



An
Bord
Pleanála

Inspector's Report QD04.QD0010

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| Development | Further development of Quarry. |
| Location | Rossmore, Carrigwohill, Cork. |
| Planning Authority | Cork County Council. |
| Planning Authority Reg. Ref. | N/A. |
| Applicant(s) | Lagan Bitumen Limited. |
| Type of Application | Section 37L. |
| Planning Authority Decision | N/A. |
| Type of Appeal | N/A |
| Appellant(s) | N/A. |
| Observers: | Patrick Kevin Kearney Tony Flynn & Others |
| Date of Site Inspection | 21 st October 2016 |
| Inspector | Philip Davis. |

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1.0 Introduction

This application in respect of further development of a quarry in County Cork was made under Section 37L of the Planning and Development Acts 2000, as amended. The relevant provisions under this Act are set out under Sections 37L to Section 37Q of the Acts as amended. This application must, under the Act, be decided concurrently with file SU04.SU0092.

2.0 Site Location and Description

The townland of Rossmore is located within a sheltered area of coast between two small peninsulas which extend south into the saltwater channel (the Belvelly Channel) separating the mainland from Great Island within Cork Harbour. It is 2 km due south from the village of Carrigtwohill, an extended settlement along the N25 just east of Cork City and about 2km east of the Fota estate with its wildlife park and hotel. Cork City is 15 km to the west and Midleton is 5 km to the east. The landscape of the area is characterised by rolling eroded karstic limestone lowlands which have been partially submerged by a locally rising sea level. The seashore is very sheltered, characterised by mudflats and salt meadows at the shoreline. The locality is largely agricultural, with medium sized fields of usually well drained grassland bounded by high hedges. There are a number of large limestone and sand/gravel quarries in the area both active and abandoned and, at the very end of the peninsula east of Rossmore there is a civic amenity facility within a former quarry. There are also the remains of clay abstractions for brickfields – these are now flooded. The area is served by a single improved private road, which terminates at the civic amenity facility (this road is signposted as private although is similar in layout and surfacing to a typical L-road). The road links to the north to connect with the minor (L) road network south of Carrigtwohill and east of Fota. The quarry in question is a sand, gravel, and limestone quarry within a site with an area given as 20.45 hectares – the existing working area is around 15 hectares. It is roughly rectangular in shape, and excavates northwards into the southern side of a low ridge of limestone which extends east to west parallel to the coast. The base is occupied by an area of stone processing facilities and an asphalt plant. There is one settlement pond and the main working face into the limestone bedrock is to the

north. The northern boundary is next to open fields with some dwellings beyond this, while to the east is the access road, which runs down to the Civic Amenity facility to the south, with beyond this a large disused quarry and farmland. To the west is an even larger limestone quarry in separate ownership – the boundary is a bund perched on top of a strip of unworked limestone. The southern side of the site is bounded with a high bund, this is directly adjoining the shoreline with the Great Channel. The shore is marked by a small erosional shelf, a stony tidal zone, and extensive mudflats. There are remnants of an agricultural access track along the shore. There is a small area of salt meadow just south of the main entrance to the site where the road runs south to the Civic Amenity facility.

3.0 Proposed Development

The further development of the existing quarry to the north of the existing site, including deepening and widening. It is proposed to extract a maximum of 250,000 tonne per annum – the same as is currently permitted. The proposals include filtration beds on what is now grassland on lands east of the site (across the road) and alterations to the junction of a private road leading to the site and the public highway. Restoration works to the quarry are also proposed.

4.0 Planning Authority Reports

4.1. Planning Authority Reports

4.1.1. Planning Reports

The planning authority consider that there is no substantive difference between this current application and the previous application reference no. **13/6321** (this was withdrawn).

4.1.2. Other Technical Reports

National Road Design Office: Recommends a number of conditions relating to upgrades to the road and the accesses and signage.

Ecologist Report: Notes a number of alterations from the original application. It is stated that the Council Ecologist is satisfied with the conclusions in the NIS.

Clarification is requested with regard to issues of possible contamination of groundwater from heavy metals and the potential for any such contamination to give rise to impacts on estuarine habitats associated with the adjacent SAC and SPA.

Environment Report: A number of conditions recommended.

Archaeologist: The EIS is considered acceptable. A number of conditions are recommended.

Area Engineers Report: No objections – a number of conditions recommended.

Independent report from OCM consultants. Notes the issue of contamination of the lagoons from hydrocarbons. Some saline intrusion to the water used on the site is noted. A number of concerns are highlighted regarding the figures for groundwater abstraction in the EIS. It is considered that the impact on groundwater is likely to be neutral, but recommends a number of conditions to address this.

4.2. **Prescribed Bodies**

Transport Infrastructure Ireland: No objections – notes the statement in the EIS that no further increases in traffic flows are predicted.

HSE: It is noted the extreme vulnerability of groundwater beneath the active quarry. Notes possible risk to existing well near a house. Recommends continual water testing and microbiological testing at the private well.

GSI: No further comments in relation to the EIS.

Department of Environment, Community and Local Government: It is indicated that it does not appear that there is any development on State owned foreshore. It is noted that a discharge to the foreshore would require a discharge license.

5.0 **Observers**

Patrick Keven Kearney of 'The Bungalow' Rossmore objected to the application on the basis that the existing quarry is causing significant amenity impacts to his property by way of dust, noise (especially from traffic), vibration, blasting and other impacts. Photos are submitted of what is claimed to be structural damage to his property.

Tony O’Flynn of Carrigtwohill gAA (signed by other members of the Board) submitted an observation stating that Lagan Bitumen Limited has supported the local GAA team, provide substantial employment in the area and has operated to a high standard – the Board is requested to grant the S.37L application on the grounds that it would secure employment in the area.

6.0 Planning History

The quarry apparently commenced operating (sand and gravel and limestone extraction) in 2002 on foot of appeal **PL04.203762 (02/5476)**, although there are indications that works commenced prior to this. This permission was set by condition for 10 years only. Permission was granted in 2005 for a concrete batching plant **05/7362**, (appeal ref **PL04.216454**). A quarry registration (QR.044 was unprocessed as it was deemed not necessary. In 2015 permission was granted on appeal by the Board for an extension of the opening hours of the asphalt plant (**PL04.244651**). In 2012 an application (withdrawn) was made to deepen the extraction below the water table. An Application under 177E was made in April 2014 and is still pending (**SU04.SU0093**). There is also an extensive planning history, along with a current application under S.177E for the adjoining quarry to the west (**SU04.SU0136**).

7.0 Policy Context

7.1. Development Plan

There are no specific relevant zoning designations applying to the site – it is within an area designated as Cork Greenbelt, although policies for this apply to housing, not quarries. General policy objectives relating to mineral extraction are set out in Objective EE 12-3 of the current County Development Plan.

7.2. Natural Heritage Designations

The site is immediately adjoining tidal mudflats and related tidal habitats that are subject to Natura 2000 designations.

8.0 The Application

8.1 Applicant Response to Cork County Council observation

Hydrology report:

- It is submitted that the most recent reports indicate that there is no evidence of trace water pollutants in groundwater.
- It is similarly stated that there has been no further contamination of groundwater from hydrocarbons.
- It is claimed that the EPA is considering re-categorising the local aquifer as 'good' quality. It is argued that there is no overall loss of groundwater due to local infiltration. It is noted that the only impact of abstraction is saline intrusion.
- It is stated that the cumulative impact figures in the EIS for the Kilsaran abstraction are worst case scenarios.

In other respects, the general conclusions of the other reports submitted by the planning authority are agreed with.

9.0 Assessment

9.1 Policy considerations

The quarry is on lands for which there is an active quarry and the proposal is for an extension and deepening which were broadly covered by the previous permission dating to 2002, which had been granted on appeal. This application is under Section 37L of the Planning and Development Acts 2000 as amended for works that extend the quarry working area and to deepen below the water table. In overall policy terms, having specific regard to the decision of the Board to grant permission for similar works under **PL04.203762**, I would consider that the broad planning principle for a quarry on this site has been established. I consider that the primary issue in this application relates to environmental impacts of the proposal, specifically to the Natura 2000 sites adjoining. I consider that the impact on local hydrogeology

and its potential off-site impacts, including on designated habitats, is the single most significant issue in this application, so I will focus my assessment on this.

9.2. Water and hydrogeology

There are no surface water streams or major drains on the site or in the vicinity.

There is a well on the site which supplies processing water, with all water claimed to discharge to the lagoon within the site. The proposed development includes for the creation of infiltration lagoons east of the quarry in lands within the ownership of the applicants. These lands are north of wasteland with ponds from long abandoned clay works. I noted during my site visit two pipes discharging significant quantities of water into the ponds here – these pipes seem to lead from this quarry and the adjoining quarry, but there is no reference on file as to whether they are connected in any way to the quarry in question. There is no reference to any groundwater dewatering in the EIS or related documents – the EIS states that there has been no dewatering of the quarry and that all works are well above the groundwater level. Water is abstracted from a well for processing works. I have noted in my previous report for the adjoining quarry site that there was at the time clear evidence of dewatering with discharge to the bay at the time, and this was confirmed in a previous appeal relating to that site from the reporting inspector. The EIS (page 16) confirms the dewatering of the neighbouring site. There is no evidence that I could see that the applicant has carried out dewatering, although I would not doubt that this quarry would have benefited from the plume of depression from the adjoining site. The EIS is weak in providing much information on the natural groundwater levels in the site (i.e. prior to any quarry). I would consider that having regard to the history of quarrying and abstraction that it is unlikely that the groundwater level in the vicinity is at its natural level.

The main information on groundwater level is in Figure 8.6 of the EIS, which relates to a single monitoring well north of the quarry. This indicates a highly fluctuating groundwater level – with tidal in addition to seasonal influences. As the site is very close to sea-level the groundwater does not feed any springs downslope. The main potential negative impact would be on local domestic wells, either by lowering levels or causing saline intrusion. I note there is also evidence of some contamination of existing groundwater, although it is not clear as to the source. It seems that there

was hydrocarbon contamination of the existing lagoons in the past, but this problem has been cleared up.

I note that the overall area is karstic limestone, so there will always be a significant amount of uncertainty about groundwater levels and flows in such an area, and any surface water flows will largely be dependent on such underground channels. As such there will always be significant uncertainty about the potential for the impact of such a deep excavation and I would be particularly concerned about the potential for additional saline intrusion. I would also note that the application does not address in detail the potential impact of what happens after quarrying works cease – in the event of a closure (especially if unplanned) of the quarry there is a potential for a lake to develop, which could well be partly saline given the location.

Notwithstanding these concerns, I consider that the information submitted with the EIS and application is reasonable and in line with statutory requirements. Having particular regard to the existing permitted uses on the site and its location some distance from major abstractions I would conclude that with appropriate conditions the proposed extension to the quarry can be operated without degrading the quality of ground or surface waters.

9.3. Geology and soils

The site is characterised by glacial tills of varying depths over thick deposits of Lower carboniferous karstic limestones – the latter being the economic resource for quarrying. The overburden has been largely stripped from most of the areas proposed for excavation. The limestone on the northern face is exposed – there is some visual evidence of karst features on the face such as vertical pipes opened through solution weathering. Older OS plans do not show any karstic features such as springs or caves in the immediate vicinity of the site. There are no indications that the loss or damage to soils or geology would be serious or significant in planning or environmental terms.

9.4. Air quality and climate

The quarry includes an existing permitted asphalt plant, which appears to be the main contributor to air pollution in the vicinity. This plant is not part of this application. The primary air quality issue with the application is likely to be dust from excavation works. The existing quarry, along with the adjoining quarry, have existing

permitted limits (130 mg/m² per day), and there is ongoing monitoring – Bergerhoff Gauges are visible around the site. It is stated that the operations have not resulted in any breaches. I note that the excavation works will bring the quarry somewhat closer to dwellings to the north, but it would seem unlikely that this would, if emission levels are maintained, result in increases impacting on those dwellings. I do note the complaints on file from the observer that dust arisings have been a problem. From my site visit it would seem that the main source of fugitive emissions and other forms of pollution (most obviously particulates from quarry and delivery vehicles) are from vehicles using the local minor road network. All traffic goes north on the existing L-road network, eventually joining up with the national road network at Carrigtoohil. This traffic includes a significant number of vehicles using the civic amenity site just south of the quarry.

I note that given the proximity to the adjoining quarry, and the impact of pollution from the asphalt plant (which is visible and results in an odour obvious outside the site), it is not easy to identify the contribution of the existing quarrying to pollution in the area. The overall level of pollution in the vicinity is more consistent with an industrial area than a rural area due to the combination of vehicles for the quarry/bitumen works and the civic amenity site. Notwithstanding this, I consider that having regard to the existing permitted works in the area, the proposed extension is not likely to increase air pollution in the area above that permitted, and would not have significant impacts on climate. I would therefore conclude that it would be acceptable in this regard if existing dust and emission levels are held constant within the limits set out in the EIS – this particularly applies to dust from vehicles leaving the site.

9.5. Noise and vibration

The works have been ongoing and the EIS has the logs of noise monitoring over this time. The operating permission – PL04.203762 set a standard 55DB(A) (as measured at the boundary) condition limit on the operations. It is stated that this limit has not been exceeded (Table 10.0 of the EIS sets out average figures). Noise monitoring has also taken place at nearby residential receptors (Table 10.1). It is stated that the proposed works will not significantly increase the intensity of works. I would note from my observations during my site visit that I would concur with the statements within the EIS that road traffic from the quarry and other uses nearby is a

greater source of local noise that operational activities within the quarry – the existing noise bunds appear to work quite well.

There are also existing conditions relating to blasting works. It is noted that one single measurement – (Table 12.2) exceeded the limitations set by condition. It states that this appeared to have been related to atmospheric conditions at the time. In other respects, the control of blasting vibration appears to have been in accordance with permitted limits.

While the blasting and excavation works that would be required would be slightly closer to receptors than current works, and it may be that as the quarry extends outwards the existing bunds may be less effective, I am satisfied that the existing limits and controls on the site are sufficient to ensure that noise and vibration impacts will be maintained within guideline limits.

9.6. Landscape and visual

The proposed works would not significantly alter the visual impacts of the existing quarry and plant as viewed from most public areas. The exception would be the new filtration ponds to the east of the road, although this would only be visible from directly next to the site.

The overall landscape is flat, with the vegetated bunds of both quarries being quite prominent features – the tower of the bitumen plant and electrical infrastructure in the area being the most prominent man-made structures, although other quarry infrastructure in both sites are intermittently visible. The area is not particularly well frequented, with the local private road being a dead-end, serving the Civic Amenity site and the quarry, although I saw some evidence that it is used occasionally by walkers. The bunds and some of the quarry infrastructure is visible from the nearby road running east to west. This road is subject to quite heavy quarry traffic so there would be few pedestrians in it. There are no leisure walks in the area, on my site visits I did not observe anyone in the locality apart from individuals using the Civic Amenity site or quarry workers. It would be likely that the shoreline would be occasionally used by walkers or beachcombers or possibly fishermen. Leisure boats may occasionally use this part of the Great Island Channel.

The existing bunds have landscaping of various degrees of maturity and quality. A number of gaps have developed in parts which are unsightly and it could certainly be improved with better maintenance and further planting of native species.

The EIS gives quite a comprehensive overview of the visual impacts and I would concur with its conclusions that the impacts would not be particularly significant having regard to existing and permitted works in the area. I would conclude that with appropriate additional planting and landscaping the proposed works would be acceptable.

9.7. Material assets and human impacts

The EIS focuses on traffic and transportation issues as the main 'material assets' impact – I consider this reasonable, as the proposal primarily effects the existing working quarry and associated landholding. The quarry connects via a single access to a minor road (this is indicated as a private road, although I would note that its status is not entirely clear as it serves a number of landholding, including the Civic Amenity site). This in turn links to a network of local roads, which connect most directly to the N25 at Carrigtoohil, 1.5 km north. They also connect to the R625, some 2-km to the west – this regional road serves Cobh. The road network is in reasonably good repair, although they are narrow, with a number of blind corners, and lack footpaths, so are generally unsuitable for anything but local traffic. It is clear from my site visits that heavy quarry traffic and traffic to the civic amenity sites makes these roads uncomfortable and potentially dangerous for pedestrians.

Traffic survey information is set out in 12.2.3 of the EIS. The EIS forecasts, on the basis of a 250,000 tonne permitted output per year, an average over a year of 4.5 loads per hour, assuming a 10 hour average working day. Along with employee traffic and other movements, this equates to 96 movements per day on average. The survey indicated an average daily flow on the private road next to the site of 250 vehicles, 39 of which were HGV's. It is noted that while this would represent an increase in observed traffic movements, it does not increase the 'theoretical' traffic load as the existing permission allows for 250,000 tonnes per annum extraction.

Although there is a train station at Carrigtoohil, it is not likely that many staff would be able to access the site through public transport.

The EIS concludes that while the overall impact would not be significant, it is proposed to alter the alignment of the private road somewhat to improve visibility for traffic at the junction with the public highway. At present, this is a crossroads with relatively limited visibility at each corner. It is not entirely clear to me that it is desirable to 'improve' this junction as it may well have unintended impact of increasing traffic speeds and careless manoeuvring at this point – to an extent the very restrictiveness of the road network in this area encourages careful driving in the local network. However, it is difficult to quantify this effect and I accept that the planning authority considers such improvements to be desirable.

While I have concerns about the level of traffic in a rural area where the road network was never intended for such a level of heavy vehicle movements, having regard to existing and permitted developments, including the permitted extraction rate from the existing quarry, I consider the proposals to be acceptable and do not recommend additional mitigation above that set out in the EIS.

9.8. Cultural heritage

Most of the works are on already disturbed ground within the bounds of the existing quarry. The exception is the area for the filtration beds, which is at the base of a slope on grassland – while this adjoins the old clay pits, this land does not seem to have been significantly disturbed. There are no records on file of any recorded ancient monuments or other structures of importance within or adjoining the landholding. There is one house on the NIAH on the road running north from the site to Carrigtoohill – this is described as a house of regional importance in poor condition dating from around 1830. Just south of this is a recorded ancient monument, a lime kiln. The only other recorded ancient monument in the vicinity are records of middens at the clay beds about 300 metres south-west of the site.

The EIS states that a 2009 geophysical survey of the proposed filtration beds was carried out and nothing of archaeological significance was detected. It is also noted that there are the remains of a structure at the junction between the private road and the main road which may be a former lodge building – it is not listed as a recorded ancient monument, protected structure, or on the NIAH.

I am satisfied from the information on file that there is not likely to be any impact on cultural heritage. I would recommend a monitoring condition for archaeology on the

filtration beds area due to its proximity to the coastline where there may be middens or other remains.

9.9. Flora and Fauna

The site is adjacent to an SPA, and I consider that the impacts on this Natura 2000 site represents the most significant impact on flora and fauna, and I will focus my assessment on that issue in the AA below.

The main disruption to local flora and fauna will be the loss of improved grassland on the landholding east of the quarry. This grassland appears to be in the first stage of natural regeneration. The EIS describes it as species poor. At the edges of the site there is transitional grass verge and hedgerows. The hedgerows are identified as being of local ecological importance, but there is no evidence of higher levels of importance, nor is there evidence of this part of the site being used for roosting or foraging for avian species associated with the SPA.

There are significant habitats along the fringes of the quarries, including the coastal edge, the planted bunds, and grassland. There is broadleaved woodland next to the site. There are no records of rare or protected species in the grasslands or woods immediately around the site. The EIS notes an abandoned badger sett on the eastern boundary, but no evidence of use. The trees are relatively young and so do not have high potential for bat use. It was noted that a small number of individual trees and some structural ruins have a moderate potential for bat roosts, but there is no direct evidence of bats in the area.

I would conclude that there is no evidence of serious impacts on local flora and fauna not associated with the SPA with the works. I would recommend conditions relating to the establishment and maintenance of boundary treatments to ensure appropriate native species are used.

9.10. Conclusions

The EIS gives a good and comprehensive overview of the potential impacts of the proposed works. I concur with the broad conclusion that the direct and indirect impacts either in isolation, or in combination with other ongoing works on the site and in the area would not have serious impacts above and beyond those of existing and permitted works on the site.

9.11. Appropriate Assessment

The site adjoins two overlapping Natura 2000 sites, the Great Island Channel SAC and the Cork Harbour SPA. Both relate to the protection of species associated with the mudflats and marine shoreline. With regard to the SAC, the NIS focuses on the potential impact on the two Annex 1 habitats ('mudflats and sandflats not covered by seawater at low tide [1140] and Atlantic salt meadows (*Glauco-Puccinellietalia maritima*) [1330]). The mudflats and sandflats are indicated as having a conservation status assessment of unfavourable/inadequate, while the Atlantic Salt Meadow is assessed as unfavourable/inadequate. It is indicated that there is no evidence of physical encroachment by the quarry works onto either habitat and I can confirm this. The bund between the quarry and the shore follows closely the high tide mark, which is essentially the boundary of the SAC/SPA. The shoreline – a mix of a gravelly beach and mudflats with shoreline grasses, is largely untouched, although there is a significant amount of fly-tipping and flotsam and jetsam in the area. I do not consider that this fly-tipping is directly associated with the quarry. The NIS states – and this is consistent with my observations during my site visit – that there is no surface water connection between the quarry or adjoining lands and the shoreline. I observed no water flows from the quarry to the sea. There is no evidence of stormwater surges past the high tide mark (Rossmore Bay is exceptionally sheltered from anything but tidal movements), and there are no obvious surface water drains or watercourses between the quarry and the shore – older OS plans also do not show any springs, drains or watercourses in the vicinity. Overflow water from the adjoining land may flow into the abandoned claypits south of the site, and these are possibly in hydraulic continuity with the sea. I also note from the EIS that there is some hydraulic continuity between the groundwater under the site (which is slightly saline) and Rossmore Bay.

The direct or indirect impact on groundwater is therefore the most likely possible conduit for any pollution or other interference with the littoral and shoreline habitat. I note however (as is indicated in other documentation), that there appears to be dewatering taking place on the adjoining quarry to the west, so this would most likely divert groundwater flows to this direction. During an earlier site visit I noticed what appeared to be unauthorised dewatering from the adjoining quarry, although this was not apparent during my most recent site visit.

Other possible direct sources of impact include air and climatic impacts, especially possible dust emissions. There has been reasonably constant monitoring of dust and other pollutants of the site and all have been well within acceptable limits – there is no evidence that these operational impacts would have any significant impact on the site.

Other possible impacts noted in the NIS relate to noise and disturbance to birds protected under the conservation objectives of the SPA. All these birds are characteristic of such shorelines, and may feed, roost or nest in the mudflats or adjoining areas. As there are 23 species listed under the conservation objectives it is difficult to identify possible impacts on all these species as each will have particular sensitivities and there isn't always sufficient scientific knowledge to be able to quantify the impact of noise or dust on their behaviour. I noted during my site visit that the greatest noise in the area seemed to come from processing operations on the adjoining quarry, and this noise was discernible over a significant area. The NIS states that birds in the Cork Harbour area and this part of the SPA are likely to be to some extent habituated to minor forms of disturbance and it is noted that Curlew and Redshank – both considered sensitive species – had high peak counts in Rossmore Bay in a survey in 2011 (page 23 of the NIS). In this regard, I would note that the proposed works will not intensify noise and disturbance over and above that which already exists or is permitted from the site, although it will significantly extend the life of the site. In the absence of more historic survey information, it would not be possible to say if the original quarry works caused a reduction in the number of birds which previously roosted or foraged or nested in this part of Rossmore Bay.

The key 'new' element of the proposed works is the infiltration ponds on what is now unused grassland. Given its close proximity to the SPA and its sheltered, quiet, location, it is possible this grassland could be used for roosting or foraging for some of the designated bird species. The NIS states (3.1.3) that surveys indicate that Curlew and Oystercatcher were recorded during the winter period on the field. This was raised by the NPWS as a concern. The NIS addresses this issue in some detail, noting that there is no evidence that either species used it regularly, and in any event as the land is scrubbing its usefulness is reducing naturally. It is also not part of their core range. The NIS submits that the grassland is of low value for key

bird species and as such the construction of an infiltration pond will not have the potential for adverse impacts on the conservation objectives of the SPA.

An assessment of the potential impacts is complicated by the history of quarrying on the lands and the general area. It is difficult in these circumstances to establish a baseline from which to conclude with the required certainty that there would be no adverse effects on the conservation objectives of either the SAC or SPA. But having regard to the planning history of the site, the comprehensive information submitted with the NIS, and specifically that the proposed works do not intensify existing extraction works, I am satisfied that, the proposed development, either individually or in combination with other plans or projects would not adversely affect the integrity of any European site, having regard to the conservation objectives of those sites.

10.0 Recommendation

I conclude that having regard to the history of the lands and the planning history the EIS and NIS are acceptable so for the following reasons and considerations I recommend that the Board, under its powers under S.37L of the Acts as amended, permit the proposed extension of the quarry.

11.0 Reasons and Considerations

In making its decision the Board had regard, inter alia, to the following:

- (a) the provisions of the Planning and Development Act, 2000, 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 current Cork County Development Plan,
- (d) the environmental impact statement submitted with the application for further development,
- (e) the Natura impact statement submitted with the application;
- (f) the report and the opinion of the planning authority under section 37L(12)(a),

- (g) the submissions made in accordance with regulations made under Article 270(1) of the Planning and Development (Amendment) (No. 2) Regulations 2015,
- (h) the report of the Board's Inspector, including in relation to potential significant effects on the environment,
- (i) the planning history of the site,
- (k) the pattern of development in the area,
- (l) the nature and scale of the development the subject of this application for further development, and
- (m) the details contained within application for substitute consent Ref. SU04.SU0093 at the subject site.

Having regard to the nature, scale and extent of the subject proposed development, the Natura impact statement submitted with the application and the mitigation measures contained therein, the submissions on file and the Inspector's assessment, the Board completed an appropriate assessment of the impacts of the development on nearby Natura 2000 sites, specifically the Cork Harbour SPA, and the Great Island Channel SAC. The Board concluded that, on the basis of the information available, the subject development, either individually or in combination with other plans or projects would not adversely affect the integrity of any European site, having regard to the conservation objectives of those sites.

The Board had regard to the environmental impact statement and completed an environmental impact assessment in relation to the proposed development in question and considered that the assessment and conclusions of the Inspector's report were satisfactory in identifying the environmental effects of the development undertaken. The Board adopted the Inspector's report and agreed with the Inspector's conclusions in relation to the acceptability of mitigation measures and residual effects and concluded that, subject to the implementation of the mitigation measures proposed, the effects of the proposed development on the environment would be acceptable.

Having regard to the acceptability of the ecological and environmental impacts as set out in the foregoing 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.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 quarry shall be fully reinstated in accordance with the provisions proposed in the Environmental Impact Statement submitted with the planning application within one year of the cessation of quarrying operations.

Reason: To ensure the rehabilitation of the site, in the interest of visual amenity.

- . 3.. Noise generated at the development shall not, at any time, give rise to noise levels which would exceed the predicted levels as set out in section 10 of the Environmental Impact Statement.

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

- . 4. The site shall be landscaped in accordance with a scheme of landscaping, details of which shall be submitted to the planning authority for agreement within three months of the date of this order. The scheme shall include a timescale for its implementation.

Reason: In the interest of visual amenity.

5. (1) Blasting operations associated with the proposed development shall be carried out only between 1100 hours and 1700 hours Monday to Friday inclusive. Blasting shall not be undertaken on Saturdays, Sundays or Public Holidays.

- (2) The frequency of blasting shall not be more than twice a month.

Reason: In the interest of orderly development and residential amenity.

6. Air overpressure shall not exceed peak particle velocity of 12 millimetres per second (when measured in any one of three mutually orthogonal planes) for any blast when measured at the site boundaries.

- (2) Blasting shall not give rise to air overpressure values exceeding 125 dB(LIN) maximum peak at noise sensitive locations.

- (3) Procedures in relation to public notice of blasting operations/warning systems/monitoring shall be established and agreed in advance with the planning authority.

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

7. If the asphalt plant ceases to operate on a permanent basis, all structures, including the stack, shall be removed from the site and the lands rehabilitated to the satisfaction of the planning authority. In any event, the asphalt plant shall cease to operate when the quarry has been worked out.

Reason: In the interest of orderly development.

8. Dust arisings generated at the development shall not, at any time, give rise to deposition levels which would exceed the predicted levels as set out in section 9 of the Environmental Impact Statement.

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

9. No soiled water shall be allowed to drain from the site into adjacent watercourses or the sea.

Reason: To safeguard the amenities of the area and prevent pollution.

10. A groundwater monitoring programme shall be agreed with the planning authority within two months of the date of this order. The extent of the programme and the frequency and locations of monitoring shall be agreed with the planning authority in advance. Monitoring results shall be submitted to the planning authority within one month of completion of each survey.

Reason: To safeguard the amenities of the area.

11. The design and layout of the proposed improvements to the junction of the private road and public highway shall be submitted for the agreement of the planning authority within 3 months of the date of this notice.

Reason: In the interest of highway safety.

12. An Environmental Management System shall be put in place and submitted to the planning authority for agreement within three months of the date of this order.

Reason: To safeguard the amenities of the area.

13. The developer shall put in place a programme to ensure that members of

the public can obtain information concerning all emissions from this activity. The programme shall be submitted to the planning authority for agreement within three months of the date of this order.

Reason: To safeguard the amenities of the area.

14. The developer shall record all complaints received relating to site operations. The record shall contain the name of the complainant, nature, time and date of the complaint and a summary of the company's investigation and response. Details of these complaints shall be submitted to the planning authority every three months.

Reason: To safeguard the amenities of the area.

15. All results of monitoring required by this permission shall be submitted to the planning authority during the first 10 days of each calendar month, or quarterly as specified by the planning authority. The planning authority may require additional parameters or a higher frequency of monitoring under this condition. The format for presentation of the results shall be agreed with the planning authority. Alternative reporting arrangements may be agreed with the planning authority.

Reason: To safeguard the amenities of the area.

16. All solid wastes arising on the site shall be recycled as far as possible. Materials exported from the site for recovery, recycling or disposal shall be managed at an approved facility and in such a manner as is agreed with the planning authority. In any case, no such wastes shall be stored on the site except within the confines of the buildings. Adequate on site arrangements shall be made to the satisfaction of the planning authority for the storage of recyclable materials prior to collection.

Reason: In the interest of sustainable and orderly development.

17. The quarry shall be fully reinstated in accordance with the provisions proposed in the Environmental Impact Statement submitted with the planning application within one year of the cessation of quarrying operations.

Reason: To ensure the rehabilitation of the site, in the interest of visual amenity.

18. The abstraction of groundwater and all discharges shall be carried out in accordance with the details set out in Chapter 8 of the EIS. All details of the construction and monitoring of the settlement and filtration ponds shall be agreed with the planning authority prior within 6 months of the issue of this notice.

Reason: In the interest of preventing pollution.

19. Within three months of the date of this order, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory landscaping, restoration and reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory landscaping/reinstatement of the site. The security to be lodged shall be, as follows -

- . (a) an approved insurance company bond in the sum of €250,000 (two hundred and fifty thousand euro), or (b) a cash sum of €250,000 (two hundred and fifty thousand euro) to be applied by the planning authority at its absolute discretion if such landscaping/reinstatement are not provided to its satisfaction, or (c) a letter of guarantee by anybody approved by the planning authority for the purpose in respect of the proposed development in accordance with the guarantee scheme agreed with the planning authority and such lodgement in any case has been acknowledged in writing by the planning authority.

. **Reason:** To ensure the satisfactory landscaping/reinstatement of the site.

19. . 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 provisions of section 48 (10) (a) and (b)

of the Act shall apply as respects an appeal to An Bord Pleanála in relation to the application of the Scheme.

. **Reason:** It is considered reasonable that a contribution be made in accordance with a Development Contribution Scheme made for the area of the proposed development under section 48 of the Planning and Development Act, 2000.

. Philip Davis
Planning Inspector

10th January 2017