



An
Bord
Pleanála

Inspector's Report QD0005

Development	Further development of quarry and related ancillary site works.
Location	Carrick East and Trumman West Townlands, Laghy, Co. Donegal.
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	EUQY21
Applicant	Roadstone Limited
Type of Application	Permission
Observers	None
Date of Site Inspection	16 th December 2016
Inspector	Mairead Kenny

1.0 Introduction

- 1.1. The concurrent appeal case is SU0106. The site defined for the purpose of that application is the same as that outlined for the current application.
- 1.2. The proposal subject of the current application relates to deepening by 20m of the area subject of SU0106.

2.0 Site Location and Description

- 2.1. The site is located south of the village of Laghy in south county Donegal close to the Bundoran/ Ballyshannon road to Donegal town, the N15. The site context is defined by the presence of the national road to the north, rural lands to the west and south and south-east and to the north-east by a commercial development which includes a petrol filling station, a restaurant and retail use (Eurospar) and a separate retail warehouse type unit. The quarry site is separated from the commercial development by a short road which connects to the east with a county road which follows parallel to the eastern boundary of the land holding. To the east is a civic amenity centre operated by the local authority. It is a reasonably large facility, which deals with a range of materials including white goods.
- 2.2. The village of Laghy is to the north. In effect the commercial area to the north of the quarry comprises the southern edge of Laghy. It is a reasonably small and attractive village which provides local services to the rural community. Donegal town is about 5 kilometres to the north. I saw no evidence at the time of my inspection that quarry traffic passes through the village. There was a small informal sign on a minor road indicating 'no lorries' were welcome. It is unclear whether this sign relates to N15 traffic or to quarry related traffic.
- 2.3. The site is well positioned in terms of the strategic road network in the area. The N15 is the main route between Sligo / Leitrim / Galway and the north-west. The regional road nearby the site the R232 is the main route between this part of Donegal and Enniskillen and Cavan and beyond. I saw no evidence of significant damage to the local roads during my inspection.
- 2.4. The minor road to the south of the site is occupied by some one-off residential development and farm holdings. It is suitable for the passage of one vehicle at a

time. There was no evidence of it being used for any purpose in connection with the quarry. The gated entrance to the quarry from this road is not in use. That entrance is marked with a warning about the presence of the quarry. The quarry void was separated from the public realm by a fence and an earthen berm.

- 2.5. The overall holding in the ownership of the applicant is entirely in use as a quarry and for related processing. Concrete and concrete block manufacture and the main products apart from the excavated rock.
- 2.6. The northern edge of the holding is defined by the N15. The boundary at this location is planted with evergreen trees. The area inside this planted area is in use as an open yard in association with concrete block manufacturing and also contains a septic tank associated with a small office building.
- 2.7. South of these features and within the overall holding but outside the application site are the site entrance and a weighbridge, which is fitted with an automatic wheelwash mechanism. There is a large covered area / shed for the manufacture of concrete blocks, adjacent which is an area for washing out trucks. This is connected to a settlement pond to the east. To the south-east of the shed is another settlement pond which takes surface water pumped from the area of extraction further to the south, including at the area of the proposed development.
- 2.8. The site is largely screened from view by the trees adjoining the N15. When viewed from the commercial centre across the road the face of the quarry is very visible as are processing structures some of which appear to be un-used and intended to be removed. From the west, east and south there are virtually no views of the quarry or its ancillary structures, all views being screened by either the topography and vegetation.
- 2.9. At the time of inspection the surface water monitoring point was indicated to me. It is positioned between the eastern boundary and the settlement ponds. This point captures the surface waters from site. A subterranean stream which passes through the northern side of the quarry emerges at the far side of the commercial development.
- 2.10. Entrance to the extraction area is provided by a single route along the eastern side of the quarry void. At the time of inspection there was no extraction taking place but the quarry is active. There is another nearby facility in the ownership of the

applicant, which may have been more proximate in terms of the current orders. The area which had recently been blasted and processed was outside of the application site. In particular I noted that extraction was ongoing in the northern half of the site along the eastern boundary.

2.11. Photographs of the site and surrounding area which were taken by me at the time of inspection are attached to the rear of this report.

3.0 Proposed Development

3.1. The **application submissions** include:

- Environmental Impact Statement
- Stage 1 Screening for Appropriate Assessment dated December 2015.

3.2. The need for aggregates is outlined in the EIS which also refers to the limited alternatives to the current based sources. There are no real alternatives to primary land-won aggregates, which need to be extracted close to market. The continued operation and development of the existing quarry would be beneficial in planning terms by reason of eliminating the need for extracting existing materials from other quarries or development of new sites and by reducing haulage distances. The development is lateral expansion of the quarry, which is stated to minimise the visual impact of the quarry and avoid the need for further land take.

3.3. The application relates to the further development of the quarry comprising the deepening of the quarry floor in a single bench to -3mOD within a site area of 7.5 hectares. The floor of the existing quarry is at 17m OD.

3.4. There will be no lateral expansion and no further stripping of topsoil or overburden is required. Screening and security measures are in place.

3.5. Extraction involves blasting prior to crushing and screening. Measures in place to limit the impacts on residential amenities are described in Chapter 9 of the EIS.

3.6. The hydrological / hydrogeological assessment undertaken is described in Chapter 6 of the EIS. There are presently minor groundwater inflows into the extraction area. This water and surface water is collected within the site and used for dust suppression and for the wheelwash and in the production of concrete/ Excess water is discharged by way of a settlement lagoon and hydrocarbon interceptor to the

stream to the northeast. A water discharge licence is in place for the existing development.

- 3.7. The EIS describes hours of operation, services, waste management and safety and security in relation to which there appears to be no proposed alterations.
- 3.8. Dust and noise mitigation are addressed in Chapters 8 and 9 of the EIS and proposes compliances with normal EPA standards.
- 3.9. Site restoration proposals involve the restoration as a natural habitat with an open body of water formed by the return of groundwater to its natural levels. Measures to enhance security as necessary will be undertaken. Proposals are outlined including on figure 2-3.
- 3.10. Document EMS/11 dated April 2015 which is part of the EIS refers to monitoring proposals and identifies sample points.

4.0 Submissions

4.1. Planning Authority

- 4.1.1. The report presented by the planning authority includes the following comments:
 - The report of the Transportation Section indicates that it is considered reasonable that the existing entrance arrangements should be conditioned to meet current technical standards insofar as possible. The installation is gated and the use of a wheelwash and dust controls protect the roads. The traffic surveys undertaken as part of the rEIS confirm the traffic volumes.
 - The report of the Water and Environmental Services section recommend a condition requiring that the identified mitigation measures including environmental monitoring and recording of inspections. Existing mitigation measures as identified should continue to operate and this should be subject to condition.
 - There are no concerns in relation to flooding. Various comments are presented in response to planning policies.

- In relation to roads, traffic and the entrance the application is accompanied by evidence of the suitability of the road network and a proposal that any deficiencies be remedied at the applicant's expense – the entrance should be upgraded.
- No significant visual impacts arise but further boundary treatment is required.
- Conditions to ensure compliance with section 10.5 of the development are required.
- No objection in principle subject to conditions including in relation to compliance with the plans and particulars. Restoration proposals, sightlines and other measures including submission of an annual report of monitoring to the planning authority and setting up of a bond or similar in relation to the restoration phase.

4.2. Prescribed Bodies

The application was referred to HSE, An Taisce, TII, DCENR, IFI, An Chomhairle Ealaion, Heritage Council, Failte Ireland and DAU(DAHG).

- 4.2.1. TII in a submission to the Board indicates it has no specific comment to make in relation to the impact of the development in terms of capacity or operational efficiency of the road. Safeguards are required to ensure that the national road is protected in terms of potential dust, debris, drainage impacts. Mitigation measures outlined in section 13 of the EIS should be included by condition.
- 4.2.2. GSI under the DCENR has no additional comment noting that comments made in relation to the quarry being identified as a geological site were integrated into Chapter 5 of the EIS (sections 5.34, 5.36, 5.38).

4.3. Response

- 4.3.1. The applicant in a response to the report of the planning authority provides a number of specific comments in relation to the proposed conditions 6a, 7a, 7b, 7d and 13 which refer to noise and vibration and to exempted development.

5.0 Planning History

- 5.1. The most relevant planning history is summarised below.
- 5.2. **SU0106** relates to the current file which is before the Board. The application is accompanied by a remedial Environmental Impact Statement. The application relates to the same site as the current site. The Board has made a Direction on this case, which is to grant substitute consent subject to conditions. The conditions relate to implementation of mitigation measures as set out, agreement on details of ongoing surface water quality, groundwater levels and dust monitoring, agreement with the planning authority on an improved surface water management system, details of fencing and restoration and a bond or other financial control.
- 5.3. **Planning Reg. Ref. T97/20** – This refers to an application for permission for extraction at the area to the north of the current site. The history documents available to me on case file SU0106 show that the area is as outlined in green on Drawing 3 of the current file. Permission was granted on 27th January 1969 and subject to conditions relating to the location of plant, the retention of a wall between the site and the local authority's quarry, that blasting and excavation operations not interfere with the Council quarry.
- 5.4. **Planning Reg. Ref. T9720A** – This refers to an application for permission erection of a canteen and stores with a septic tank.
- 5.5. **Planning Reg. Ref. 835/81** – This refers to an application for permission for erection of a weighbridge, offices, canteen and toilet block. Permission was granted on 26th June 1981. Conditions include matters related to the building line, the front boundary wall and details of the office.
- 5.6. **Planning Reg. Ref. 823/88** – This refers to an application for permission for a bituminous mixing plant. Permission was granted on 23rd of December 1988.

6.0 Policy Context

6.1. Development Plan

The relevant plan is the **Donegal County Development Plan 2012-2018**. There are no designated views or structures within the site or in the immediate vicinity.

Quarries and Ancillary Activities Guidelines for Planning Authorities 2004 set out requirements in terms of the siting, design and operation of quarries.

6.2. Natural Heritage Designations

The site is about 700m from Donegal Bay (Murvagh) Special Area of Conservation and from Donegal Bay Special Protection Area.

7.0 Assessment

7.1. In terms of the principle of the development and consideration of the key planning and environmental issues in this case I consider that the significant issues fall under the following headings:

- Groundwater and surface water impacts
- Appropriate Assessment
- Environmental Impact Assessment
- Other issues.

7.2. Groundwater and surface water impacts

7.2.1. The information available to the Board in terms of the baseline environment and the potential for impacts on the surface water quality, groundwater quality and water levels is presented in the Environmental Impact Statement. There are no supplementary reports. I have had regard in compiling the foregoing also to the information presented under SU0106, to the Inspector's report and the Board's Direction.

- 7.2.2. In terms of the **baseline information and site investigations** the site investigations for the Soils and Geology Chapter and the Surface Water and Groundwater Chapter were prepared by different consultants.
- 7.2.3. The Soils and Geology information presented is based on site investigations included visits to the quarry, desktop research and a review of previous investigation which involved rotary cored drilling as well as review of aggregate testing. The information presented in Chapter 5 of the EIS includes Figure 5-5, which shows 4 no. boreholes and a fault and two sections through the site. The site levels are unclear and the water level is not annotated on the drawings or described.
- 7.2.4. The above data appears to date to 2005. It is useful for the description of the site geology and is the basis for the information that the site, which is within the Ballyshannon formation maybe subdivided into 4 no. units from unit 1 at top (mid-grey strong cherty limestones) to unit 4 (dark grey limestones and mudstone interbeds).
- 7.2.5. A steep slope marking a fault plane is along the main plant area and shown on Plate 2. The GSI karst database indicates no karst features of note in the immediate area and no karst features were identified in the quarry faces – minor dissolution of the uppermost layer of bedrock was noted and is described as being not unusual.
- 7.2.6. The variations in geology are evident in the profile of the exposed quarry face. The GSI recommendations relating to the importance of the site in terms of geological heritage interest is based on the stratigraphy and its education value.
- 7.2.7. Chapter 6 which addresses surface water and groundwater also notes the location of the site within the Ballyshannon Limestone Formation.
- 7.2.8. Apart from desktop and site inspections the main source of information relating to groundwater appears to be the two groundwater monitoring wells which are at the western and southern end of the application site.
- 7.2.9. Surface water discharge monitoring which takes place at a point downstream of the settlement ponds is undertaken for the purposes of licencing and is the source of water quality data and discharge volumes. In terms of water quality exceedances of various parameters has occurred as set out in section 6.31 – 6.39 of the EIS. The current average discharge is 1,443m³/day – 5,432 m³/day is permitted under licence.

- 7.2.10. The aquifer is classified as karstic but groundwater flow is dominated by fracture flow with no karst conduits identified within the quarry. Characterisation of the GWB by GSI is as set out in section 6.52. The regional groundwater flow is understood to be to the west towards the Bay.
- 7.2.11. Regarding the information presented by the applicant is it not as comprehensive as might have been achieved. In terms of the establishment of information relating to water levels I have some doubt that two monitoring wells can capture all information relating to groundwater levels and direction in what is a three dimensional system. It is clear that the applicant also considered that three boreholes was desirable as the drilling of a third borehole was attempted.
- 7.2.12. On the positive side I note that the two monitoring wells in place are drilled to an appropriate depth of 36m bgl, which is 16m below proposed excavation depth of -3mOD - the existing floor level is recorded at 17mOD.
- 7.2.13. GW1 is west of the quarry footprint and assumed to be downgradient of the quarry – a number of water strikes were encountered with limited inflow from all strikes as they dried up quickly. GW3 is southeast of the quarry footprint and upgradient.
- 7.2.14. Section 6.85 of the EIS indicates that the limestone has been worked below the water table however no significant groundwater dewatering has taken place due to the low permeability of the limestones. That comment is supported by the evidence from the two wells and also from the records of discharges.
- 7.2.15. The evidence from the site investigations therefore is indicative of a water body which does not have a high yield. Thus that there is very limited likelihood of significant dewatering of groundwater. As such, when taken into consideration with the lack of evidence for karst features the zone of influence of the quarry would be limited in extent. In addition, the amount of surface water which would have to be handled on site and discharged to the Tullywee stream would be of low volume.
- 7.2.16. Looking to the wider context the evidence presented from wells in the area is of highly variable yields. Some are of excellent yield and others recorded poor yields. Of note is the Laghy public water supply well which is 0.5km north of the quarry and has a yield of 927m³/day. There is also another local authority borehole, which is 360m away with yield of 491m³/day. A number of other boreholes in area recorded poor yields.

- 7.2.17. The general information presented in the EIS concerning the characterisation of the groundwater body is noted in this regard. It refers to groundwater flux being expected to be in the uppermost 30m of aquifer and to variable transmissivity and well yields reflecting zones of higher and lower permeability. This variability may be considered to be further support of the applicant's case from the quarry. That is, that while there are in the vicinity wells with high yields, the evidence from the site indicates that low discharge rates are a dominant feature.
- 7.2.18. Notwithstanding the simple nature of the site investigations which have taken place I consider that the applicant has presented a persuasive case in relation to the nature of the quarry environment and the likely consequences for surface water and groundwater. I also note and agree with the comment in the report of the Inspector under SU0106 which refers to the well managed nature of the site. It would appear that the current owners is intent on improved management and in this regard I note the introduction of a hydrocarbon interceptor at the outlet of one of the settlement ponds.
- 7.2.19. I refer the Board the use of water pumped from the void in the processing on site involving production of ready-mix and concrete blocks. At the time of inspection the workers were engaged at another company site in the area. There was little evidence that the production of concrete products is intensively pursued at this quarry but there is no information available to me on that matter. The information presented is that the material to be excavated is likely to be suitable for non-specified fill and for limestone chippings for concrete products, the breakdown between the two is not provided.
- 7.2.20. In relation to the future operation of the site I consider that it is reasonable and appropriate that a comprehensive record be kept of all matters relating to the water balance on the site. The discharge from the site is not equivalent to the amount pumped as some of this is used in on-site processing. In the interest of clarity and future planning control and / or enforcement it is would be beneficial if the water pumped from the void is metered. This could be easily arranged – a pipe which takes the pumped water from the void passes through a drilled hole at the north of the void before discharging to the first settlement pond. A meter could be installed at a suitable point.

- 7.2.21. In order to regulate the potential for unforeseen impacts on groundwater, in the context of the nature of the site investigations undertaken I consider that it is appropriate to place a maximum value on the amount of water taken from the quarry void, which is likely to be mainly surface water but will also contain groundwater. No karst features were encountered during drilling to the proposed excavation depth at the site but the investigation was limited. While there is in my opinion sufficient information to support the applicant's case, it is appropriate that the conditions address the scenario that the investigation results may be prove to be inaccurate.
- 7.2.22. The current discharge licence levels could be set as a maximum amount pumped from the quarry void – to be addressed under a planning condition. Due to the nature of the material to be excavated in the lower depths it is likely that on-site processing will not in any case result in the use of quarry water but that should be clarified and controlled. As an alternative to specifying an amount the matter could be agreed with the planning authority – the issue is to measure not only the discharge from the site but also the amount of water taken from the extraction area.
- 7.2.23. The above recommended condition would provide clarity and assist in regulating the quarry in the event that groundwater levels encountered exceed the low levels anticipated in the EIS.
- 7.2.24. Secondly in relation to the future management and control issues I consider it is appropriate that discharge from the site be limited. This may be considered to be a matter for licence and is not appropriate for a planning condition. However, the Board's decision in terms of AA may in part be influenced by the discharge rates to the stream which connects with the SAC / SPA a distance of 680m away. On balance I recommend that this matter be controlled only by license.
- 7.2.25. There has been no known impact on the many springs in the area from the excavation of the quarry to date. The EIS in section 6.100 refers to the undertaking of a baseline water features survey to survey springs and wells in the area. This is important in terms of the monitoring of impact on material assets and natural resources. The two groundwater boreholes will be used to monitor the groundwater levels and water quality during the work. Surface water monitoring will continue as required under the licence.

7.2.26. Finally I note the condition set out in the Board's Direction on SU0106 which requires the installation of a new surface water management system. I agree with this condition and recommend that it be re-stated in the event that permission is granted in this case. The requirement for an updated surface water management system arises in the absence of knowledge of the adequacy of the volume and construction of the existing settlement ponds and the need to address surface water run-off from the open yard where concrete products are stored. The adequacy of the septic tank treatment system on site is not demonstrated and this matter might best be resolved through connection if possible to the nearest public sewer. These two matters can be addressed by condition for agreement with the planning authority.

7.2.27. Subject to the conditions set out I consider that the Board can be satisfied that the development is acceptable in terms of the impact on surface water and groundwater.

7.3. Appropriate Assessment

7.4. The application submissions include a Stage 1 Appropriate Assessment report which reports a finding of no significant effects.

7.5. The sites which are within a radius of 10km from the quarry are

- Donegal Bay (Murvagh) SAC – Site Code 000133.
- Donegal Bay SPA – Site Code 004151
- Lough Eske And Ardnamona Wood SAC – Site Code 000163
- Ballintra SAC – Site Code 000115
- Dunragh Loughs/Pettigo Plateau SAC
- Tamur Bog SAC – Site Code 001992
- Durnesh Lough SAC – Site Code 000138
- Durnesh Lough SPA – Site Code 004145
- Dunragh Loughs / Pettigo Plateau SAC – Site Code 0011256
- Pettigo Plateau SPA – Site Code 004099.

7.5.1. The Stage 1 report screens out the potential for links between the project and the Natura Sites

- Lough Eske And Ardnamona Wood SAC – Site Code 000163
- Ballintra SAC – Site Code 000115
- Dunragh Loughs/Pettigo Plateau SAC
- Tamur Bog SAC – Site Code 001992
- Durnesh Lough SAC – Site Code 000138
- Durnesh Lough SPA – Site Code 004145
- Dunragh Loughs / Pettigo Plateau SAC – Site Code 0011256
- Pettigo Plateau SPA – Site Code 004099.

7.5.2. I agree that there is no evident linkage between these SACs and SPAs and the proposed quarry extension. All of these sites are over 3.9km from the proposed quarry extension. The quarry has operated under a discharge license which has regulated water quality and limited impacts on groundwater have been recorded. In addition the nature of emissions arising is such that the development would not be likely to impact on the European Sites.

7.5.3. I concur with the decision of the applicant's consultants to consider only the potential for significant effects on the Donegal Bay (Murvagh) SAC and Donegal Bay SPA. There is a clear hydrological connection between the quarry and the Bay by way of the Tullywee River. There is also a need to consider the potential for air emissions and hydrogeological connections.

7.5.4. Regarding Donegal Bay (Murvagh) SAC the features of interest are :

- Mudflats and sandflats not covered by seawater at low tide [1140]
- Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]
- Humid dune slacks [2190]
- Phoca vitulina (Harbour Seal) [1365].

7.5.5. Regarding Donegal Bay SPA the features of interest are :

- Great Northern Diver (Gavia immer) [A003]
- Light-bellied Brent Goose (Branta bernicla hrota) [A046]
- Common Scoter (Melanitta nigra) [A065]

- Sanderling (*Calidris alba*) [A144]
- Wetland and Waterbirds [A999].

- 7.5.6. The quarry is working below the water table at present and the direction of groundwater flow is towards the Bay. I accept that the applicant's submissions in relation to the limited zone of influence of the quarry. I agree that there is no likelihood of effects on the hydrogeology outside the existing area of drawdown and no increase in the surface water discharge or changes to its composition. Notwithstanding the direct passage from the site of surface water including a subterranean stream which passes through the site there is no likelihood in my opinion of significant effects related to the water environment. I note that 'Humid dune slacks', a qualifying interest of the SAC is a partly groundwater dependent feature and that the discharge license and design mitigation measures will control water quality.
- 7.5.7. Regarding the potential for significant effects arising from noise and disturbance I note the acoustic environment which includes a busy road located between the site and the Natura Sites. I also note the general compliance of noise limits and the distance of almost 750m overland to the SAC and SPA. I accept the conclusions presented in the screening report that the continuance of extraction by deepening is not likely to significantly alter levels of disturbance on birds or common seal.
- 7.5.8. Regarding the potential for air emissions the screening report notes the much higher levels of dust deposition which may be tolerated by species compared with human beings (1000mg/m²/day is the indicative figure although research is noted to be limited). Dust deposition at a distance of over 750m from the edge of the quarry is highly unlikely to have any significant impact on the sensitive ecosystems and dependent species.
- 7.5.9. I note and agree with the comments presented also in relation to the potential for chemical reactions or toxicological effects on the intertidal zone and on organisms which are prey for qualifying birds. In the context of the limited increase in traffic generated by the proposed development and the distance the traffic emissions are highly unlikely to give rise to significant effects.
- 7.5.10. I consider that the Board can reasonably conclude that there will be no risk of significant effects on the **Donegal Bay (Murvagh) SAC or Donegal Bay SPA** either

alone or in combination with other plans or projects, and therefore, no adverse effect on the integrity of these Natura 2000 sites as a result of the quarry development. Therefore, Stage 2 of the Appropriate Assessment process (Natura Impact Statement) is not required.

7.6. Environmental Impact Assessment

Overview

- 7.6.1. An EIS for this development would be mandatory on the basis of the area of extraction of 7.5 hectares.
- 7.6.2. I consider that information provided in the EIS is sufficient to enable an assessment of the likely significant effects on the environment arising from the proposed development and that the requirements of the EIA Directive and Planning and Development Regulations 2001, as amended are met. No significant difficulties were encountered in compiling information. A non-technical summary is provided.
- 7.6.3. The issues arising can be addressed under the following headings:
- Proposed development and alternatives
 - Human Beings
 - Flora and Fauna
 - Soils & Geology
 - Water
 - Air & Climate
 - Noise and Vibration
 - Landscape and Visual Impact
 - Material Assets
 - Cultural Heritage
 - Interaction of the foregoing.

Proposed Development and alternatives

- 7.6.4. The nature of the development is such that it is tied to the resource availability. The need for development of this type is supported by national policy provisions and absence of alternatives to land based extraction. Continued development eliminates the need to develop greenfield sites, is expeditious and addresses local demand.

The layout and general approach were considered and the optimum approach involves excavation at depth within the existing area subject of the application for substitute consent and involving no lateral expansion. Use of existing infrastructure is enabled.

- 7.6.5. I consider that the alternatives have been adequately explored. The proposed development minimises certain environmental impacts and subject to recommended conditions provides for a sustainable use of resources.

Human Beings

- 7.6.6. The likely significant effects of the proposed development on human beings are addressed under several of the headings of this environmental impact assessment. Of particular relevance are matters relating to noise and air emissions, to material assets including socio-economic impacts and to visual impact. Some of these impacts are addressed under separate sections below.
- 7.6.7. The proposed development will have positive impacts in terms of direct and indirect employment. The preservation of supplies of aggregate for the construction industry supports the provision of infrastructure and structures which ultimately will benefit human beings.
- 7.6.8. Due to the location of the site close to the village of Laghy the number of residential properties within a 1km band is high. Within 300m of the site there are 8 no. residential properties. The potential for negative impacts on human beings in relation to noise and dust, water, visual amenity and traffic and vibration and addressed in the relevant sections.
- 7.6.9. A matter arising which is considered in detail in the application for substitute consent is that of boundary treatment. The potential health and safety issues arising from the development, which has very limited buffer zones and a very sharp drop is addressed in detail in that application. The decision of the Board as set out in the Direction includes a condition regarding installation of secure boundary treatment.
- 7.6.10. The residual impacts on human beings are reasonably demonstrated to be acceptable in my opinion.

Ecology

- 7.6.11. This should be read in conjunction with the AA – Screening below. The site is has a low ecological and conservation value. The quarry which dominates an area of about 18 hectares overall has resulted in a habitat of primarily Exposed calcareous rock, particularly within the application site of 7.5 hectares. Other habitats within the quarry holding are *Other artificial ponds and lakes* and *Recolonising bare ground* and *Scrub*. No protected or rare species of flora were recorded on or immediately adjacent the site of the proposed development. Presence and suitability of habitat for badger, bats and red squirrel were examined but ruled out. The habitat is sub-optimal or unsuitable for reptiles, amphibians and invertebrates. Regarding birds recorded one species is amber listed (robin).
- 7.6.12. The development will not give rise to habitat loss or fragmentation of habitats of ecological value. There are likely to be no increases in habitat fragmentation. There is no likelihood of significant impact on valued fauna.
- 7.6.13. In terms of disturbance to fauna the noise levels and vibration from blasting is unlikely to impact on fauna, particularly species within European sites, which are some distance from the site. There is likely to be a degree of habituation from the existing operation.
- 7.6.14. There are no identified dust sensitive receptors within close proximity to the site and the designated sites are at sufficient distance to be unaffected.
- 7.6.15. Discharge to the Tullywee River is controlled and will continue to be controlled under licence. No change to the permitted discharge rate are envisaged. While there are records of exceedances in suspended solids, ammonia, total phosphorous and pH limits there does not appear to have been any detrimental effect on the water quality in the Tullywee as a result of the development.
- 7.6.16. Quarry restoration is an opportunity to create habitats and to result in positive benefits. It is considered that there is no requirement for specific ecological mitigation measures.

Soils and geology

- 7.6.17. The excavation will take place within the Ballyshannon Limestone Formation and largely concern a lithology comprising dark grey, fine grained limestones and common mudstone interbeds. This is suitable for non-specified fills and for chips for concrete products. The site is of geological heritage interest as it shows the succession of the Ballyshannon Limestone Formation in the quarry faces and thus provides a record of the geology. Agreement on closure policy is suggested in the county geological site report. The submission of GSI is satisfied that this matter is adequately addressed in the EIS and does not request any planning condition.
- 7.6.18. The nature of the development is such that there is direct impact on soils and geology in the past and that this will continue with the further extraction. There is no impact on geological heritage.

Water

- 7.6.19. The site has been worked below the water table without significant dewatering being required. This is anticipated to continue based on the assessment undertaken. The discharge under licence by way of settlement ponds to the Tullywee Stream 120m away will continue. Water quality impacts are not considered to be significant. No karst conduits are known within the site and diffuse fracture flow is understood to dominate. The groundwater impact will be localised and groundwater quality impacts not likely to be significant.
- 7.6.20. A range of mitigation measures are in place at the site. Monitoring of the groundwater borehole wells will be undertaken and the discharge licence will continue to regulate.

Air and Climate

- 7.6.21. The development will not impact on climate. No mitigation measure are required.
- 7.6.22. Due to proximity to the village there is a relatively high residential population. Figure 8.1 of the EIS shows the residential receptors and the location of 4 no. relevant dust

monitoring locations. Dust deposition monitoring results present for the period 2014-2015 show that the operation of the quarry can generally comply with the relevant limit of 350mg/m²/day. There are however regular exceedances of the standard limit at the site entrance, a matter which is attributed in part to emissions from the wider environment.

7.6.23. There are also occasional exceedances of standards at locations to the east and west of the quarry extraction area. Blasting and transfer of materials are identified as the main potential activities for dust generation. Other sources of dust include the processing and stockpiling within the void, fugitive emissions from the internal haulage routes and from processing including crushing.

7.6.24. In terms of the risk assessment undertaken as part of the EIS it is noted that the majority of receptors within 500m of the site will experience an insignificant risk of impact from dust emissions. The area of most concern relates to the cluster of 4 no. houses to the east of the extraction area which are under 100m from the quarry. No schools or other sensitive receptors are sited within close proximity of the proposed development. Having regard to the established nature of the quarry, to the limited number of houses which are close enough to be affected and to the classification of the impact as 'slight adverse', which I accept and the mitigation measures outlined in the EIS I consider that the air emissions impacts are acceptable.

Noise and Vibration

7.6.25. Excavation at the lower level subject of the current application will be in more fractured rock. There is established use of the quarry including regular blasting which has taken place. However, there is also a relatively high level of receptors in the vicinity. Baseline noise monitoring shows that daytime standards are exceeded particularly due to traffic noise along the national route.

7.6.26. The EIS sets out the sources of noise. In relation to future impacts I consider that it is reasonable to conclude that the location of the extraction and processing at a lower level will reduce the impact further. The submission by the applicant is that the development has heretofore operated within accepted noise limits. I consider that the Board can have confidence that compliance can continue to be achieved in the future.

7.6.27. Predicted noise and vibration due to blasting are to be addressed by good design and operation of the blast, prior notification and selection of suitable times. The experience is that the air overpressure has not exceeded the limit of 125 dB (Lin) and there is no reason why the proposed development cannot achieve equivalent results.

Cultural Heritage

7.6.28. The EIS presents in detail the main designated and non-designated structures of heritage interest in the vicinity. At the northern end of the holding but outside of the extraction area a building is indicated on the map on 11-17 – this has been demolished. No structures or buildings of architectural or archaeological interest will be impacted. Due to the nature of the development and its location at the bottom of a worked quarry and having regard to the landscape and visual impact comments below, there is no impact on the setting of any features of cultural heritage interest. I agree with the assessment that there are no direct or indirect impacts.

Landscape and Visual Impact

7.6.29. There are no highly scenic areas or listed views in the vicinity. I consider that the selected 3km radius for the LVIA is acceptable having regard to the nature and position of the development involving extraction at the bottom of the enclosed quarry and the screening afforded by the topography. The site is very prominent in views from the immediate vicinity. However, the existing extraction area is largely screened in views from the public realm, as I confirmed during inspection. The subject development is positioned at the same location as the existing extraction and all processing activity will be within the existing void. The development will not result in landscape effects such as removal of vegetation or changes to the landscape characteristics. The level of impact on the landscape will not be significant. There will be no visual effects and no visual receptors will be affected. There is no requirement for mitigation except in terms of restoration details of which are presented in outline. The development is acceptable in terms of landscape and visual impacts and would have a negligible impact.

7.6.30. Subject to mitigation including continued monitoring and other control measures identified I consider that the development is acceptable in terms of residual impacts related to noise and vibrations.

Material Assets

7.6.31. The location of the development almost adjacent a national road is a positive locational feature in terms of the traffic and transportation impacts of the development. The assessment undertaken in Chapter 13 of the EIS is based on the peak extraction trip generation in 2007. The information presented indicates that the number of loads per week is mainly related to export of stone (25 loads per day on average), export of concrete blocks (11 loads per day), exportation of concrete (18 loads per day) and importation of sand and cement (average of 6 loads per day).

7.6.32. Based on an extraction rate of 283,000 tonnes per annum there is an estimated increase of up to 8.2% of total traffic on the road network in the immediate vicinity of the site, where there is some record of collisions and a deficiency of pedestrian facilities. Sections 13.82 – 13.85 13.88-13.90 of the EIS refer. In relation to mitigation measures the recommendation by the planning authority regarding improved sightlines is reasonable in my opinion.

7.6.33. Otherwise I note that the analysis presented demonstrates that the road junctions in this area are operating efficiently. The interface between the commercial area and the quarry site would benefit from a proper layout. I accept however that the requirement for such upgrades cannot be solely determined to be related to the quarry and its operation. The attachment of a special contribution might be considered reasonable in other circumstance. However only a small percentage of the traffic on the adjacent road would be attributed to the quarry. Therefore, I do not recommend a condition in this regard.

7.6.34. The impacts are largely positive in terms of the extraction of a natural resource at an established facility. Impact assessment relevant to residential property and noise and air are similar to ongoing effects in terms of their significance and are considered in more detail elsewhere.

Interaction of the Foregoing

7.6.35. The main interactive impacts arising from the proposed development are adequately addressed in the EIS. The main interactions arise between air, noise and vibration and material assets and human beings.

7.7. Other issues

7.7.1. The report of Donegal County Council raises issues in relation to closure including financial measures which I consider should be addressed by condition and which are incorporated into the recommendation below.

7.7.2. I note the comments of the planning authority and the response of the applicant in relation to planning conditions which might be attached and have taken these matters into consideration in the recommendation below.

8.0 Recommendation

8.1.1. I recommend that permission be granted for the reasons and considerations and subject to the conditions below.

9.0 Reasons and Considerations

The Board had regard to, *inter alia*, the following-

- (a) the provisions of the Planning and Development Acts, 2000 to 2015, as amended, and in particular Section 37L,
- (b) the 'Quarry and Ancillary Activities, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2004,
- (c) the provisions of the Donegal County Development Plan 2012-2016,
- (d) the Environmental Impact Statement submitted with the application,
- (e) the Appropriate Assessment Screening Report submitted with the application,
- (f) the report and the opinion of the planning authority under section 37L(12)(a),

- (g) the planning history of the site,
- (i) the pattern of development in the area, and
- (j) the nature and scale of the development the subject of this application.

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on European Site Nos. 000133 and 004151, or any other European site, in view of the sites' Conservation Objectives.

The Board completed an Environmental Impact Assessment in relation to the subject development and concluded that the Environmental Impact Statement submitted identified and described adequately the direct and indirect effects on the environment of the development.

The Board considered that the Inspector's report was satisfactory in addressing the environmental effects of the subject development and also agreed with its conclusions in relation to the acceptability of mitigation measures proposed and residual effects and that the subject development would not be likely to have a significant effect on the environment.

Having regard to the acceptability of the environmental impacts as set out above, it is considered that, subject to compliance with the conditions set out below, the subject development would not be contrary to the proper planning and sustainable development of the area.

9.1. Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application submitted to An Bord Pleanála on the 11th day of December 2015, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement, and shall be implemented in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Mitigation & monitoring measures outlined in the Environmental Impact Statement and the Appropriate Assessment Screening Report submitted with this application, shall be carried out in full, except where otherwise required by condition attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

3. 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) Monitoring of groundwater levels and surface water quality.
- (b) Proposals for the suppression of on-site noise and vibration.
- (c) Proposals for the bunding of any fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.

Reason: In order to safeguard local amenities and the environment.

4. Prior to commencement of development, details of an upgraded surface water management system for the site shall be submitted to, and agreed in writing with, the planning authority.

This shall include the following:

- (a) details of the water balance on the site including measures for monitoring of water pumped from the extraction area and discharged from the site
- (b) design of settlement ponds,
- (b) surface water management of concrete block yard,
- (d) a timeframe for implementation of any changes which may be required,
- (e) management measures to cater for extreme rainfall events.

Reason: To ensure protection of ground and surface water quality and to provide for the satisfactory disposal of surface water.

5. Within six months of the date of this decision the applicant shall demonstrate to the satisfaction of the planning authority that suitable wastewater treatment facilities are in place at the site.

Reason : To ensure protection of ground and surface water quality and in the interest of public health.

6. As condition 5 of SU0106.

7. As condition 6 of SU0106.

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

the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

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

9. Within three months from the date of this order, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory restoration of the site, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory restoration of the site.

Mairead Kenny
Planning Inspector

23rd December 2016