the village of Killdorrery approximately 4km north of the site. The nearest settlement to the development is Rockmills village which is located 1.25km north of the site.

7.21. There are no significant dominant point noise sources in the region as the local area is rural and not influenced by significant local industry. The influence of traffic from the local roads during the daytime is a dominant noise source in the area. The only significant noise activities in the immediate area are the Rockmill quarry operation and the adjacent Crossmore tyre recycling operation.

Potential Effects

7.22. The submitted EIAR identifies the potential for a range of environmental effects on population and human health and noise. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 7.2 below.

Table 7.2: Summary of potential effects on population and human health, and noise

Project Phase	Potential Effects
Do-nothing	If the proposed development does not proceed, onsite operations, including noise and vibration will continue until the expiry of the existing 10 year planning permission (ref. 15/5484). Following this period, activities would cease and no further noise or vibration emissions from the site would occur.
Construction	This would involve site clearance, topsoil removal and the construction of the boundary earth berms and would occur periodically for a short period of time (2-3 days). The noise level would

	be below the recommended NRA construction noise limit of 70dB at the sensitive receptors. No significant noise impacts are anticipated.
Operational	The development would have a positive impact upon the local economy by providing a continuation of the current employment with the site providing employment for 18 to 22 personnel. It is not proposed to increase current extraction rates and it would consist of the breaking of oversized stones with a hydraulic rock breaker, transport of blasted stone via excavator and front-loader to the crushing machine and grading machine, the transport of graded stone to stockpiles, the loading of transport lorries, the operation of the agricultural lime hopper and lime mill and the operation of the onsite generator. The highest noise activities are located within the floor of the quarry, and it is not expected that there would be a significant change to the current noise environment of the area With regards to blasting, this is carried out approximately every 3-4 months based on demand and is monitored at the boundary. Whilst there may be exceedances of 125dB, this will likely be mitigated by the barrier effect of the quarry walls and ground absorption. There have been no complaints on record for noise or blasting operations within the existing quarry and all current controls and practices would be continued. No significant noise impacts from blasting are anticipated. A deterioration in water quality has the potential to impact upon human beings, however, it is considered that there would be no significant risk to water quality or human health.
Restoration	Front loaders and excavators would continue to operate with maximum noise emissions similar to those occurring during the construction phase. No significant noise impacts are anticipated.
Cumulative	It is not considered that there would be any significant cumulative noise or vibration impacts between the site or the closest quarry 4.5km east (Lagans Cement). There are no proposed new quarries within the vicinity of the proposed extension area.

Mitigation Measures

7.23. Mitigation measures are set out in the various chapters of the EIAR relating to population and human health. Measures relating to noise are set out in Section 6.9 and include the following of the National Roads Authority Noise Guidelines and British Standard 5228-1 during the construction phase and the carrying out of future blast and vibration monitoring at a location representative of the closest receptor to allow for direct verification of results against planning condition limits.

Residual Effects

7.24. There would be no significant residual impacts on human beings as a result of the proposed development. Table 6.19 provides a summary of residual impacts in terms of noise during the construction, operational and restoration phases. There will be a not significant to slight impact during quarry operations with a moderate impact during blasting.

(c) Analysis, Evaluation and Assessment: Direct and Indirect Effects

7.25. I have examined, analysed and evaluated chapters 4 and 6 of the EIAR. I am satisfied that the applicant's understanding of the baseline environment is comprehensive and that the key impacts in respect of population and human health and the noise environment, as a consequence of the development have been identified. I also note that a number of the environmental topics of the EIAR also relate to the impact of the development on population and human health and examine and assess these topics within the various sections of this EIA below. I note that the existing quarry and proposed extraction area is located in a rural area which is not densely populated by residential dwellings or other sensitive receptors. The nearest dwelling (outside the ownership of the applicant) is located approximately 650 metres east of the proposed extraction area.

7.26. I am satisfied that the proposed development would not result in a significant effect on population and human health, including in terms of noise, having regard to the location of the proposed development next to an established quarry which has been in operation for a number of years, to the existing noise environment, to the location of the site in an area not densely populated by residential dwellings and subject to the implementation of the mitigation measures outlined within the EIAR.

(d) Conclusion: Direct and Indirect Effects on Population and Human Health

7.27. Having regard to the examination of environmental information, including the information below within each environmental topic, it is considered that the proposed development, by virtue of its nature comprising an extension of an existing quarry, to the existing noise environment, to the location of the site in an area not densely populated by residential dwellings, to the implementation of mitigation measures, there is no potential for significant environmental effects on population and human health.

Biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive

(a) Issues Raised

7.28. I note that the third-party appellant has raised a number of issues regarding the PA's screening for appropriate assessment (AA). The Board should note that I have assessed the impact of the proposed development on species and habitats protected under the Habitats and Birds Directives within Section 8 and Appendix 1 of this report.

(b) Examination of the EIAR

Context

7.29. Chapter 8 of the submitted EIAR deals with biodiversity. The assessment has been undertaken in accordance with government and industry best practice guidelines. The assessment methodology includes a desktop assessment to identify features of ecological value occurring within or near the subject site and site surveys which were carried out on 8th June 2022, 10th June 2022, 6th April 2023 and 26th April 2023 to identify habitats, flora and fauna present within the site. The site surveys included invasive species, a general bird survey and a general mammal survey in conjunction with a habitat survey. Trail camera surveys were carried out to assess the value of the site for badger. There were difficulties in compiling information in terms of natural fluctuations in populations potentially not being fully reflected due to the instantaneous nature of the field surveys. It was also considered difficult to determine territory size in badger populations.

Baseline

7.30. The baseline environment is described in section 8.4 of the EIAR. The development site is described as improved agricultural grassland with field boundaries consisting

primarily of hedgerows with sections of mature treeline. There are no watercourses or waterbodies within or in close proximity to the site. A berm forms the western boundary of the existing quarry which is dominated by common grass species. The berm is wider on the northern boundary of the existing quarry forming a mosaic of improved agricultural grassland. No invasive species were recorded within the site. It is stated that the grassland and quarry activity which dominate the site provide low foraging habitat for bats and there are no buildings or mature trees onsite that could potentially support bat roosts. The hedgerows/treelines within the proposed extension area provide potential foraging areas for bats, however, there are no bat foraging habitats within the existing quarry and the site is of low value for foraging bats.

7.31. There are no watercourses or wetland habitats within the proposed extension area of the existing quarry which could provide foraging habitat for Otter. No signs of Otter were recorded within 150 metres of the proposed development site. The site is considered of low local value for Otter. The development is not located within any Natura 2000 site. The Blackwater River (Cork/Waterford) Special Area of Conservation (SAC) is located approximately 4km west at its closest point with the closest hydrological connection 17.7km to the southeast. This is also a connection with the Blackwater Callows Special Protection Area (SPA). There are no visible pathways to any Natural Heritage Areas (NHAs) or proposed NHAs.

7.32. Between 6th April 2023 and 26th April 2023, the trail camera surveys did not record any sign of badger and no badger setts were recorded within 150 metres of the site. However, the improved agricultural grassland habitat is likely to provide foraging habitat for local badger populations.

7.33. There were no signs of Irish Hare, red squirrel or hedgehog during the site surveys. Due to the habitat onsite, the site is considered of low value to Pygmy Shrew and of negligible value for fallow deer and red deer. There is no suitable habitat for common frog within the site. No Annex I bird species were recorded within the site during the site surveys. One Meadow Pipit (red list species) was recorded within the proposed extension area which could be potentially breeding with the extension area. The Kestrel (Red list species) was recorded overflying the existing quarry area, however, no signs of breeding activity were recorded. The swallow and greenfinch (both amber list species) were also recorded within the extension area. Active Sand Martin nest holes were recorded in three locations around the existing quarry. It is stated that

overall the site is of local value for terrestrial birds that are relatively common in the countryside and of local importance for higher value birds.

Potential Effects

7.34. The submitted EIAR identifies the potential for a range of environmental effects on biodiversity. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 7.3 below. Potential effects on designated Natura 2000 sites are specifically addressed in the submitted Report in Support of Appropriate Assessment Screening.

Table 7.3: Summary of potential effects on biodiversity

Project Phase	Potential Effects
Do Nothing	Areas of semi-natural habitat including treelines and hedgerow will remain intact in the absence of the development, however, ash dieback disease will continue to impact on ash trees and in the absence of management, Buddleia is likely to spread to recolonising areas within the active quarry.
Construction	Habitats Improved agricultural grassland will be removed which will result in a negative but not significant long term impact. Hedgerows/treelines will be retained, however, in the absence of mitigation, root protection areas could be impacted which would result in a negative, slight long-term impact. The existing quarry will be retained in its current form. Impacts on vegetation in adjoining habitats from wind blown dust is predicted to be imperceptible. Invasive Species There will be no significant impact from the spread of invasive species during the construction stage. Whilst Buddleia was recorded along the northern boundary of the existing quarry, no significant impact has been identified given the relatively low risk posed by this species. Bats Treelines will be retained as part of the landscape plan and there will be no loss of potential foraging/commuting habitats. Works will be confined

	to daylight hours with minimal lighting with no impact on nocturnal foraging bats. Otter Works, which will increase noise and disturbance, will be carried out in daylight hours, and therefore the impact on otters will not be significant given their largely nocturnal habitats, ability to move away from short-term disturbance and ability to habituate to anthropogenic noise and disturbance. Badger There will be a net loss of potential feeding habitat within the proposed extension area, however, this is not considered to be significant as there are no extensive areas of wetland habitat in the area. Other Mammals The habitats within the site do not provide critical resources and direct impacts on these habitats will be localised and temporary. The impact on other mammals is predicted to be negative, slight and long-term at local level. Birds Some disturbance and displacement of feeding birds may occur due to increased noise and disturbance, however, as the levels of activity will stabilise, birds in the surrounding landscape will be expected to habituate to any increased noise and disturbance. The disturbance is short term and as the extension area is located next to an existing quarry birds which use the area will be largely habituated to similar background noise levels. The impact on breeding birds is considered to be negative, slight and short term.
Operational	Habitats There will be no discharge to surface water from the quarry. 1.749 hectares of land will be restored to mixed habitats via natural recolonisation which will ensure that the area is colonised by a mixture of native species from the surrounding landscape. Bats

	Operations will be largely confined to daylight hours and the boundary vegetation will be retained with no significant impact on foraging bats predicted to occur. The landscape plan proposes additional boundary planting along the berm which as this matures will likely create additional commuting and foraging habitat. The impact is considered to be negative, not-significant in the short to medium term, and as the reinstated habitats mature, the impact will be positive, slight in the long term. <u>Otter</u> An area of wetland will be created within the restoration area which has the potential to provide habitat for common frog which is an important food source for otter. The impact on otter is predicted to be neutral, imperceptible and long-term and as the existing quarry is restored the impact will be positive, slight and long term. <u>Birds</u> An area of wetland will be created within the restoration area which has the potential to provide habitat for birds. Sand Martin habitat will be created within the existing quarry and extension area. The impact on birds during operation is predicted to be negative, slight in the short-medium term and positive, slight in the long term at a local level.
Cumulative	No cumulative habitat loss or fragmentation impacts which could pose a significant risk to biodiversity are predicted.

<u>Mitigation</u>

7.35. Mitigation measures are set out in section 8.6 of the EIAR. Best practice construction methods will be implemented for the proposed development. Measures include lighting being designed to be bat sensitive and directed away from treelines and hedgerows, the protection of tree root protection areas in accordance with BS: 5837:2012, the removal of any vegetation outside the bird peak-breeding season and the carrying out of a sand martin survey prior to each breeding season to ensure sufficient available breeding habitat. Other measures are those proposed under hydrology and hydrogeology, air quality and climate.

Residual Effects

7.36. With the implementation of mitigation measures, residual effects are set out in Section 8.7. These provide that no significant residual effects on biodiversity will arise and whilst the development will result in the loss of primary Badger foraging habitat, i.e. improved agricultural grassland, it is not considered that it will result in the loss of a particular social group of badgers as no sign of active foraging was recorded within the extension area. Sand Martin habitat will be retained and created. The potential impact on birds is predicted to be negative, slight in the short-medium term and positive, slight in the long term.

(c) Analysis, Evaluation and Assessment: Direct and Indirect Effects

7.37. I have examined, analysed and evaluated chapter 8 of the EIAR. I am satisfied that the applicant's understanding of the baseline environment, by way of desk and site surveys, is comprehensive and that the key impacts in respect of likely effects on biodiversity, as a consequence of the development have been identified. Having regard to the characteristics of the subject site comprising of agricultural grassland, to the characteristics of the surrounding environment comprising of an established quarry and to the implementation of the mitigation measures, I am satisfied that the proposed development would not result in any significant direct or indirect effects on the environment in terms of biodiversity. Therefore, I consider the proposed development in accordance with the strategic objectives set out in the National Biodiversity Action Plan 2023-2030. The Board should note that the implementation of these mitigation measures are not designed to avoid or reduce harmful effects on any European site.

(d) Conclusion: Direct and Indirect Effects on Biodiversity

7.38. Having regard to the examination of environmental information above, to the nature of the proposed extension area comprising of agricultural grassland and to the characteristics of the surrounding environment which comprises of an established quarry, I consider that there is no potential for significant environmental effects on biodiversity.

Land, Soil and Water

(a) Issues Raised

7.39. The third party appellant has stated that the PA has failed to assess the effects of the 'Work Directive' and references Court of Justice of the European Union (CJEU) Case C-301/22. The Board will note that C-301/22 relates to a water abstraction project at Loch an Mhuilinn in County Galway where one of the key issues in these proceedings was that the subject waterbody had an unassigned status in terms of the Water Framework Directive (WFD).

(b) Examination of the EIAR

Context

7.40. Chapter 9 of the EIAR deals with land, soils, geology, hydrology and hydrogeology. The assessment methodology included a desk study of land, soil and water conditions in the vicinity of the site and included collection of data from sources such as the EPA, Geological Survey of Ireland (GSI) and Office of Public Works (OPW). A walk over survey of the existing site and proposed extension area, along with a windshield survey of the wider surrounding area was carried out on 9th May 2022.

Baseline

7.41. The baseline environment is described in sections 9.4, 9.5 and 9.6 of the EIAR.

Soils and Geology

7.42. The development site is underlaid by deep well-drained mineral soils with the depth to bedrock an average 0.5 metres below ground level within the existing quarry. The depth to bedrock in the proposed extension area is more than 3 metres. The entire site is underlain by the Waulsortian Limestone Formation (WLF) which comprises massive, unbedded mud-limestone. There are no records of historical landslides on or within 2km of the site according to the GSI Landslide database. There are no proposed or designated geological heritage sites within 2km of the proposed extension area.

Hydrogeology

7.43. The site is located within the Mitchelstown Groundwater Body (GWB) and the WLF beneath the site is characterised by GSI as a Regionally Important Karstified Aquifer with groundwater flow along open structures within the bedrock, such as fissures,

joints and bedding planes. Groundwater discharges to large springs and rivers/streams within the GWB. All water for the site is sourced from two groundwater wells, GW1 and GW2, which are located to the east of the proposed extension area. GSI groundwater vulnerability mapping illustrates the proposed extension area is classified as high vulnerability. The maximum recorded groundwater level to date was 64.98mOD on 16th November 2023 and the proposed extension area will now extract at a depth of 66.12 mOD to maintain a safe vertical interval between any high water table. Onsite measurements of groundwater levels indicates the groundwater flow direction is to the east or east north-east towards the River Funshion. No swallow holes or cavities were encountered during the quarrying operations to date and no karst features are present on the proposed extension site. Groundwater discharges to the River Funshion as baseflow.

7.44. The Mitchelstown GWB is classified as 'poor' status for the 2013-2018 monitoring period and failed the Water Framework Directive assessment on its chemical status due to elevated nitrate concentrations. The GWB is at risk of not achieving good status in the next monitoring period. (*The Board should note that I have assessed the development against the latest monitoring period information within section (c) below*).

7.45. Water samples of GW1 were collected and analysed on four dates (September 2021, March 2022, February 2023 and April 2023) which indicated good groundwater quality. The nitrate concentration was reported as between 36.7 and 47 mg/l which is attributed to intensive agriculture and unlikely to be associated with blasting. The results are shown in Table 9.8 of the EIAR.

Hydrology

7.46. The site is located within the Blackwater (Munster) Catchment (HA:18) and within the WFD sub catchment known as the Funshion (SC_020). The River Funshion is located c. 1.2km northeast of the existing quarry and this discharges to the River Blackwater south of the town of Fermoy. The River Funshion is not classified as a salmonid watercourse or a nutrient sensitive watercourse, whilst the River Blackwater is. The River Funshion was assigned a 'good status' for the 2013-2018 WFD monitoring period and is deemed to be at risk of not achieving good status in the next monitoring period. (*Again, the Board should note that I have assessed the development against*

the latest monitoring period information within section (c) below). The River Awbeg is located c. 4km west of the existing quarry.

7.47. The proposed development does not contain any natural watercourses. There are no recorded or anecdotal instances of flooding at or in the immediate vicinity of the site and the site does not fall thin a 0.1% AEP (1 in 1000 year) present day scenario fluvial flood zone.

Potential Effects

7.48. The submitted EIAR identifies the potential for a range of environmental effects on land, soil, geology, hydrogeology and hydrology. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 7.4 below.

Table 7.4: Summary of potential effects on land, soils, geology, hydrology and hydrogeology

Project Phase	**Potential Effects**
Do Nothing	The existing land bank would continue normal operations whereby the land would be used for beef farming and producing silage for housing cattle during the winter months.
Construction	There will be a loss of 3.84 hectares of highly productive, deep, well-drained good quality agricultural land which is a direct, negative, not significant, permanent impact. The subsoil will be stripped back and used to form a bund around the perimeter of the quarry. The excavation of limestone will increase the groundwater vulnerability and recharge potential of the quarry footprint which are permanent and unavoidable risks associated with quarrying. As excavation will take place above the water table there will be no impact on groundwater flow paths. The excavation will have a negative, direct, slight and permanent impact on the geological/hydrogeological setting.
Operational	Both onsite wells are located in a secure area and not at risk of being damaged by passing plant/HGVs. It is possible that a subsurface karst feature may be present in the quarry extension area, and if one is encountered all quarrying activities should cease immediately. Removal of overburden and extraction of rock will increase groundwater vulnerability and the potential for direct migration of

	contaminants to the aquifer which would result in an indirect, negative, slight, short-term, likely impact on groundwater. There will be no run-off from the existing quarry pit as all water infiltrates into the aquifer and surface water from the access road also infiltrates to groundwater.
Cumulative	There are no proposed or existing quarries in the wider area. Therefore, no significant cumulative impact expected.

Mitigation

7.49. Mitigation and monitoring measures are set out in Sections 9.8.2, 9.8.3 and 9.8 of the EIAR. Measures include the stripping back of subsoil on a phased basis and outside of periods of heavy rainfall, the grass seeding of bunds to prevent erosion during heavy rainfall, installation of silt fences downgradient of stripping back operations, the siting of fuel tanks which store diesel in bunds, refuelling within designated areas, the undertaking of blasting by licenced and competent contractors and use of Kemex in blasting and the undertaking of groundwater monitoring at the quarry in terms of level and quality.

Residual Effects

7.50. With the implementation of mitigation, the residual effect is considered indirect, negative, imperceptible, temporary and low/unlikely probability of an impact on surface water and groundwater.

(c) Analysis, Evaluation and Assessment: Direct and Indirect Effects

7.51. As stated above in paragraph 7.39, the appellant has raised concerns with the PA's assessment of the development in terms of the Water Framework Directive and cites CJEU C-301/22. I note that no specific details on how the PA has failed to assess the project in terms of the WFD has been outlined. I acknowledge the reference to C-301/22, however, I note that in this case all connected waterbodies to the project are classified by the Environmental Protection Agency (EPA).

7.52. The site lies within the Mitchelstown Groundwater waterbody. It should be noted that the EPA has classified the Mitchelstown groundwater waterbody as 'Good' ecological status, with it 'At Risk' of not meeting its environmental objective of good or high status

under the WFD[1] (2016-2021 monitoring period). The 2016-2021 monitoring period relates to the second cycle of the WFD and is the most up-to-date information on the status of waterbodies. The third cycle is currently underway and will be measured between 2022 and 2027. I have also reviewed the pressures associated with this 'At Risk' waterbody and note that extractive industries have not been identified as significant pressures that need to be addressed[2].

7.53. Whilst the site is not hydrologically connected to the River Funshion, which is located approximately 1.5km northeast of the site, there is a potential hydrogeological connection via groundwater. The EPA has classified the Funshion River as 'Good' ecological status or potential and 'At Risk' of not meeting its environmental objective of good or high status under the WFD[3] (2016-2021 monitoring period). Again, I note that extractive industries have not been identified as significant pressures that need to be addressed with this 'At Risk' waterbody. Having regard to the direction of groundwater flow, I consider that it is unlikely that there is any hydrogeological connection to the River Awbeg west of the site.

7.54. I note the groundwater monitoring data provided by the applicant at further information stage showing that the groundwater level in the GW1 and GW2 wells did exceed the depth of the existing quarry in October and November 2023 and I acknowledge the report on file from Environment Section in response to this data. Having regard to this historical high-water table, I am in agreement with the PA that a condition should be attached that restricts the depth of extraction to 66.5 metres AOD and that revised drawings should be submitted in this regard.

7.55. Having regard to the above, to the nature of the project being an extension to an existing quarry operation, to the information on file in terms of groundwater monitoring at the GW1 and GW2 wells which indicates that there is good groundwater quality, to the proposed extraction depth being above the water table, to the absences of any hydrological connection to the River Funshion, to the EPA's classifications of the Mitchelstown groundwater and River Funshion waterbodies for the period 2016-2021 and subject to the implementation of the proposed mitigation and monitoring measures

[1] https://www.catchments.ie/data/#/waterbody/IE_SW_G_082?_k=aoz22p (*Accessed 22nd April 2025*)
[2] https://gis.epa.ie/EPAMaps/Water?easting=?&northing=?&lid=EPA:WFD_GWB_Pressures_ExtractiveIndustry (*Accessed 22nd April 2025*)
[3] https://www.catchments.ie/data/#/waterbody/IE_SW_18F050900?_k=tf0w1n (*Accessed 22nd April 2025*)

provided within the EIAR, I consider that the project would not prevent attainment or potential to achieve the WFD objective. Therefore, I consider the proposed development in accordance with the provisions of the Water Action Plan 2024.

7.56. Furthermore, having regard to my assessment above together with the size of the area of extraction in terms of land take, to the extent of the excavation of soil and its reuse in the construction of berms and within the restoration phase and to the proposed mitigation measures set out in Section 9.8.2 of the EIAR, I consider that there is no potential for significant environmental effects on land, soil, geology, hydrogeology or hydrology.

(d) Conclusion: Direct and Indirect Effects on Land, Soil and Water

7.57. Having regard to the examination of environmental information above, to the nature of the project involving an extension to an existing quarry, to the proposed extraction depth being above the water table, to the results of the applicant's groundwater monitoring which indicated good groundwater quality, to the location of the site not being hydrologically connected to any surface water body, to the implementation of the proposed mitigation and monitoring measures outlined within the EIAR and to the current 'good' classifications of the Mitchelstown groundwater and River Funshion waterbodies for the period 2016-2021, to the size of the area of extraction in terms of land take, to the extent of the excavation of soil and its reuse in the construction of berms and within the restoration phase, I consider that there is no potential for significant environmental effects on land, soil, geology, hydrogeology and hydrology.

Air and Climate

(a) Issues Raised

7.58. The Board should note that no issues relating to air and climate are raised within the grounds of appeal.

(b) Examination of the EIAR

Context

7.59. Chapter 5 of the EIAR deals with air quality and climate. A desk study was undertaken to identify activities that could generate emissions to the atmosphere and the key pollutants associated with these emissions. The construction and operational activities were examined to identify those activities that have the potential to impact negatively

on the local air quality. Air quality depositional dust monitoring records carried out in compliance with the existing development's planning conditions were also reviewed and an additional baseline depositional dust monitoring survey was also undertaken. The assessment is undertaken in accordance with government and industry best practice guidelines, including EPA guidelines. No difficulties were encountered during the assessment.

Baseline

7.60. The baseline environment is described in section 5.4 of the EIAR. Air quality within Carrigdownane Upper is classed as '3 – Good' according to the EPA Air Quality Index for public health, which is the highest category for air quality. The dominant existing sources of air pollution in the area would be traffic on local roads, private residences and emissions from agricultural activities. There are no air monitoring stations currently operating within the vicinity of the site with the nearest being in Mallow, approximately 33km from the site.

7.61. Dust monitoring is carried out quarterly in accordance with application ref. 15/5484 at the boundary of the site and a limit of 350mg/m2 over a 30 day monitoring period is in place for the site. This has been exceeded on several occasions between September 2020 and May 2022 which is likely due to dust arising from the adjacent farm track during heavy agricultural traffic periods. It is recommended that sampling points are located away from treelines and hedgerows to avoid vegetation detritus and enhanced dust deposition.

7.62. In terms of climate, the existing environment comprises of a temperate oceanic climate which is mild, moist and changeable with abundant rainfall and a lack of temperature extremes. The nearest meteorological station is in Fermoy and data from this station indicates the mean monthly rainfall during 2023 was 13.8mm more than the corresponding 20-year average, the mean monthly temperature was 1.1 degrees warmer than the corresponding 20-year average and the mean monthly wind speed was 0.01 knots higher.

Potential Effects

7.63. The submitted EIAR identifies the potential for a range of environmental effects on air quality and climate. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 7.5 below.

Table 7.5: Summary of potential effects on air quality and climate

Project Phase	Potential Effects
Do Nothing	If the proposed development does not proceed, onsite operations including air emission characteristics will continue until the expiry of the existing 10 year planning permission (ref. 15/5484). Following this period, activities would cease and no further air emissions would occur.
Construction / Restoration	The construction and rehabilitation phases and the movement of machinery will generate particulate materials including dust and PM10 and generate emissions such as Sulphur Dioxide, Nitrogen Oxide, particulate matter and carbon monoxide. The impact of emissions from plant is considered to be local, relatively minor and temporary in nature and not significant. Activities such as excavation, earth moving and backfilling will generate a short-term increase in the risk of dust. Large particles are likely to settle within 5-10 metres of their source and smaller particles are likely to settle within 100 metres. No significant dust impacts are envisaged due to the set back distances of residential receptors and implementation of mitigation measures. Greenhouse gas emissions from the construction and rehabilitation phases would comprise of front loaders and excavators. This would be considered insignificant in terms of national CO2 emissions.
Operational	Emission levels are considered minor in nature in the regional context and unlikely to significantly influence air quality. Current dust depositional impacts would be maintained during the operation of the development. The preparation of an Environmental Management Plan would aid in the ongoing maintenance of environmental and housekeeping standards. No significant dust impacts are envisaged. The continuation of the operation of the existing quarry activity will comprise of a tracked excavator, front loaders, mobile crushing machine, mobile screening machine, diesel generator and transportation lorries. Due to the size and nature of the proposed

	development, greenhouse gas emissions would be insignificant in terms of national CO2 emissions.
Cumulative	The closest operational quarry to the site is Lagans Cement approximately 4.5km east and the site is adjacent to Crossmore Tyres. It is not considered that there would be any significant cumulative air quality impacts between these sites at this distance. There are no known proposed new quarries within the vicinity of the site.

Mitigation

7.64. Mitigation measures are set out in Section 5.6 of the EIAR. Measures include the seeding of boundary earth berms, no removal of overburden material in dry and/or windy conditions, the implementation of grass seeding on overburden stockpiles, the regular maintenance of plant and equipment, no idling of vehicles or machinery and the implementation of an Environmental Management Plan for the site. The impact of the development on climate will be negligible and, therefore, no site specific mitigation measures are required. Two new dust monitoring locations are proposed at downwind receptor locations in order to monitor the nuisance impact of dust at sensitive receptors.

Residual Effects

7.65. Table 5.14 provides a summary of residual impacts on air quality and climate during the construction, operational and restoration phases. The significance is considered imperceptible to not significant.

(c) Analysis, Evaluation and Assessment: Direct and Indirect Effects

7.66. I have examined, analysed and evaluated chapter 5 of the EIAR and all of the associated documentation, including the dust monitoring data provided within Attachment 5.1 of the EIAR. I am satisfied that the applicant's understanding of the baseline environment, by way of desk and site surveys is comprehensive and that the key impacts in respect of likely effects on air quality and climate, as a consequence of the development have been identified.

7.67. Having regard to the nature of the proposed development which is a continuation of an existing quarry, to the separation distances of the site from sensitive receptors with

the nearest dwelling (outside the ownership of the applicant) being approximately 650 metres east of the proposed extension area, to the boundaries of the site comprising of mature hedgerow and treelines and to the mitigation and monitoring measures proposed within the EIAR, I am satisfied that the proposed development would not result in a significant effect on air quality and climate. I also consider that the proposed development would not impact on climate objectives and policies set out in the Climate Act, Climate Action Plan (CAP) 2025 and CAP 2024.

(d) Conclusion: Direct and Indirect Effects on Air and Climate

7.68. Having regard to the examination of environmental information above, it is considered that by virtue of the nature of the development comprising an extension to an existing quarry, to the separation distances of the site from sensitive receptors, to the boundaries of the site comprising of mature hedgerow and treelines and to the mitigation measures proposed within the EIAR, there is no potential for significant environmental effects on air and climate.

Material Assets

(a) Issues Raised

7.69. No issues relating to material assets are raised within the grounds of appeal.

(b) Examination of the EIAR

Context

7.70. Chapter 11 and Chapter 12 of the EIAR deals with material assets in terms of natural and other resources and utilities including traffic, water and electricity. The assessment methodology includes a desktop survey assessing potential impacts using statistical information from CSO data and mapping data from OSI, GSI and Teagasc. A road and traffic survey report was prepared and traffic counts were carried out on 21st June 2022 to inform the assessment. This is included within attachment 12.0 of the EIAR. No difficulties were encountered during this assessment.

Baseline

7.71. The baseline environment is described in sections 11.3 and 12.3 of the EIAR. The site is located within a rural agricultural landscape, dominated by pasture fields of varying sizes. Residential developments in the area are predominantly located along the existing road network. A number of farmyard complexes are located within the area.

There are multiple power line systems and a mains water supply within the vicinity of the site. The site is accessed via a private entrance and roadway from the L5612. The results of the traffic counts recorded approximately 55 traffic movements over a two and a half hour period with approximately 35% being HGV traffic. There is no traffic accident history on the L5612 and there are five passing bays between the entrance and the junction with the R-512.

Potential Effects

7.72. The submitted EIAR identifies the potential for a range of environmental effects on material assets. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 7.6 below.

Table 7.6: Summary of potential effects on material assets

Project Phase	Potential Effects
Do Nothing	If the development is not permitted, the current permission would lapse in 2025 and onsite operations, including material use characteristics, would continue within this timeframe until the available stone resource is exhausted.
Construction	There would be a permanent negative impact on soil cover and pastureland from the development, however, it is considered that the economic benefit of the operation would offset the economic loss of agricultural pastureland. There would be no significant raw materials used during the construction phase, other than fuel for vehicles.
Operational	There would be no increase in electricity as part of the development which is currently provided by an onsite diesel generator and therefore no impact on the local electrical grid. There would be no impact on third party supply wells within the vicinity. The existing site entrance will remain unchanged. The intended average extraction rate is 150,000 tonnes per annum. Assuming a 20 tonne load per truck and 6 hour working day the HGV traffic loading has been conservatively estimated at maximum 10 no. lorry movements per hour.

Cumulative	The existing road network has sufficient capacity to accommodate the existing and proposed operation of the quarry and no significant cumulative traffic impacts or upon local utilities are envisaged.

Mitigation

7.73. Section 12.5 of the EIAR states that due to the absence of utility or traffic impacts no mitigation is required. Section 11.4 outlines that the project will not give rise to a significant reduction in the volume of resource.

Residual Effects

7.74. Table 12.1 provides a summary of residual impacts on material assets with a slight negative impact as a result of HGV traffic within the road network.

(c) Analysis, Evaluation and Assessment: Direct and Indirect Effects

7.75. I have examined, analysed and evaluated Chapters 11 and 12 of the EIAR and all of the associated documentation in respect of material assets including the submitted road and traffic report (Attachment 12.1 of the EIAR). I am satisfied that the applicant understanding of the baseline environment, by way of desk and site surveys, is comprehensive and that the key impacts in respect of likely effects on material assets, as a consequence of the development have been identified. I am satisfied that the proposed development would not result in a significant effect on material assets having regard to the capacity of the existing road network and traffic associated with the proposed development and to the nature of the development comprising an extension to an existing quarry that benefits from existing in-situ infrastructure.

(d) Conclusion: Direct and Indirect Effects on Material Assets

7.76. Having regard to the examination of environmental information above, to the location of the proposed extraction area next to an existing quarry and which benefits from existing infrastructure onsite, and to the capacity of the existing road network and traffic associated with the proposed development as set out in the road and traffic report, I consider that there is no potential for significant environmental effects on material assets.

Cultural Heritage

(a) Issues Raised

7.77. No issues relating to cultural heritage are raised within the grounds of appeal.

(b) Examination of the EIAR

Context

7.78. Chapter 10 of the EIAR deals with archaeology, architectural and cultural heritage. The assessment is based on a desk-top study of sources including national monuments, record of monuments and places and sites and monuments record, topographical files, the archaeological inventory of County Cork, the national inventory of architectural heritage and aerial photographs. An on-site inspection was undertaken on 9th June 2022 to determine the nature and extent of any surviving above ground evidence and to predict the potential effects on potential below-ground remains. No difficulties were encountered in compiling information for this chapter.

Baseline

7.79. The baseline environment is described in section 10.4 of the EIAR. The proposed quarry extension encompasses a single agricultural field which is relatively flat in its eastern part but slopes considerably downwards in the north-western corner. There are no previously identified prehistoric monuments within the immediate surrounds of the existing quarry and proposed extension area. A number of ringforts are located in the wider landscape within 1km of the proposed quarry extension. A moated site is located approximately 0.9km to the southwest of the site. No potential archaeological monuments or feature could be detected within aerial photographs and LiDAR imagery within the area of the proposed quarry extension. No sites listed in the Record of Protected Structures or National Inventory of Architectural Heritage (NIAH) are sited within the existing quarry or proposed extension area. During the site inspection no above ground features of potential archaeological significance were encountered.

Potential Effects

7.80. The submitted EIAR identifies the potential for a range of environmental effects on cultural heritage. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 7.7 below.

Table 7.7: Summary of potential effects on cultural heritage

Project Phase	Potential Effects
Do Nothing	If the proposed extension of the quarry is not carried out any potential subsurface archaeological remains would be preserved in-situ.
Construction	The extension will not directly affect any known recorded monuments or structures of architectural or built heritage interest. All existing hedgerows will be retained which eliminates potential direct, permanent and negative effects to the existing townland boundary. There will be a reduction in the landscape setting of the townland boundary for the duration of construction which is not considered significant. Whilst the permitted quarry access road goes through the zone of notification for recorded ringfort-rath (CO026-024----), no works to the road are proposed and there will be no direct, permanent and negative effects on any unknown subsurface archaeological features associated with this ringfort. No indirect effects on archaeology, architectural and cultural heritage have been identified.
Operational	As the proposed development will retain all existing hedgerows, including those representing the existing townland boundary, no direct effects on archaeology, architectural and cultural heritage have been identified. There will be a reduction in the landscape setting of the townland boundary for the duration of the operation which is not significant. No indirect effects have been identified.
Cumulative	If current field boundaries are maintained and replacement berms can be established fit for purpose without significantly overshadowing existing boundaries, the cumulative effect on the cultural landscape will be minimised. The removal of field boundaries would not only have a significant effect on the appearance of the landscape but would erode an important social division within the landscape.

Mitigation

7.81. Mitigation measures are set out in section 10.7 of the EIAR. Measures include the retention of all existing field boundaries and the recording of boundaries if removal cannot be avoided, the undertaking of geophysical surveying and test trenching, the carrying out of works under licence and in accordance with a method statement agreed in advance with the National Monuments Service and undertaking of archaeological monitoring if townland boundaries are removed.

Residual Effects

7.82. It is stated that the townland boundary will be preserved in-situ and there will be no residual effect on the townland boundary. If field boundaries are maintained and berms are established fit for purpose without significantly overshadowing existing boundaries, the residual effect on the cultural landscape will be minimised.

(c) Analysis, Evaluation and Assessment: Direct and Indirect Effects

7.83. I have examined, analysed and evaluated Chapter 10 of the EIAR and I am satisfied that the applicant's understanding of the baseline environment, by way of desk and site surveys, is comprehensive and that the key impacts in respect of likely effects on cultural heritage, as a consequence of the development have been identified. I note that there are no known archaeological or built heritage assets within the proposed extraction area having reviewed the EIAR and the Department of Housing, Local Government and Heritage's Historic Environment Viewer dataset[4]. I have also reviewed the mitigation measures proposed and I am satisfied that, subject to their implementation, the proposed development would not have any unacceptable direct or indirect effects on the environment in terms of cultural heritage.

(d) Conclusion: Direct and Indirect Effects on Cultural Heritage

7.84. Having regard to the examination of environmental information above, to the absence of any archaeological or built heritage assets within the area of the proposed development and to the implementation of the mitigation and archaeological

[4] https://heritagedata.maps.arcgis.com/apps/webappviewer/index.html?id=0c9eb9575b544081b0d296436d8f60f8 (*Accessed 22nd April 2025*)

monitoring measures set out in the EIAR, I consider that there is no potential for significant environmental effects on cultural heritage.

The Landscape

(a) Issues Raised

7.85. The Board should note that no issues relating to the landscape are raised within the grounds of appeal.

(b) Examination of the EIAR

Context

7.86. Chapter 7 of the EIAR deals with the landscape and visual environment. The methodology used included the investigation of potential viewpoints using online mapping sources and the undertaking of a site survey. The site survey was carried out on 13th May 2022 in clear weather conditions. Photographs illustrating views from viewpoints were taken using a Canon EOS 1100D Digital SLR Camera. Four viewpoints (VP1-VP4) were chosen and are provided as part of Attachment 7.1 of the EIAR. No difficulties were encountered during this assessment.

Baseline

7.87. The baseline environment is described in section 7.3 of the EIAR. The development site is described as being located on the northern slope of a gentle ridgeline. Due to the undulating topography throughout the 4km study area, as well as mature vegetation, the landscape is enclosed providing predominantly limited views. There are some elevated locations where distant views open up and the scale of the landscape increases. The site is located within Landscape Character Type 5 – Fertile Plain with Moorland Ridge, as designated under the Cork County Development Plan 2022-2028, and is located within a designated High Value Landscape (HVL). There are no designated scenic routes within the study area.

Potential Effects

7.88. The submitted EIAR identifies the potential for a range of environmental effects on the landscape and visual environment. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 7.8 below.

Table 7.8: Summary of potential effects on the landscape and visual environment

Project Phase	Potential Effects
Do Nothing	If the proposed development does not proceed there would be no additional positive or negative impacts to the visual amenity or landscape character of the area.
Construction	The primary change to the existing visual features of the site would be the extension of the 2 metre high boundary earth berms to the west. There would be a moderate visual impact due to the extended boundary earth berms, however, this will be mitigated through planting with grass and hedgerow.
Operational	The majority of works would be obscured from view by the quarry faces and the boundary earth berms. There would be no change to the existing visible buildings, Crossmore Recycling, limestone storage shed and infrastructure of the site. Additional overburden stockpiles may be visible above the boundary screening. There would be no significant impact to the landscape character of the area.
Restoration	Under the 15/5484 rehabilitation phase, the northern section of the existing services yard would be restored to pastureland, which will be visible beyond the site. The restoration area within the quarry pit would be restored to mixed habitats which would not be visible outside the site. Following the establishment of planting in the proposed extension area and restored area, there would be an improvement to the visual impact of the development due to the screening of internal buildings and quarry pit and there would be a positive impact to the landscape character of the area.
Cumulative	It is not considered that there would be any significant cumulative landscape or visual impacts. There are no similar developments within the vicinity of the site. Existing structures at the site have a cumulative visual impact, however, no additional structures are proposed.

Mitigation

7.89. Mitigation measures are set out in Section 7.6 of the EIAR. The measures include the creation of a 2 metre high and 6 metre wide berm to visually screen the development. It is also proposed that overburden stockpiles are planted with grass to mitigate the

visual impact and that any stone and overburden stockpiles are located within the 66.12 metre AOD lower working area and below the height of the boundary earth berms. During the rehabilitation phase trees will be planted along the top of the cliff faces.

Residual Effects

7.90. Table 7.2 provides a summary of the residual impacts post mitigation. There will be no significant impact during construction, with a moderate long term impact during the operational and restoration phases. The impact will be negative in the short term during establishment and positive in the long term.

(c) Analysis, Evaluation and Assessment: Direct and Indirect Effects

7.91. I have examined, analysed and evaluated chapter 7 of the EIAR and all of the associated documentation, including the landscape and visual survey information provided within Attachment 7.1 of the EIAR. I am satisfied that the applicant's understanding of the baseline environment, by way of desk and site surveys is comprehensive and that the key impacts in respect of likely effects on the landscape and visual environment, as a consequence of the development have been identified.

7.92. I acknowledge that the subject site is located within a designated High Value Landscape (HVL) area under the Cork County Development Plan 2022-2028. However, I note that this designation covers a large area of the county and the nature of the development comprises an extension to an existing quarry which has been in operation since 2016. Additionally, having inspected the site I noted that the topography of the site and surrounding lands are relatively level and the site is set back from the public road by approximately 650 metres. The nearest dwelling to the extension area is 650 metres east. Furthermore, the area of the proposed extension benefits from mature hedgerow and treelines on the north, south and west boundaries. I also note that there are no designated scenic routes in close proximity to the site.

7.93. Therefore, having regard to the above, to the proposed restoration methodology for the site and subject to the implementation of the mitigation measures outlined in the EIAR, I am satisfied that the proposed development would not result in a significant effect on the landscape and visual environment.

(d) Conclusion: Direct and Indirect Effects on the Landscape

7.94. Having regard to the examination of environmental information as above, it is considered that there is no potential for significant environmental effects on the landscape due to the location of the development next to an established quarry, to the relatively level topography of the site and adjoining lands with limited views of the site, to the boundaries of the site comprising of mature vegetation, to its location away from any designated scenic views under the Cork County Development Plan 2022-2028, to the proposed restoration methodology of the site and to the mitigation measures proposed by the applicant.

The interaction between the above factors

(a) Issues Raised

7.95. No issues have been raised in respect of significant environmental effects arising from the interaction between the above environmental factors.

(b) Examination of the EIAR

Context

7.96. Chapter 13 of the EIAR deals with interactions between the environmental topics. It includes a table matrix (Table 13.1) showing any potential interactions and inter-relationships.

Baseline

7.97. The assessment cross refers to the individual chapters of the EIAR which have described the baseline environment of each environmental topic.

Potential Effects

7.98. The submitted EIAR identifies the potential for a range of interactions that could result in likely significant effects. These are summarised in Table 7.9 below.

Table 7.9: Summary of potential effects on the range of interactions

Interaction	Potential Effects
Air and Soils	Excavations and earth moving operations during construction works may generate quantities of dust which have the potential to impact upon air quality.

Air and Climate	Vehicle movements and energy generations, including the generation of greenhouse gas emissions, has the potential to impact the air quality and climate of the area.
Air, Human Health and Biodiversity	The potential for dust emissions could impact upon the local community and flora and fauna in the surrounding area. Dust can block leaf stomata interfering with photosynthesis, respiration and transpiration processes.
Noise, Human Health and Biodiversity	Noise generation has the potential to impact upon human beings and fauna within the vicinity of the site. As an established activity it is anticipated that local biodiversity would be acclimatised to the existing noise environment.
Material Assets and Human Beings	There would be no increase in existing contributions to traffic volumes using the local road network and would maintain current employment which would positively impact upon material assets.
Material Assets and Biodiversity	Due to land take and soil disturbance the development would alter flora cover and the species fauna supported, however, the impact would be minor due to the low ecological value of improved grassland at the site.
Material Assets and Noise	Increased noise emissions has the potential to impact upon livestock due to disturbance, however, this is considered low impact as the immediate area is acclimatised to the noise environment of the existing quarry.
Material Assets and Air	The generation of dust may have a nuisance value and livestock may be at risk of eye irritation from wind blowing dust particles, however, this would be considered low due to dust control mitigation measures.
Water Quality and Human Beings	A deterioration in groundwater quality has the potential to impact upon human beings by adversely affecting drinking water quality. Control management measures are in place at the site and future control measures for management of fuels and chemicals are recommended. No significant risk to water quality or human health is anticipated.

Water Quality and Biodiversity	Due to set back distances, it is unlikely that impacts to biodiversity would occur due to the interconnectivity of the underlying groundwater body and surface waters. No significant risk to water quality or biodiversity is anticipated due to mitigation measures outlined in sections 2.3.2.2 and 9.8.3.
Landscape and Visual, Soils and Human Beings	The excavation, temporary storage and movement of soil within the site would affect the appearance of the landscape, however, this would be temporary as proposed planting becomes established.
Cultural Heritage, Soils and Human Beings	It is not anticipated that the proposed development would have any adverse physical or visual impacts upon the known cultural heritage of the area.

Mitigation

7.99. Mitigation measures within this section are referenced within each relevant EIAR chapter.

Residual Effects

7.100. Residual effects are addressed within each relevant EIAR chapter.

(c) Analysis, Evaluation and Assessment: Direct and Indirect Effects

7.101. I have examined, analysed and evaluated Chapter 13 of the EIAR and I am satisfied that the applicant has identified the key interactions arising from the proposed development. Having regard to my assessment of each individual environmental topic and to the mitigation measures proposed as part of the development I am satisfied that the proposed development would not have any significant combined or cumulative interactions.

(d) Conclusion: Direct and Indirect Effects

7.102. Having regard to the examination of environmental information as above, it is considered that there is no potential for significant combined or cumulative interactions between any of the environmental factors.

The vulnerability of the proposed development to risks of major accidents and/or disasters

(a) Issues Raised

7.103. No issues relating to the vulnerability of the proposed development to risks of major accidents and/or disasters are raised within the grounds of appeal.

(b) Examination of the EIAR

Context

7.104. Section 4.5 of the EIAR deals with major accidents and disasters. The development involves construction and rehabilitation works which would be minor requiring soil stripping/restoration and planting. Typical construction methods and practices would be anticipated to adequately mitigate against accidents or risks to human health.

Baseline

7.105. The site does not fall within the Seveso III Regulations or European Communities (Control of Major Accident Hazards involving Dangerous Substances) Regulations 2015, as no dangerous substances would be used at the site. The site is not located in an area with a history of flooding, landslide or earth-tremors.

Potential Effects

7.106. The proposed construction, operation and rehabilitation phase of the development would not require the storage or processing of large quantities of dangerous materials. All potentially polluting substances, including lubricants and fuels, would be appropriately stored and bunded within the site. It is not considered that the site is at a significant risk of natural disasters. The GSI classify the proposed site as having low susceptibility to landslides.

Mitigation

7.107. The EIAR does not identify any mitigation measures as the proposed development site is not at risk of major accidents or disasters.

Residual Effects

7.108. No residual effects are identified.

(c) Analysis, Evaluation and Assessment: Direct and Indirect Effects

7.109. I have examined, analysed and evaluated section 4.5 of the EIAR and am satisfied that the applicant has adequately identified the risk of the proposed development to major accidents and/or disasters. Having considered the contents of the EIAR, to the nature of the site and surrounding uses, to the location of the site in a rural agricultural area and to the nature and scale of the proposed development, I consider that effects arising from major accidents and/or disasters are not likely.

(d) Conclusion: Direct and Indirect Effects

7.110. Having regard to the examination of environmental information as above, it is considered that due to the location, nature and scale of the proposed development and nature of the site and surrounding uses, there is no potential for significant environmental effects arising from major accidents and/or disasters.

Reasoned Conclusion on Significant Effects

7.111. 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 submission from the third party appellant, planning authority and prescribed bodies in the course of the application and appeal, it is considered that, subject to the implementation of the mitigation and monitoring measures proposed as part of the EIAR, and subject to compliance with the conditions set out below, I am satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment.

8.0 Appropriate Assessment (AA) Screening

8.1. In accordance with Section 177U of the Planning and Development Act 2000, as amended, and on the basis of the information considered in this AA screening, I conclude that the proposed development, individually or in combination with other plans or projects, would not be likely to give rise to significant effects on any European site, in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required. I refer the Board to Appendix 1 regarding this determination. This determination is based on the following:

- To the absence of any hydrological connection to any European site.
- To the location of the project and separation distance to the European sites.
- Whilst there is a potential hydrogeological connection to the River Funshion which is hydrologically connected to the River Blackwater SAC and Blackwater Callows SPA, having regard to the nature of the extraction works being above the water table and to the distance and level of dilution available, significant effects are not considered likely.
- To the screening determination carried out by the biodiversity officer of the PA.

9.0 Recommendation

I recommend to the Board that permission is **Granted**, subject to conditions, for the reasons and considerations set out below.

Recommended Conditions

- The PA conditioned for the depth of excavation to not exceed 66.5mOD and for amended drawings to be submitted illustrating this. I consider this to be appropriate having regard to the groundwater monitoring data provided by the applicant at further information stage and to the report on file from the PA's Environment Section.
- Whilst the PA attached two detailed archaeological conditions, the Board should note that I consider that the mitigation and monitoring measures outlined

within Section 10.7 of the submitted EIAR adequately addresses these requirements. This is reflected in Condition No. 13 below.

- Whilst the PA recommended a condition for sand martin surveys, I consider that condition no. 3 below adequately addresses this issue.
- The PA also conditioned for the payment of a special development contribution of €577,114 in respect of upgrade works to the R512, which is attached under condition no. 15 below.

10.0 Reasons and Considerations

Having regard to the provisions of:

(a) The National Planning Framework, including National Policy Objective 23 which seeks to support extractive industries within the rural economy,

(b) The Climate Action Plan 2025 and Climate Action Plan 2024, with which the proposed development is consistent with,

(c) the Water Action Plan 2024,

(d) the National Biodiversity Plan 2023-2030, and

(e) the Cork County Development Plan 2022-2028,

together with the scale and nature of the proposed development which comprises the continuation and extension of an existing quarry, to the planning history of the site, to the proposed extraction depth being above the water table, to the mitigation measures proposed as part of the construction, operational and restoration phases of the development and to the distance to dwellings and other sensitive receptors, 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, would not have an unacceptable impact on the character of the landscape or cultural heritage, would not have a significant adverse impact on biodiversity, would be acceptable in terms of traffic safety and convenience and would be acceptable in terms of public health. Furthermore, the proposed development would not prevent attainment or potential to achieve the Water Framework Directive objective of good or high status in

waterbodies. The proposed development, would therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 12th day of January 2024, 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 period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order.
   Reason: Having regard to the nature of the proposed development, the Board considered it reasonable and appropriate to specify a period of the permission in excess of five years.

3. The mitigation and monitoring measures contained in the submitted Environmental Impact Assessment Report (EIAR) dated 12th January 2024, shall be implemented in full.
   Reason: To protect the environment.

4. In advance of commencement, the developer shall submit to the planning authority a complete schedule of all mitigation and monitoring measures. This shall identify who is responsible for the implementation of these measures and a timescale for implementation.
   Reason: To protect the environment.

5. (a) No extraction of material shall take place below 66.5 metres above ordnance datum (AOD) and shall be confined to a minimum of 1 metre above the winter water table level. There shall be no dewatering of groundwater at the site.
   (b) Prior to commencement of development, the developer shall submit revised site layout and section drawings to the planning authority for its written approval which illustrate the quarry floor no lower than 66.5 metres AOD.
   (c) Groundwater monitoring wells shall be installed around the boundary of the site, at locations to be agreed in writing with the planning authority prior to commencement of development. Water levels in these wells shall be recorded every month. A log of these levels shall be submitted to the planning authority on a quarterly basis.
   Reason: To protect groundwater in the area.

6. Restoration shall be carried out in accordance with the provisions contained in the EIAR and the Site Restoration Plan submitted with the planning application within twenty-four months of the cessation of quarrying operations. The developer shall ascertain from the planning authority and submit exact details relating to the site restoration plan for its written agreement, within six months of the date of this Order. Restoration of the site shall be carried out in accordance with this plan.
   Reason: To ensure the satisfactory restoration of the site, in the interest of visual amenity.

7. The quarry, and all activities occurring therein, shall only operate between 0730 hours and 1800 hours, Monday to Friday and between 0730 hours and 1600 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays. No rock-breaking activity shall be undertaken within any part of the site before 0800 hours on any day. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the Planning Authority.
   Reason: In order to protect the residential amenities of property in the vicinity.

8. During the operational phase of the proposed development, with the exception of blasting operations, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed:

    (a) an LAr,1h value of 55 dB(A) during 0730 hours to 1800 hours Monday to Friday and 0730 hours to 1600 hours on Saturdays.

    (b) an LAr, 15 min value of 45 dB(A) at any other time.

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

9. (a) Blasting operations shall take place only between 0900 hours and 1800 hours, Monday to Friday, and shall not take place on Saturdays, Sundays or public holidays. Monitoring of the noise and vibration arising from blasting and the frequency of such blasting shall be carried out at the developer's expense by an independent contractor who shall be agreed in writing with the planning authority. All monitoring records shall be made publicly available.

    (b) The frequency of blasting shall not be more than 1 blast per month, unless otherwise agreed with the planning authority.

    (c) Prior to the firing of any blast, the developer shall give notice of its 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.

    (d) 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.

    (e) Blasting shall not give rise to air overpressure values at sensitive locations which are in excess of 125dB (Lin) maximum peak with a 95% confidence limit. No individual air overpressure value shall exceed the limit value by more than 5dB (Lin).

    (f) A monitoring programme, which shall include reviews to be undertaken at annual intervals, shall be developed to assess the impact of quarry blasts. Details of this programme shall be submitted to, and agreed in writing with, the planning authority prior to 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 annual review.

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

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

    (b) A monthly survey and monitoring programme of dust and particulate emissions shall be undertaken to provide for compliance with these limits. Details of this programme, including the location of dust monitoring stations, and details of dust suppression measures to be carried out within the site, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any quarrying works on the site. This programme shall include an annual review of all dust monitoring data, to be undertaken by a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority following this annual review.

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

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

(c) Proposals for the suppression and monitoring of dust at prior agreed locations, on site and on the access road.
(d) All fuels and lubrication shall be stored in fully bunded storage areas and proposals to deal with accidental spillage shall be submitted to the Planning Authority.
(e) Details of safety measures for the land above the quarry, to include warning signs and stock proof fencing.
(f) Management of all landscaping with particular reference to enhancing the ecological value of the woodland/grassland on the bunds and buffer areas.
(g) Specification of limits in relation to the following parameters or as deemed relevant: Dust, Noise
(h) Monitoring of ground and surface water quality, levels and discharges.
(i) Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.

Reason: In order to safeguard local amenities.

12. The developer shall submit annually, for the lifetime of the permission, an aerial photograph which adequately enables the planning authority to assess the progress of the phases of extraction.

Reason: In order to facilitate monitoring and control of the development by the planning authority.

13. All mitigation and monitoring measures in relation to archaeology and cultural heritage as set out in Section 10.7 of the EIAR shall be implemented in full. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation of places, caves, sites, features or other objects of archaeological interest.

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

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

15. The developer shall pay a financial contribution of €577,114 to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of local and regional road (R-512) upgrades, which benefits the proposed development. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

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

Declaration

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.

Gary Farrelly
Planning Inspector

22nd April 2025

Appendix 1: Appropriate Assessment Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	The project relates to the continuation of an existing quarry operation and a 4.21 hectare extension and all ancillary site works. There are no proposed amendments to current buildings, facilities, inputs, processes or outputs at the existing quarry activity, other than the extension of the boundary and extraction area. There will be no intensification of existing operations and the extension would extract stone above the water table. The site will be restored in accordance with a restoration plan with some lands returned to pasture, mixed habitats, bare stone habitat and removal of all machinery and plant.
Brief description of development site characteristics and potential impact mechanisms	The site comprises of an existing active quarry (approved under application PA ref. 15/5484) and agricultural lands. The site is not located within any designated European site, with the nearest being the Blackwater River (Cork/Waterford) SAC, located approximately 3.5km west of the proposed extension area. The River Funshion, which is located approximately 1.2km northeast of the site, is hydrologically connected to the Blackwater River SAC and Blackwater Callows SPA approximately 17.7km downstream. Groundwater flows in a northeast direction towards the River Funshion. There are no watercourses or waterbodies within the proposed development site.
Screening report	A Report in Support of Appropriate Assessment screening has been prepared and submitted with the application. The screening report concluded that the proposed development, either alone or in-combination, does not have the potential to

	significantly affect any European site, in light of their conservation objectives.
Natura Impact Statement (NIS)	A NIS has not been included with the application.
Relevant submissions	The third party appellant has raised a number of concerns with the planning authority's screening for appropriate assessment. It is stated that the PA failed to have regard to construction guidance on freshwater pearl mussel, should have requested a NIS as it should have determined that the development may have an effect on the SAC and that the restoration plan was not included in the screening for AA. It is also stated that AA cannot have lacunae and must contain complete, precise and definitive findings and conclusions.

Step 2: Identification of relevant European sites using the Source-Pathway-Receptor model

I acknowledge that the submitted Report in Support of Appropriate Assessment Screening considered three sites within a wider area including the Carrigeenamronety Hill SAC (002037), Ballyhoura Mountains SAC (002036) and Kilcolman Bog SAC (004095) but rules these out for further examination due to distance and absence of a viable pathway. Having reviewed the EPA Mapping Tool and National Parks and Wildlife Services' (NPWS) map viewer, to the separation distance between the sites and having inspected the site, I consider that there is no ecological justification to include these within the zone of influence. Therefore, I am satisfied that these sites can be excluded from further consideration.

European Site (Code)	**Qualifying Interests (QIs)**	**Distance from proposed development**	**Ecological connections**	**Consider further in Screening (Y/N)**
Blackwater River	19 QIs[5]	c. 3.5km via air (approximately 18.9km via	Groundwater connection to River	Yes

[5] https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002170.pdf (*Accessed 22nd April 2025*)

(Cork/Waterford) SAC (002170)		groundwater flow/surface water)	Funshion which is hydrologically connected to the SAC and SPA approximately 17.7km downstream.	
Blackwater Callows SPA (004094)	5 QIs[6]	c. 12km via air		Yes

Step 3: Describe the likely significant effects of the project (if any, alone or in combination) on European sites

Site name **Qualifying Interests**	**Possibility of significant effects (alone) in view of the conservation objectives of the site**	
	Impacts	**Effects**
Blackwater River (Cork/Waterford) SAC (002170) 1029 Freshwater Pearl Mussel Margaritifera margaritifera 1092 White-clawed Crayfish Austropotamobius pallipes 1095 Sea Lamprey Petromyzon marinus 1096 Brook Lamprey Lampetra planeri 1099 River Lamprey Lampetra fluviatilis 1103 Twaite Shad Alosa fallax 1106 Atlantic Salmon Salmo	Potential impact due to loss of habitat. Potential impact from noise, dust and disturbance. Potential impact due to deterioration in water quality.	Habitat The subject site is not located within any designated European site. There are no wetlands or watercourses which could provide ex-situ habitats. Dust, Noise and Vibration Having regard to the existing noise environment, to the c. 3.5km distance of the proposed extraction area to the SAC and to the c. 12km distance to the SPA, no significant effect is likely during the construction, operational or restoration phases.

[6] https://www.irishstatutebook.ie/eli/2012/si/191/made/en/print / https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004094.pdf (*Accessed 22nd April 2025*)

salar (only in fresh water) 1130 Estuaries 1140 Mudflats and sandflats not covered by seawater at low tide 1220 Perennial vegetation of stony banks 1310 Salicornia and other annuals colonizing mud and sand 1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae) 1355 Otter Lutra lutra 1410 Mediterranean salt meadows (Juncetalia maritimi) 1421 Killarney Fern Trichomanes speciosum 3260 Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation 91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles 91E0 *Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) 91J0 *Taxus baccata woods of the British Isles		Water Quality I note the appellant's comments regarding the Freshwater Pearl Mussel. I have reviewed the NPWS' Conservation Objectives supporting document (2012) and associated map 8 showing the suitable habitat and distribution and I also note the construction management Guidance referenced by the appellant. I acknowledge that QI1029 is highly sensitive to changes in water quality. However, having regard to the absence of any hydrological connection between the subject site and the European site, I consider that there is no potential for significant effects in terms of deterioration of water quality. Whilst there is a likely groundwater connection to the River Funshion, having regard to the nature of the extraction works being above the water table, the distance and level of dilution available within the River Funshion it is considered that there is no likelihood for significant effects on QI 1029 or any other QI of the SAC or SPA in terms of deterioration of water quality.
Blackwater Callows SPA (004094) A038 Whooper Swan Cygnus cygnus A050 Wigeon Anas Penelope A052 Teal Anas crecca A156 Black-tailed Godwit Limosa limosa A999 Wetlands		Ex-situ effects There are no wetlands or watercourses that could support ex-situ habitats for species of the SAC or SPA. The exception to this is the Whooper Swan (WS) which forages on grassland. However, the foraging distance of wintering WS from night time roosts is estimated to be less than 5km (Scottish Natural Heritage, 2016). Having regard to this, to the distance to the European sites, to the absence of any wetland or watercourses within the site and to the substantial amount of intervening lands between the site and the ex-situ effects, no ex-situ effects are

		considered likely on the qualifying interests of the SPA or SAC.
No	**Likelihood of significant effects from proposed development (alone) Y/N**	
No, having reviewed the Cork County Council planning register, the Department of Housing, Local Government and Heritage's National Planning Application database and its EIA Portal.	**If No, is there a likelihood of significant effects occurring in combination with other plans or projects?**	

Further Commentary

Whilst I note that the submitted EIAR has included mitigation and monitoring measures in relation to biodiversity, hydrogeology and hydrology, I consider that these measures are not specifically intended to avoid or reduce harmful effects on any European site. These measures are not relied upon to reach a conclusion of no likely significant effects on any European site.

Step 4: Conclude if the proposed development could result in likely significant effects on a European site

I determine that the proposed development (alone) would not result in likely significant effects on either the Blackwater River (Cork/Waterford) SAC or the Blackwater Callows SPA, or any other European site. The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. No further assessment is required for the project. No mitigation measures are required to come to this determination.