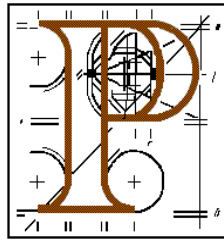


# An Bord Pleanála



## Inspector's Report

**Development:** Further development of a quarry at Agall,  
Screggan, Tullamore, County Offaly

**Planning Authority:** Offaly County Council

**Applicant:** Condron Concrete Limited.

**Application Type:** Application for Further Development

**Date of Site Inspection:** 30<sup>th</sup> August, 2016

**Inspector:** Kevin Moore

## **1.0 INTRODUCTION**

- 1.1 This application is for further development of a quarry at Agall, Screggan, Tullamore, County Offaly in accordance with section 37L of the Planning and Development Act 2000, as amended.
- 1.2 The proposed development consists of the further development of the quarry relating to Substitute Consent application PL 19.SU0131 and comprises the extension of an area of 9.78 hectares. The application details include an Environmental Impact Statement and an Appropriate Assessment Stage 1 Screening Report.

## **2.0 QUARRY LOCATION AND DESCRIPTION**

- 2.1 The existing quarry site area consists of two quarries in separate ownership at present but without distinctive demarcation separating them. These sand and gravel quarries are located in the townlands of Agall and Glaskill, Screggan approximately 3km north-west of the village of Mucklagh, 6km west of Tullamore, and just under 3km south-east of the village of Rahan in County Offaly.
- 2.2 The identified site area of the larger quarry covers an area of approximately 25.15 hectares, approximately 10 hectares on its eastern side of which are under restoration. The operations on site include extraction, screening, and batching. The smaller quarry incorporates an area of approximately 3.15 hectares and abuts the north-western section of the other quarry. There is a storage building and yard near the northern end of the established quarry. There is no welfare or other facilities on site. Fuel is stored in a tank raised above a concrete bund.
- 2.3 The proposed extended area is located to the west and south of the established quarries and constitutes a stated land area of 9.78 hectares. It

comprises agricultural lands. The site is bounded to the north and east by the established quarries, to the south by forestry and to the west by agricultural lands. Development in the wider environs comprises farmlands, farm complexes, one-off housing along the approach roads and other quarry operations. A groundwater source, forming part of the Rahan public water supply source, is located in a field immediately to the north-west of the overall quarry lands.

### **3.0 DESCRIPTION OF PROPOSAL**

3.1 The proposal seeks a thirty year permission for the extension of quarry operations at Agall by a further 9.8 hectares. Works would include extraction of gravel, basic screening, loading and transportation over four phases of development. The estimated extraction height of aggregate material within the site is 12-14m. There would be no 'wet' operations on the site. It is proposed that the water table would remain unaffected by the works, with a substantial buffer remaining between it and the commercial gravel deposits. It is not proposed to extract the fine sand deposit below the gravel. The dry screening plant would follow the operating face into each phase of development as per the existing operation. Access to the proposed extension area would continue to be via the existing main quarry entrance. It is proposed that the extension would not result in any significant variation to established volumes of truck movements associated with the existing quarry. Welfare facilities are not provided at the existing quarry and it is not intended to provide any with the proposed extension. No potable water or telecommunications is supplied to the existing quarry, ESB power is not utilized and there are no storm or sewerage connections. A deep well was drilled in the northern section of the existing quarry and it is proposed that this would be commissioned in the future to offer water to enable dust suppression.

- 3.2 The proposed extension is intended to enable the quarry to continue operations until 2040. After extraction, it is proposed to remediate the land to agricultural use.

#### **4.0 OFFALY COUNTY DEVELOPMENT PLAN 2014-2020**

The following is noted from the Plan:

##### **4.1 Economic Development Strategy**

###### *Sand and Gravel Extraction*

- 4.1.1 The Council recognises the importance of sand and gravel extractions in the economic life of the county and its importance as a valuable source of employment in parts of the county. It is also recognised that exploitation of deposits can have a seriously damaging environmental impact on the scientific, recreational and amenity value of the County's natural landscape, in particular its esker network.
- 4.1.2 The suitability of any extraction enterprise is to be assessed on the basis of the sensitivity of the local environment to such impacts, the scale of the development proposed and the capacity of the road network in the area to accommodate associated traffic. It is the Council's policy to ensure that those extractions which would result in a reduction of the visual amenity of areas of high amenity or damage to areas of scientific importance or of geological, botanical, zoological and other natural significance including all designated European Sites shall not be permitted. The site of the proposed development does not fall within these designated areas.
- 4.1.3 It is Council policy that all such workings should be subjected to landscaping requirements and that worked out quarries should be

rehabilitated to a use agreed with the Planning Authority which could include recreational, amenity and end-of-life uses. The use of these rehabilitated sites are to be limited to wastes such as soil, stone and subsoils and sites are to be authorised under the appropriate waste regulations.

4.1.4 The Planning Authority has regard to the Department of the Environment's Guidelines for Planning Authorities for Quarries and Ancillary Activities 2004 when assessing applications relating to the extraction industry in the county. In this regard, bonds or levies are required by the Council as a condition of any planning permission granted to ensure satisfactory reinstatement on completion of extraction. The Council require the payment of a contribution towards the cost of road improvement and reinstatement works necessitated by permitted developments.

4.1.5 The Council recognises the unique importance of Offaly's esker landscape deriving from its scientific, botanical, archaeological and historical value. All proposals for sand and gravel extraction at eskers will be determined by reference to the need to conserve the environment, character and scientific value and the extent to which the proposed development would be damaging to these qualities. The site of the proposed extraction does not comprise an esker or part of such a feature.

4.1.6 The Plan states that the Geological Survey of Ireland has completed Aggregate Potential Mapping providing an indication of where potential gravel extraction can take place in the county.

## *Rural Development Policy*

4.1.7 **RDP-14** It is Council policy to ensure those extractions (quarries / sand and gravel pits) which would result in a reduction of the visual amenity of areas of high amenity or damage to designated sites, habitat types or species shall not be permitted. It is Council policy that all such workings should be subjected to landscaping requirements and that worked out quarries should be rehabilitated to a use agreed with the Planning Authority which could include recreational, biodiversity, amenity or other end-of-life uses. The use of these rehabilitated sites shall be limited to wastes such as soil, stone and subsoils and sites shall be authorised under the appropriate waste regulations. Where the Council considers and accepts that in cases where inert material (i.e. soil, stones and subsoil etc.) cannot be recycled or otherwise sold, such materials may be considered for the phased restoration and landscaping of the site in line with standard planning conditions imposed.

## 4.2 Development Management Standards

### *Extractive Industries*

4.2.1 The Planning Authority will have regard to the DEHLG's Quarries and Ancillary Activities, Guidelines for Planning Authorities, 2004 when assessing quarry related proposals. Particular constraint will be exercised in areas of archaeological importance, recorded monuments, areas of ecological importance and other environmentally sensitive designated areas.

- 4.2.2 All developments should have regard to and comply with the Environmental Protection Agency's (EPA) publication '*Environmental Management in the Extractive Industry (non-scheduled minerals)*', 2006, the ICF Environmental Code of October 2006, the Wildlife, Habitats and the Extractive Industry (Notice Nature/ Irish Concrete Federation / NPWS 2010) and the Geological Heritage Guidelines for the Extractive Industry (GSI / Irish Concrete Federation / Planet Earth 2008).
- 4.2.3 The Council favours the use of existing licensed quarries over proposals for extraction from green field sites. There is a presumption against new quarry developments on the County's Eskers.

## **5.0 PLANNING HISTORY**

The following planning history relates to the overall quarry development:

### **5.1 UD/07/011**

A Warning Letter was issued to Condrón Concrete in November 2007 in relation to unauthorised use of lands for quarrying works. A response was received in December 2007 claiming exemption from prosecution.

- 5.2 **An Bord Pleanála Ref. QV19.QV0187 (P.A. Ref. EUQY028)** – A review of the decision by Offaly County Council under the section 261A process was sought by the applicant. The Board decided to confirm the determinations under section 261A(2)(a)(i) and section 261A(3)(a) and to set aside the determination under section 261A(5)(a), culminating in the requirement for an application for substitute consent.

- 5.3 **ABP Ref. 19.SU0131** - An application for Substitute Consent for an area covering two quarries, one comprising an area of 25.15 hectares and the

other 3.15 hectares, was submitted to the Board and is currently under consideration.

## **6.0 SUBMISSION FROM THE PLANNING AUTHORITY**

6.1 The Council's Planner stated the relevant sections of the Planning and Development Act pertaining to its requirements and detailed extracts from the current Offaly County Development Plan as they relate to sand and gravel extraction. Reference was made to vulnerability of groundwater in the county and the Council's role in relation to the protection of same. It is submitted that the quarry is generally deemed to be acceptable in this location and it is acknowledged that the site is well screened. With regard to suggested conditions, reference was made to the need for a development contribution, the need for a bond, and the setting out of a timeframe for the restoration works within the context of the phasing to avoid restoration of the entirety of the site at the final completion of quarrying activity.

6.2 The Environment and Water Services Engineer recommended that

6.2.1 On soils and geology:

- An Environmental Management Plan be prepared and implemented,
- A minimum of 5m of unsaturated overburden be maintained to protect the integrity of the underlain aquifer,
- Screening or crushing units do not operate on the quarry floor,
- Remediation of the lands be undertaken progressively, and
- Waste be managed in accordance with the Waste Management Act, with all waste stored in designated areas, details of proposed volumes of waste be provided, and compliance with EPA guidance.



#### 6.2.2 On hydrology and hydrogeology:

- The application be referred to Irish Water for comment,
- Annual groundwater monitoring is implemented,
- Suitable bunding is provided for storage tanks on site, and
- Adequate containment booms and absorbent materials to contain spillages are maintained on site.

#### 6.2.3 On air quality and climate:

- Mitigation measures proposed in the EIS for dust suppression are implemented, and
- Noise abatement measures outlined be applied.

#### 6.2.4 On noise and vibration:

- Mitigation measures proposed in the EIS for noise are implemented, and
- Noise emissions at the nearest noise sensitive location do not exceed LAeq (60 minutes) 55dB(A) 8am to 8pm and LAeq (15 minutes) 45dB(A) 8pm to 8am, with audible tones or impulsive components minimized.

6.3 The Roads and Infrastructure Engineer requested that a wheel wash be provided on the access road and a bound macadam surface be provided from it to the public road, with a layout drawing submitted to the Council for approval. It was additionally requested that signs be provided on both approached to the entrance.

## **7.0 PRESCRIBED BODIES SUBMISSIONS**

### **7.1 Submission by An Taisce**

7.1.1 An Taisce submits that consideration of further quarrying on this site needs to be integrated with resolution and remediation of the existing quarrying operation.

### **7.2 Submission by Health Service Executive**

7.2.1 Dust monitoring proposals set out in the EIS were noted and it was recommended that such monitoring should be included as a condition with agreement to carry out any necessary mitigation measures. It was noted that the site is located within the Zone of Contribution to Agall Spring and it was submitted that it is vital that this resource is protected. If deterioration in water quality results from quarry activities, it is stated that appropriate mitigation measures must be taken and the potential need for increased on-site water quality monitoring and testing are also referred to. It was stated that details of a proposed Environmental Management System should be submitted to the Board for approval. Noting the lack of welfare facilities on the site, it was submitted that this will change over time and that waste water treatment systems will need to meet EPA requirements.

### **7.3 Submission by Irish Water**

7.3.1 It was stated that the concerns raised by Irish Water in relation to the substitute consent application stand for this site also. It is noted that the EIS determines the entrance to the new quarry would be 250m south of the Rahan/Agall/Holmshill public water supply which currently yields 1,600,000 litres of water per day and is the main supply for a population of 2,600. It is acknowledged that the quarry footprint lies within the actual zone of contribution for this spring supply. The proposed quarry activity is seen as carrying a high risk of impact on the Spring and it is submitted

that the applicant has limited mitigation measures proposed, other than to ensure the gravel land banks are not reduced to more than 5m height above the water table. It is noted that the applicant does not consider measures to prevent direct or indirect input of contaminants. Irish Water requires 'defensive' monitoring in the vicinity of the quarry and it is submitted that the applicant must satisfy the requirements of the EC Groundwater Regulations 2010 regarding direct and indirect discharges to groundwater. An effective defensive monitoring programme, comprising a suite of five permanently constructed monitoring wells to be installed pre-operation is considered necessary, with samples taken at least quarterly for a suite of parameters and with the location of the boreholes to be agreed with the local authority. It was further considered that sufficient information had not been provided on percolation areas, bunding, petrol interceptors and the potential impact of these.

#### **7.4 Submission by Transport Infrastructure Ireland**

7.4.1 TII submits that, having regard to the extent of operations and the location of the quarry operations accessing the local road network prior to accessing the N52, it has no specific comment to make in terms of impacts relating to the safe and efficient operation of the national road network in the area.

### **8.0 RESPONSE OF PLANNING AUTHORITY TO PRESCRIBED BODIES SUBMISSIONS**

8.1 The Council notes HSE and Irish Water submissions. Noting HSE request for welfare facilities, it is acknowledged that no public sewer network serves the site. It was stated that any proposal for an on-site treatment system would have to undergo a site suitability assessment and it was

considered that such a system could increase the risk of impact on the Agall public supply.

## **9.0 OBSERVER SUBMISSIONS**

### **9.1 Submission by Mary Ita Luby and Others**

9.1.1 The observers are residents next to the proposed site. Concerns are raised in relation to the effects on the landscape and habitats, with reference made to impacts on the grouse population. Impacts on cultural heritage, namely historic walking routes, are also referred to. Concern is further raised in relation to impacts on groundwater, private wells and on the local public water supply in close proximity by way of contamination and dewatering. Effects on surface water and foundations to houses and the increase in dust levels are further indicated as concerns.

### **9.2 Submission by Noel and Niamh Lee**

9.2.1 The observers are residents of Agall and raise concerns in relation to the traffic impact from the existing quarry on the narrow road, the problems from dust with the existing quarry and the proposal being closer, the noise impact being greater as a result of the new development, and the impact on health arising.

### **9.3 John and Rose Mollen**

9.3.1 The observers are residents of Agall and raise concerns in relation to the need to maintain a green area around homes, the need to restrict further entrances onto the road, the impact on water supply, noise and dust impacts, and impacts on hedgerow and birds.

#### **9.4 Enda and Siobhan Mollen**

9.4.1 The observers are residents of Agall and raise concerns in relation to the impact on their private water supply, noise arising, inadequacy of the road to serve the development, the need for restriction of access to the quarry, and the adverse dust impacts that would result.

### **10.0 APPLICANT'S RESPONSE TO SUBMISSIONS**

10.1 The applicant addressed the submissions by Offaly County Council, Health Service Executive and Irish Water. A schedule of issues raised was set out. Commitment to mitigation and restoration as recommendations that were made were noted. It was further noted that the Council deems the development acceptable. The Council's request for a wheel wash and signage is accepted. How the applicant would provide a well water supply to serve the wheel wash is outlined and it is stated that the well has sufficient capacity. With regard to provision of welfare facilities, it is noted that no such facilities exist or are proposed. If the Board requires the provision of same, it is proposed that a sealed process, in the form of a chemical toilet system, be employed. The requirement for a development contribution and a bond is acknowledged. With regard to restoration, the applicant states that it is committed to the restoration of proposed phases as a new phase begins extraction. On locating screening plant, it is submitted that the positioning of such plant in close proximity to the operational face maximizes the visual and acoustic mitigations.

10.2 It is submitted that the applicant is committed to all mitigation measures in the EIS and states that an Environmental Management System will be developed as part of the future development of the quarry.

10.3 It is submitted that there is limited waste generated at the quarry, that overburden and clay veins are all utilized in the restoration, and that no

office or general waste is generated. It is noted that small volumes of lubricants are used to maintain machinery which are removed by authorised contractors when finished. It is submitted that, if deemed beneficial, the applicant can enter discussions with the Council to develop a waste management plan.

- 10.4 It is noted that there are no fuels or chemicals stored on the site and there is no proposed fuel storage. No fixed bunds are stated to be required and mobile bunds will be put in place. It is intended that site machinery will be refueled using a mobile bowser and that all necessary spill kits and drip trays will be in place. It is stated that lubricants will be placed within a mobile bund. Noting that a 5m depth of unsaturated gravel is to be maintained beneath the pit floor, it is submitted that this is a substantially greater depth than is provided for other quarry operations for aquifer protection. Measures to include regular monitoring of groundwater and the formalizing of a risk response programme are referred to.
- 10.5 On the protection of Agall Spring, it is stated that the significant buffer between pit floor and the groundwater table will be extended to the proposed quarry development. It is further stated that a groundwater monitoring programme will be implemented, with the nature of this defensive monitoring system and the parameters to be assessed to be subject to detailed assessed and consultation with the local authority and Irish Water.

## **11.0 ASSESSMENT**

### **11.1 Introduction**

I consider that the sole issue of relevance at this time relates to the application's association with the existing application for substitute consent.

## 11.2 The Application for Substitute Consent

11.2.1 I acknowledge the Order issued as part of the decision of the Board under QV19.QV0187. Therein, it was stated for clarity for the applicant:

*“In the interest of clarity, the Substitute Consent application to the Board, accompanied by a remedial Environmental Impact Statement, shall include the two areas identified on the map issued by the planning authority as part of the planning authority’s determination/decision issued under Section 261A of the 2000 Act.”*

This expressly relates to the land areas of QY028 and QY031A.

11.2.2 The Board will note the report and recommendation with the attached file PL 19.SU0131. This substitute consent application considered the lands associated with the quarry previously registered as QY028 by Offaly County Council only, which related to a land area of 25.15 ha. It did not include the land area associated with the quarry previously registered as QY031A, which related to an additional area of 3.15 ha.

11.2.3 My report on this application has concluded that the application for substitute consent is deficient because:

- (a) It fails to address a very substantial part of the land area required to be assessed, and it is noted that this is in a particularly sensitive area relating to groundwater and where this area is potentially of significant value in terms of flora and fauna;
- (b) It fails to focus on essential environmental matters relating to past activities which it is required to do; and
- (c) Where consideration of past activities on a limited number of environmental factors is provided, information is extremely scant

and is limited in value when seeking to undertake Environmental Impact Assessment.

11.2.4 It is my submission to the Board that consideration of significant expansion of the established quarry at Agall, as is now proposed under this current application, could not reasonably be considered at this time where a substantial section of this quarry is unauthorised and where regularisation cannot be facilitated due to the matters identified above.

## **12.0 RECOMMENDATION**

It is recommended that permission is refused in accordance with the following:

### **Reasons and Considerations**

The proposed development relates to a site the use of which is unauthorised for the carrying on of quarry operations and which has not been regularised in accordance with the provisions of section 261A of the Planning and Development Act. The proposed development would constitute an intensification of the said unauthorised use and it is considered inappropriate that the Board should consider the grant of a permission for the proposed development in such circumstances.

---

Kevin Moore

Senior Planning Inspector

September, 2016