An Bord Pleanála

Inspector's Report

QD03.QD0011

Development: Extension to quarry at Faheymore North, O'Briensbridge, County Clare.

Application for Further Development of Quarry under Section 37L

Planning Authority:	Clare County Council
Substitute Consent:	SU03.SU0127
Applicant:	Jim Bolton Sand and Gravel Limited
Submissions:	Prescribed bodies
Observations:	None

Date of site inspection: 18th February 2016

Inspector: Karla Mc Bride

1.0 LEGISLATIVE CONTEXT AND SITE LOCATION

1.1 This is an application for Further Development at a quarry under Section 37L of the Planning and Development Act 2000 (as amended) and the application is accompanied by an Environmental Impact Statement (EIS). This application follows on from a Section 261A (3) application for Substitute Consent which was lodged on foot of a section 261A (2) (a) (i) determination and section 261A (3) (a) decision by An Bord Pleanála. This report should be read in conjunction with the report prepared by the Inspector in relation to the application for Substitute Consent under SU03.SU0127.

1.2 Permission is being sought for Further Development at a sand and gravel quarry in Faheymore North, to the W of O'Briensbridge in County Clare. The quarry site occupies a rural area, the site boundaries are defined by hedges and fencing, the lands slope down from NE to SW, and there are two streams to the W. There are two other quarries in the vicinity along with several houses and farms. Vehicular access is via a third class road off the R466.

1.3 The overall landholding comprises three separate sites. These include the quarry site itself, agricultural fields to the SE which contain unworked aggregates, and a small triangular shaped area the SW at the junction of the R466 and the local road which is no longer used as a quarry.

1.4 This application for Further Development relates to the agricultural fields to the SE section of the overall landholding which have a stated area of 4.15ha. The lands slope down from NW to SE, the fields are currently used to graze cattle, the boundaries are defined by mature hedgerows and a small section in the NW has been cleared of vegetation.

1.6 The stream that flows parallel to the W of the main quarry drains S to another stream which flows along the R466 towards the River Shannon SAC at O'Brien's Bridge c.3.5km to the E. Another stream which flows between the existing quarry and the proposed extension appears to flow S and through the adjacent disused and overgrown quarry.

2.0 FURTHER DEVELOPMENT APPLICATION

2.1 The proposed development would comprise the following:

- A 4.15ha extension to the existing quarry
- Replacement settlement pond
- Decommissioning of existing settlement pond

- All ancillary site development works including:

    - Wheelwash facilities
    - Bunded fuel area
    - Class 1 retention petrol interceptor
    - Haul routes
    - New drainage channels
    - Landscaping treatments
    - Site restoration measures

2.2 Accompanying documents:

- Environmental Impact Statement
- Natura Impact Statement Screening Report

3.0 SITE HISTORY

3.1 Relevant history

The site history is summarised in section 3.0 of the report prepared by the Inspector in relation to the application for Substitute Consent under SU03.SU0127 under the following headings:

- Pre 1964 and planning applications
- Enforcement
- Section 261 Registration
- Section 261A Determination

3.2 Substitute Consent application

3.2.1 Substitute consent was sought under SU03.SU0127 for quarry related works at the existing quarry which comprises a 7.4ha excavated area. The application was accompanied by a remedial Environmental Impact Statement. The case file and Inspector's report are attached.

4.0 PLANNING POLICY CONTEXT

4.1 The planning policy context is summarised in section 4.0 of the report prepared by the Inspector in relation to the application for Substitute Consent under SU03.SU0127 and there have been no recent changes to this context.

5.0 SUBMISSIONS

5.1 The Planning Authority assessment

This report summarised the planning and enforcement history of the quarry and the Development Plan provisions. It also assessed the application for further development of the quarry under the following headings:

Environmental Impact Assessment:

- Note submission of an EIS.

Appropriate Assessment:

- Note submission of an AA Screening report
- Lower River Shannon SAC & the River Shannon and River Fergus Estuaries are in close proximity to the quarry.
- Potential for pollution from quarry water via the Bridgetown and Black rivers to the main Shannon channel.
- Project mitigation measures will ensure that sediments and oil are not released to watercourses.
- No negative impacts predicted and Stage 2 AA not required.

Water supply:

- Two ground water abstraction points on site with an abstraction rate of c.175m3/day for washing plant and welfare units.
- Existing and proposed abstraction rates will not impact local or regional groundwater supplies.
- Maximum excavation depths will remain 7m above water table.

Wastewater:

- Section 4 waste licence required.

- The existing settlement pond will be relocated to allow for future extraction, it will filter suspended solids and cater for discharge to ground and surface which does not represent best practice.

- Any treatment system should include a mechanism to assess the efficacy of treatment and to contain potentially contaminated water and a more robust and measurable approach is required which could:

- Use a series of suitably sized lined ponds for settlement of solids, followed by a second percolation area for discharge to ground and including a sampling mechanism prior to discharge to ground.
- Treated water could be held for testing in the event of an oil spill.
- Penstock control would ensure that contaminated wash/storm water is not discharged.

- Unclear whether a full assessment has been made for storm water retention capacity for settlement of suspended solids, especially during heavy rainfall.

- Insufficient details of wheel wash and potential impacts.

Traffic safety: The junction of the R466 and local road requires an upgrade.

Archaeology: The Ringfort Rath CL058-056) is c.250m to the S of the site with no adverse impacts anticipated.

Protected Structures: None in the vicinity

Landscape: No adverse visual impacts anticipated.

Property in the vicinity: No adverse impacts anticipated.

Conclusions:

- No objection to the proposed extension to the quarry subject to the aforementioned issues being addressed.

5.2 Prescribed bodies

5.2.1 The application was circulated for comments to the following bodies:

- Department of Arts, Heritage and the Gaeltacht
- Department of Communication, Energy and Natural Resources
- Health Services Executive
- The Heritage Council
- An Chomhairle Ealaion
- Inland Fisheries Ireland
- Irish Water
- Fáilte Ireland
- An Taisce

The Health Services Executive

No objection provided that total noise levels from all sources at the proposed extension do not exceed LAeq (1 hour) of 55dB (A) by daytime and 45dB (A) by night time over an LAeq of 15 minutes.

Irish Water

No objections subject to the implementation of mitigation measures to ensure that the watermain, which lies outside the N site boundary, is protected from any potential damage as a result of quarry related activities.

Department of Arts, Heritage and the Gaeltacht

No heritage objections subject to the submission of an Archaeological Impact Assessment. Concerns raided in relation to the adequacy of the ecological surveys in relation to hedgerows, bats and the adjoining semi-natural habitats. A detailed and integrated restoration plan should be submitted before a decision is made, and this plan should contain proposals to enhance biodiversity and to deal with the Japanese knotweed species that occurs in the neighbouring disused quarry.

6.0 RESPONSE SUBMISSIONS

None received.

7.0 ASSESSMENT

7.1 The main issues arising from this application of Further Development of the quarry are set out below:

- Principle of development
- Development contributions and bonds
- Environmental Impact assessment
- Appropriate assessment screening

7.1 Principle of development

The site is located in an un-zoned rural area outside of any established settlement and the use of the lands for quarrying is compatible with national and local planning policy as set out in the 2004 Quarry Guidelines and the current County Clare Development Plan for the area, and in particular the policies and objectives which deal with the extractive industry.

7.2 Development contributions and bonds

The Planning Authority did not specify any amounts for a development contribution or bond therefore the standard Board conditions should be attached in relation to these matters.

7.3 The Environmental Impact Statement

The applicant submitted an Environmental Impact Statement (EIS) which describes the receiving environment, identifies potential impacts and assesses the likely significant impacts potential on the standard range of environmental components. The EIS describes the proposed mitigation measures and assesses residual and cumulative impacts and it was accompanied by a non-technical summary.

7.4 Environmental Impact Assessment

The environmental impact assessment is set out in the following sections.

7.4.1 Consideration of alternatives

Section 5 of the EIS examines alternatives. It concludes that as the proposed development seeks to harness a tied resource, it is logical and sustainable to harness this resource by means of an extension to the existing quarry.

7.4.2 Flora and fauna

EIS: Section 6.0 of the EIS deals with the impact of the quarry on flora and fauna in the quarry and the surrounding area, which it states is mainly characterised by agricultural land of no inherent ecological interest. The receiving environment and baseline conditions have been described in section 8.2.2 of the report attached to SU0127. The EIS does not identify any adverse ecological impacts. It states that sediments are trapped on the neighbouring site to prevent entry to adjoining watercourses with no impacts on the Lower River Shannon SAC to the E and there is no direct link to the Glenomera Wood SAC to the W. The current pattern of drainage to groundwater and containment of fuel stores will be continued. The removal of internal hedgerows will cause a disruption to animal corridors, although the species affected will adjust to new patterns. The EIS concludes that future restoration works will contribute to biodiversity.

EIA: There is good mix of habitats, flora and fauna in the area and the adjacent habitats have not been significantly affected by quarry activities. The EIS does not refer to the colony of nesting sand martins in the main quarry, the extent of hedgerow loss and the potential impacts on bats, the biodiversity of the surrounding semi-natural habitats, or the presence of Japanese knotweed in the adjacent disused quarry, and it does not contain mitigation measures to deal with invasive species. However these concerns could be addressed by way of planning conditions which require the submission of a bat survey, a sand martin survey, measures to deal with Japanese Knotweed and other invasive species, within a detailed and integrated restoration plan.

- No residual impacts are anticipated following the implementation of planning conditions.

7.4.3 Soils and Geology

EIS: Section 7 of the EIS deals with the impact of the quarry on geology and soils within the quarry and the surrounding area. The receiving environment and baseline conditions have been described in section 8.2.3 of the report attached to SU0127. The proposed works involve the permanent and phased removal of sand and gravel deposits and the soil overburden. There will be an increased risk of surface water runoff (containing suspended sediments) to local streams and groundwater aquifers, groundwater contamination from fuel spills and pollution as a result of vandalism. The EIS states that the mitigation measures (storage of fuels etc. in designated bunded areas, interceptors and silt traps, emergency response plans and spill kits, vandal proof fencing, regular monitoring of water levels, wheel wash facilities, and a contingency

plan for the discovery of unexpected waste materials) will ensure that there will be no significant alterations to local and regional geology. Potential adverse impacts on hydrogeology are dealt with in EIS section 8.

EIA: The removal of soil and the loss of sand and gravel deposits are an inevitable consequence of quarrying however no sites of geological interest will be affected. The EIS states that the relocated settlement lagoon will manage processing water and surface water run-off which will in turn prevent ground and surface water contamination. The Planning Authority raised concerns that this does not represent best practice. The management of sediment laden waters is dealt with in EIS section 8 and is assessed in more detail in the following section on hydrogeology. The proposed mitigation measures which are outlined above will minimise the adverse impacts soils and geology in the area.

- No residual impacts are anticipated following the implementation of mitigation measures.

7.4.4 Hydrogeology and surface water

EIS: Sections 8 and 9 of the EIS deal with the impact of the quarry on hydrogeology and surface water within the quarry and the surrounding area. The receiving environment and baseline conditions have been described in section 8.2.4 of the report attached to SU0127. Domestic effluent is treated on site by a WWTS. Agricultural run-off from the N of the site has the potential to contaminate surface water and percolate down to pollute ground water. Potential impacts include surface water run-off from rainfall, fuel leaks and spills to groundwater from vehicles, vandalism, disturbance and release of pollutants from unexpected waste deposits during excavation, and small size particles can give rise to sediment laden waters which enter watercourses and harm fisheries. There has been no significant impact on local or regional water resources and there is no record of fuel spillages to date from existing quarry activities.

It is proposed to continue with the existing mitigation measures to protect surface and ground water from contamination. These include directing surface water runoff from rainfall and quarry activities to the settlement pond prior to discharge to ground; designated bunded areas for fuel storage and spill kits to deal with spills and leaks; and the maintenance of a 5m separation with the water table. Groundwater abstraction levels are expected to be insignificant with no impacts predicted on local wells or the Bridgetown Water Supply Scheme predicted. Quarterly monitoring programmes will be put in place to monitor surface water quality, and groundwater level, abstraction and quality.

EIA: Quarry activities will result in the extraction of substantial amounts of sand and gravel which will give rise to surface water run-off from rainfall and water flowing into the quarry from higher ground to the N, and sediment laden run-off from processing activities. Quarry water will be directed to and managed by way of settlement lagoons prior to discharge to ground. The PA has raised concerns that this does not represent best practice and that any treatment system should include a mechanism to assess the effectiveness of treatment and to contain potentially contaminated water in a more robust and measurable way. The PA recommended the use of a series of lined ponds for the settlement of solids, followed by a second percolation area for discharge to ground which should include a sampling mechanism prior to discharge. Treated water could be held for testing in the event of an oil spill and a penstock control would ensure that contaminated water is not discharged.

The existing mitigation measures within the existing quarry appear to manage surface water run-off and discharge to ground reasonably well. However it is unclear whether adequate provision has been made for storm water retention in relation to the settlement of suspended solids, particularly during heavy rainfall. The settlement pond and on-site site drainage arrangements should also have the capacity to deal with heavy rainfall events, given that the past extraction of aggregates has given rise to an environment that does not readily absorb rainfall that falls on the site or flows into the site from the surrounding area. Discharge of surface water to roadside drains should not be permitted and any discharge to a watercourse should be subject to a Discharge Licence. The details of the wheel wash facility and its potential impacts, including the final destination contaminated water, are not clear. All of these issues could also be addressed by way of a planning condition.

- No residual impacts are anticipated following the implementation of mitigation measures and planning conditions.

7.4.5 Climate

EIS: Section 10 of the EIS deals with the impact of the quarry on climate. The industrial and commercial section, which includes quarries, contributed c.15% to Ireland's emissions in 2012. The EIS concludes that quarry activities would make an insignificant contribution to greenhouse gas emissions.

EIA: Quarry operations are unlikely to rise to greenhouse gas emissions although quarry related vehicles and plant equipment may give rise to CO2 and N2O emissions. No mitigation measures are proposed or required.

- No residual impacts are anticipated.

7.4.6 Air quality

EIS: Section 11 of the EIS deals with the impact of the quarry on air quality in the surrounding area. The receiving environment and baseline conditions have been described in section 8.2.6 of the report attached to SU0127. The EIS assumes that in a very worst-case year c.250, 000 tonnes of sand and gravel will be extracted with c. 6 truck movements in and out of the site per hour. It states that dust generating activities include extraction, screening and crushing, along with empty and full truck movements over paved and unpaved roads. It states that dust deposition levels are mainly confined to the quarry and the immediate environs, levels are generally below regulatory standards and that the existing quarry has had a negligible impact on air quality. By way of mitigation, all extracted material will continue to be washed by regularly maintained water sprays, speeds on unpaved roads will be restricted to 40km/hr and internal haul roads will be washed twice daily on dry days.

EIA: Quarry operations give rise to the emission of dust particles as a result of extraction, processing, stockpiling and movement. Neither the Planning Authority nor the HSE raised concerns and past operations do not appear to have given rise to adverse impacts. However the site for further development would occupy three agricultural fields that slope down steeply from N to S towards the public road and several houses. Given that this site is not well screened by embankments, hedgerows or trees, dust control measures and dust monitoring points should be put in place to prevent air pollution and protect residential amenity in the surrounding area.

- No residual impacts are anticipated following the implementation of mitigation measures and planning conditions.

7.4.7 Noise and vibration

EIS: Section 12 of the EIS deals with the impact of noise and vibration from quarry activities on the surrounding area. The receiving environment and baseline conditions have been described in section 8.2.7 of the report attached to SU0127. The EIS states that the quarry will only operate during the day and that noise will be generated by extraction, processing, and movement, with no blasting or rock breaking. It states that noise levels at the nearest noise sensitive locations will be below recommended standards due to the separation distances and screening from intervening topography. The site layout provides a high degree of acoustic screening and having regard to the location of plant equipment no adverse impacts are predicted, no mitigation measure are proposed and regular monitoring is not required.

EIA: Quarry activities give rise to noise and vibration as a result of extraction, processing, stockpiling and movement. The Planning Authority has not raised any specific concerns and past operations do not appear to have given rise to adverse impacts. The HSE has no objection to the proposed extension provided that total noise levels from all sources do not exceed LAeq (1 hour) of 55dB (A) by daytime and 45dB(A) by night time over an LAeq of 15 minutes. However, the site for further quarry development would occupy three agricultural fields that slope down steeply from N to S towards the public road and several houses. Unlike the existing quarry, the proposed extension is not well screened by steep embankments which serve as natural acoustic barriers. Although the survey results indicate that noise levels will be low at the nearest noise sensitive locations, having regard to the exposed location of the site, noise levels should be set to protect the residential amenities of property in the area and regular noise monitoring should be undertaken, particularly along the S site boundary.

- No residual impacts are anticipated following the implementation of planning conditions.

7.4.8 Landscape

EIS: Section 13 of the EIS deals with the visual impact of the quarry on the surrounding landscape. The receiving environment and baseline conditions have been described in section 8.2.8 of the report attached to SU0127. The quarry is located within the Slieve Bearnagh Uplands Landscape Character Area, there is a designated Heritage Landscape c.4km to the NE and a 9km stretch of the R466 to the S is a designated scenic route, and a visual assessment was taken from 9 viewpoints. The EIS concludes that the quarry site does not form a component part of the Landscape Character Area or the Scenic Route and that there are no significant views into the site from along this route. It also concludes that the receiving landscape is of medium sensitivity with a reasonable tolerance of visual changes and that any visual impacts would be negligible. Such impacts will mitigated by the provision of a landscape berm along the N site boundary and the implementation of a restoration plan which includes the infilling of excavated areas, the reinstatement of grassland, the infilling of the settlement pond and the natural re-vegetation of the slopes.

EIA: The extraction of sand and gravel will have an inevitable impact on the landscape. The existing quarry is located within an undulating landscape however the site for further development occupies an open and exposed position within three agricultural fields that slope down from N to S towards the R466. The site boundaries are defined by trees and mature hedgerows,

however because of the steeply sloping nature of the land there are local views into the site from along the R466. However any impacts could be addressed by way of additional tree planting along the site boundaries and by the proposals in the restoration plan, full details of which should be required.

- No residual impacts are anticipated following the implementation of mitigation measures and planning conditions.

7.4.9 Traffic and transport

EIS: Section 14 of the EIS deals with the traffic impacts of the quarry on the surrounding area and local road network. The receiving environment, baseline conditions and traffic assessment have been described in section 8.2.10 of the report attached to SU0127. The EIS states that the additional traffic movements generated by the quarry at its peak operation (2006 to 2009) had a minimal impact on the road network although some modifications at the junction of the local road and the R466 would improve visibility. It concludes that the road network has sufficient capacity with no significant adverse impacts predicted and no additional mitigation measures are required.

EIA: Vehicular access to the quarry is off the R466 via a local road, visibility at the junction is adequate in either direction, the road is not heavily trafficked and it has sufficient capacity to carry previous, existing and proposed traffic.

- No residual impacts are anticipated.

7.4.10 Archaeology and Cultural heritage

EIS: Section 15 of the EIS deals with the impact of the quarry on archaeology and cultural heritage. The receiving environment and baseline conditions have been described in section 8.2.11 of the report attached to SU0127. The EIS states that there are no recorded monuments, sites of archaeological interest or protected structures within the site although there are several features in the surrounding area. It concludes that there is potential for adverse impacts as there is a possibility that unrecorded subsurface archaeological features may exist on the site and a geophysical survey is suggested.

EIA: Quarry operations will give rise to the inevitable removal of substantial amounts of sand and gravel from the site although the previous and current works have not had any known adverse impacts on archaeology and cultural heritage. Although the Ringfort Rath (CL058-056) is located c.250m to the S of the site no adverse impacts anticipated. However it is possible that archaeological material could be discovered during the extraction works and

the DAHG requested the submission of an Archaeological Impact Assessment. This concern could be addressed by a planning condition.

- No residual impacts are anticipated following the implementation of planning conditions.

7.4.11 Human beings and Material assets

EIS: Section 16 and 17 of the EIS deal with the impact of the quarry on human beings, the local community and material assets. The receiving environment and baseline conditions have been described in sections 8.2.1 and 8.2.9 of the report attached to SU0127. The EIS concludes that the quarry works will have no direct impact on people or material assets and that any potential adverse impacts on amenity (dust, noise, traffic and visual impacts etc.) are dealt with under the relevant headings.

EIA: Previous and existing quarry activities have had a negligible impact on population and employment whist the works have had varying small scale indirect impacts on the local community. The EIS mitigation measures and recommended planning conditions in relation to control of dust and noise, tree planting, quarry restoration, and hours of operation will minimise any potential impacts on the local community and material assets. The site boundaries should also be robust and secure enough to prevent trespass by humans and farm stock, and this could be dealt with by way of a planning condition.

- No residual impacts are anticipated following the implementation of mitigation measures and planning conditions.

7.4.12 Interactions and cumulative effects

EIS: Section 18 of the EIS deals with interactions and cumulative impacts. Tables 18.1 and 18.2 summarise the potential interactions which mainly relate to the operational stage and include interactions between: - human beings and material assets with most of the other categories; hydrology and hydrogeology with soils, geology and emissions to water; and landscape with soils, geology and archaeology. It states that the overall cumulative impacts relate to slight increases in economic activity, traffic generation, landscape character, and dust and noise levels, hydrogeology and surface water runoff.

EIA: Many of the impacts associated with quarrying can interact with each other. The main area of concern relates to the effects of the extraction and processing works on hydrology and hydrogeology and the interaction with soils and geology and surface water processes, and on the landscape. The

proposed mitigation measures and suggested conditions related to the management of surface water, processing water and on-site drainage, and site restoration, should ensure that adverse impacts are not significant. The EIS carries out a very general assessment of cumulative impacts under there relevant headings in relation to previous and current quarry activities on the overall site and in combination with two neighbouring quarries in terms of landscape and visual impacts, hydrology and surface water management.

- No residual impacts are anticipated following the implementation of mitigation measures and planning conditions.

7.5 Appropriate Assessment Screening

7.5.1 The AA Screening report:

An AA screening report is included as a separate document. Section 2 of the report describes the site and surrounding area. Section 3 contains the legislative context, project description, the three European sites in the area, and it assesses the potential effects of the development on these sites which are identified as:

- Lower River Shannon SAC.
- Glenomra Woods cSAC
- Slieve Bernagh Bog cSAC

In respect of a description of the European sites it is stated that no European sites have been identified which might possibly be affected by potential impacts. Figure 1 in the report outlines the nearest European sites to the quarry extension whist section 3.3.1 states that the Lower River Shannon SAC is linked to the site via local streams that drain to the Black River at Bridgetown. Section 4 concludes that the development can be completed without significant effects on any European sites both during the construction and operational stages.

7.5.2 Appropriate Assessment:

The test for Stage 1 screening is whether the project is likely to have a significant effect, either individually or in combination with other plans and project, on the European site(s) in view of the site's conservation objectives. In this regard it is necessary to identify all the European site(s) which could potentially be affected by the proposed development. The applicant's screening report outlines three European sites which are located in close proximity to the quarry. It is noted that the nearest site is the Lower River

Shannon SAC which is c.3.5km to the E of the site whist the Glenomra Woods and Slieve Bernagh Bog cSACs are located further away and do not have a direct connection to the site. The River Shannon and River Fergus Estuaries SPA is located c.16km to the S of the site via the Lower River Shannon River which is outside the zone of influence for the quarry.

The Lower River Shannon SAC (Site Code: 002165) has a generic conservation objective which is to maintain or restore the favourable conservation condition of the 21 habitats and species listed as Qualifying Interests for this SAC. The relevant species which are listed as SAC Qualifying Interests for this area include Sea, Brook and River Lampreys and Atlantic salmon. The applicant's report also lists otter but the NPWS database indicates that the O'Briensbridge section of the Lower Shannon River SAC has not been identified as being within an otter commuting zone.

The quarry site is located within an undulating rural landscape, the site slopes down from N to S, the surrounding lands are used for agricultural grazing and a number of streams either flow S through or parallel to the quarry. The streams that flow through or parallel to the quarry ultimately drain in to the Black River in the Bridgetown area to the E of the site which in turn discharges to the Lower River Shannon further to the E at O'Briensbridge.

Having regard to the distance from the quarry site to the Lower River Shannon SAC I am satisfied that the proposed extraction of sand and gravel would not impact on this European site, subject to the implementation of the EIS mitigation measures. There are no other identifiable pathways from the quarry site to the two other cSAC sites and the separation distance to the River Shannon and River Fergus Estuaries SPA sites is substantial, therefore the proposed development does not have the potential to affect these sites.

It is therefore reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 002165, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

8.0 CONCLUSIONS AND RECOMMENDATIONS

Based on the above assessment, I am satisfied that the further development of the quarry will not give rise to significant adverse effects on the environment, subject to the implementation of mitigation measures. I therefore recommend that the application for further development of the quarry be granted for the following reasons and considerations and subject to the conditions set out below.

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 Clare County Development Plan 2011- 2017,

(d) the Environmental Impact Statement submitted with the application,

(e) the Appropriate Assessment Screening submitted with the application,

(f) the report and the opinion of the planning authority under section 37L(12)(a),

(g) the submissions/observations made in accordance with regulations made under Article 270(1) of the Planning and Development (Amendment) (No. 2) Regulations 2015,

(h) the planning history of the site,

(i) the pattern of development in the area,

(j) the details contained within application for substitute consent on the site ref. SU03.SU0127,

(k) the nature and scale of the development the subject of this application, and

(l) the Inspector's Report.

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.

CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the drawings received by the planning authority on the 23rd day of December, 2015, except as may otherwise be required in order to comply with the following conditions.

   Reason: In the interest of clarity.

2. A series of lined ponds/lagoons for the settlement of solids shall be installed on site, followed by a second percolation area for discharge of treated water to ground which should also include a sampling mechanism for the water prior to discharge. Treated water could be held for testing in the event of an oil spill and a penstock control should be used to ensure that contaminated wash/storm water is not discharged. Details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. Within three months of the date of this order, details of the surface water management system for the entire site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

   This shall include the following:

(a) A detailed layout plan of the surface water features on site.
(b) Details of the number, location and capacity of the settlement lagoons and second percolation area on site.
(c) Calculations on the predicated surface water flow into the lagoons.
(d) Predicated retention time of the existing and proposed settlement lagoons.
(e) Time frame for implementation of any changes which may be required.
(f) Management measures relating to the capacity of the system to cater for extreme rainfall events.
(g) Details for the treatment of wastewater from the wheel wash facility.
(h) There shall be no discharge of quarry water to any roadside drains or adjacent watercourses in the absence of a Discharge Licence.
(i) No extraction shall take place below the level of the water table.

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

4. During the operational phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed-

(a) An L_{ArT} value of 55 dB(A) during 0700-1800 hours. The T value shall be one hour.
(b) An L_{AeqT} value of 45 dB(A) at any other time. The T value shall be 15 minutes.

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

5. The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development.

This shall include the following:

(a) Proposals for the suppression of on-site noise.
(b) Proposals for the on-going monitoring of sound emissions at dwellings in the vicinity.
(c) Proposals for the suppression of on-site dust.
(d) Proposals for the on-going monitoring of dust emissions at dwellings in the vicinity.
(e) Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.
(f) Details of safety measures for the land around the quarry, to include warning signs and stock proof fencing.

(g) Monitoring of ground and surface water quality, levels and discharges.
(h) Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.

Reason: In order to safeguard local amenities.

6. The quarry, and all activities occurring therein, shall only operate between 0700 hours and 1800 hours, Monday to Friday and between 0700 hours and 1400 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays.

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

7. The wheel-wash facility shall be used by all laden trucks departing the site and any aggregate, silt or muck carried out onto the road shall be promptly removed by the developer.

   Reason: To ensure that aggregate is not carried out onto the public road, and if it is that it is immediately removed, in the interest of traffic safety.

8. A detailed plan which contains measures to control the spread of Japanese Knotweed and/or the introduction and spread of other invasive species within the site and the surrounding area. Details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

   Reason: To control the introduction and spread of invasive species in the interests of orderly development and the proper planning and sustainable development of the area.

9. Restoration shall be carried out in accordance with a restoration plan, which shall include existing and proposed finished ground levels, landscaping proposals, boundary tree planting and a timescale for implementation. Prior to the commencement of restoration works, a further survey of the site by an ecologist shall take place to establish, in particular, the presence of nesting birds, bats or other species of ecological value, including flora, which may have recently moved onto the site. The restoration plan shall have regard to the results of this survey. This plan shall be prepared by the developer, and shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this grant of permission.

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

10. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site.

    In this regard, the developer shall –

    (a) Notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including site restoration) relating to the proposed development.
    (b) Employ a suitably-qualified archaeologist who shall monitor all excavation works, and
    (c) Provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

    In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

    Reason: In order to conserve the archaeological heritage of the site during the site restoration phase and to secure the preservation and protection of any remains that may exist within the site.

11. Within three months of the date of this order, 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. 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.

12. Within three months of the date of this order, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to the Board for determination.

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

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Karla Mc Bride
Senior Planning Inspector
28th April 2016