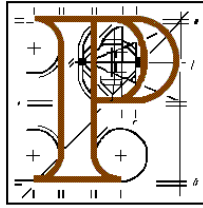


An Bord Pleanála



Inspector's Report

PL SU.16.0035.

PLANNING APPLICATION

Development:	Quarry at Ballyhowley, Knock, Co. Mayo.
Planning Authority:	Mayo County Council
Applicant:	Clonbur Concrete Group Ltd.
Application Type:	Application for Substitute Consent
Date of site inspection	27 th August 2013
Inspector:	Derek Daly

1.0 INTRODUCTION

A notice was issued under the provisions of Section 261A (3)(a) by Mayo County Council on the 17th of August 2012 instructing the owner/operator of a quarry at Ballyhowley, County Mayo to apply for substitute consent for the works undertaken on the site and that the application for substitute consent be accompanied by a remedial Environmental Impact Statement.

The applicant applied for an extension of time pursuant to Section 177E(4) of the Planning and Development Act, 2000 as amended. On the 29th of January 2013 it was decided to grant an extension of time of 22 weeks for the making of an application for substitute consent.

An application for substitute consent accompanied with the above documents was lodged by the applicant with An Bord Pleanála on the 7th May 2013. The application has been made in accordance with Section 177E and is accompanied by a Remedial Environmental Impact Statement.

2.0 SITE LOCATION AND DESCRIPTION.

The site is located approximately 1km west of the village of Knock with access onto a local road to the southwest of the site. The extraction area is not immediate to the local road. The northwestern boundary of the site adjoins the N17 Knock By Pass. There is a dwelling at the southern corner of the site and the remaining lands adjoin agricultural lands.

On the site, which has a stated area of 3.106ha is a limestone quarry which at the time of inspection was not in active use. The site is irregular in configuration with an initial narrow section adjoining the local road providing access to the extraction area. The extraction area is characterised by cliff faces on the northern and eastern boundaries rising from a relatively flat quarry floor. To the west of the level area is a gently sloping area adjoining the boundary with the N17.

The site as submitted includes a rectangular area to the northeast of the extraction area approximately 20 metres higher in ground level than the quarry floor which is an unworked area and covered in vegetation. In this regard I refer to drawings 12-376-201 P.02 submitted with this application to the Board on the 7th of May 2013.

There are a number of existing dwellings located in the immediate area fronting onto the local road network.

3.0 PLANNING HISTORY.

The relevant planning history relating to the site as provided by the planning authority is detailed below:

P.A. Ref. No. P97/260.

Permission granted to retain existing quarry and fully develop same on an increased area on the 5th of July 1999. See drawing 12-376-202 where relating to this application is outlined in green.

P.A. Ref. No. P01/2787.

Permission granted to carry out quarrying and landscaping works adjacent to the Knock/Claremorris By-Pass.

ABP Ref. No. PL.16.226175 / P.A. Ref. No. P06/2134

Permission granted on appeal to retain existing quarry granted under P.A. Ref. No. P01/2787 and P.A. Ref. No. P97/260 and to extend quarry on the 13th of June 2008 subject to 22 conditions.

4.0 DETAILS OF DETERMINATION UNDER SECTION 261A

- 4.1 The planning authority determined under file ref (QY106/CQ106) that, Development was carried out after 1st February 1990 which was not authorised by permission prior to 1st February 1990, which development would have required having regard to the Environmental Impact Assessment Directive an environmental impact assessment or a determination as to whether an environmental impact assessment was required and that such an assessment or determination was not made.

Accordingly, a notice was served on the applicant under section 261(A) (3) (a) directing to apply for substitute consent and to submit a Remedial EIS.

The determination was based on the adverse impacts on the environment in terms of residential amenity, dust, traffic and potential water pollution arising from the quarry operation.

The Planning Officer's assessment report noted the planning history, the site was not registered under section 261, outlined the estimated extracted area of quarry in the period from 1995 where the area of extraction was estimated as 0.17 hectares to circa 2.08 hectares in 2010; that the total area of the quarry was approximately 2.57 hectares based on the planning application 06/2134.

In relation to sub-threshold EIA it was indicated the development by its nature would give rise to noise, dust and traffic. It was also noted that the area has a relative high density of settlement, which would be impacted by the development and there would therefore be a high probability of adverse environmental impact.

While the site lies within 0.8km of the River Moy-SAC 002298, screening for Appropriate Assessment concluded that arising from the separation distance between the quarry and the SAC an Appropriate Assessment determination was not required.

5.0 SUBMISSIONS.

5.1 Applicant's submission.

Included in the application documentation are,

- Public notices.
- Letter of consent from the landowner of part of the lands.
- A retrospective Environmental Impact Statement (rEIS).
- Associated drawings
- A cover note in which the applicant refers to the planning history including that permission was granted for the retention and extension of the quarry under ABP Ref. No. PL.16.226175 / P.A. Ref. No. P06/2134 but the extended works were not carried out due to the economic turn down and remain a green site. In addition within the cover note the applicant indicates that the site is below the threshold for an EIS but if one had been requested at the time of a planning application the applicant would have submitted one. The extended area not as yet quarried is essential to the future viability of the business.

5.2 National Roads Authority.

The NRA notes the site does not access onto the national road network but requests the Board give consideration to including the conditions applied in PL.16.226175 given the site's proximity to the national road network.

5.3 Thomas Jennings and others.

The people who submitted the submission reside on the L5547 and refer to issues of nuisance arising from noise, vibration and dust, to traffic concerns as the road is not suitable for HGV traffic, to environmental concerns that a pumping house and the source of water could be impacted by the development and there are concerns in relation to safety given the very high quarry face and unsecured boundary fences, that reinstatement has not occurred and an eyesore remains.

5.4 Inland Fisheries Ireland.

Inland Fisheries Ireland in a submission notes the presence of the Ballyhowley River in the vicinity which is a significant salmonid river but the quarry is not sufficiently close to the river to pose a threat to its ecological status and has no objection to make.

5.5 An Taisce.

An Taisce in a submission refer to use of retrospective EIS, that the development in 1996 had no legal basis, that permissions on the site which were for limited duration have expired and there is no valid basis to quarrying on the site and the temporary permission which was not implemented has expired and the applicant should be deemed ineligible for substitute consent.

5.6 Department of Arts, Heritage and the Gaeltacht (DAHG).

The DAHG submission indicated a NIS should be submitted given its proximity to the River Moy SAC 2298 and appropriate mitigation outlined, that the existing mitigation in the EIS is insufficient. It is noted that a pair of peregrine falcons were nesting in the quarry as stated in the EIS with no reference to mitigation to protect the nesting peregrines set out.

5.7 APPLICANT RESPONSE TO DAHG AND OTHERS

The applicant in a response dated the 5th of August 2013 indicates,

- In response to Thomas Jennings and others the quarry has operated for many years under valid planning permissions and was used for quarrying before the planning laws.
- Claims relating to constant noise, vibration and dust are not true and mitigation measures are in operation.
- Quarry traffic is established on the local road and is capable of taking the quarry traffic.
- Blasting is permitted but unlikely to occur.
- The quarry face is completely stable and fenced securely.
- Reinstatement has occurred.
- In response to An Taisce the EIS was carried out in accordance with relevant regulations, advice and guidelines.
- The quarry is shown on historical maps.
- Permission was granted under PL.16.226175 until the 12th June 2008 but was not carried out because of the economic turndown. Permission was granted for an extension of duration of permission until the 12th of June 2018 by Mayo County Council under P06/2134.
- Quarrying is an activity tied to a fixed resource.
- The company was directed to apply for substitute consent.
- In response to DAHG, Mayo County Council carried out a screening process which determined an NIS was not required and an NIS was therefore not included.
- Initial surveys did not detect the presence of peregrine falcon but a pair was spotted at a later site inspection. It is possible that the action of the quarrying and subsequent cessation has given rise to a habitat that can now be used by peregrine falcons and should they remain mitigation measures will be required to ensure disturbance is minimal including restriction on quarry faces in the breeding season. The company will protect any birds and allow them to breed in the quarry.

6.0 PLANNING POLICY CONTEXT.

- 6.1 The Quarry and Ancillary Activities, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government 2004.

- 6.2 The Mayo County Development Plan 2008-2014 seeks to encourage the development of the County's natural resources where relevant (4.10.4). It seeks to ensure that the development of aggregate resources is carried out in a sustainable manner that minimises impacts on the environment, infrastructure, landscape amenities etc. (3.1.2).

The policies/objectives are as follows:

P/ED-EI-1 – It is the policy of the Council to ensure that the development of aggregate resources (stone and sand/gravel deposits) is carried out in a manner which minimises impacts on the environment, infrastructure and the community and has full regard to the principles of sustainability.

P/ED-EI-2 - It is the policy of the Council to safeguard mineral resources and unworked aggregates (stone and sand/gravel deposits) by seeking to prevent incompatible land uses, which could be located elsewhere, from being located in the vicinity of the quarry.

P/ED-EI-3 – It is the policy of the Council to control all new operations and carefully evaluate all proposed developments to ensure to ensure that the visual or other environmental impacts of such works will not materially injure the visual amenities of the area.

P/ED-EI-4 – It is the policy of the Council to have old disused quarries and sand and gravel pits restored to beneficial use and landscaped to integrate with the surrounding area.

P/ED-EI-5 – It is the policy of the Council not to permit development, which would impinge on existing Rights of Way or walking routes.

OBJECTIVE

O/ED-E11 – It is an objective of the Council to prepare a Mineral and Aggregates Development Strategy for the County. This shall incorporate Aggregate and Mineral Potential Maps in conjunction with the geological Survey of Ireland.

Development Management Strategies are set out in Section 4.10.4 of the Plan.

7.0 ASSESSMENT.

- 7.1 Having inspected the site and examined the associated documentation, the following are the relevant issues.
- Principle of substitute consent
 - Principle of development
 - Environmental Impact Assessment
 - Planning Assessment

- Appropriate Assessment

7.2 Principle of substitute consent:

The submission from An Taisce as stated in section 5.5 of this report questions the validity of the quarry in question being able to be granted substitute consent and the applicant should be deemed ineligible for substitute consent.

The applicant it is noted was required to apply for substitute consent subject a notice issued by the Planning Authority on foot of Section 261A of the Planning and Development Act 2000 as amended under P.A. file ref (QY106/CQ106).

The only provision under the Planning Act for the Board to consider the principle for substitute consents is in cases under section 177C of the Planning and Development Act, 2000 (as amended) which relates to applications for leave to apply for substitute consent where notice has not been served by the planning authority. This is not an application for leave to apply for substitute consent and it would appear therefore I consider complies with the provisions of the Planning and Development Act, 2000 as amended in regard to applications for substitute consent resulting from the issue of a notice by the Planning Authority.

7.3 Principle of development.

In section 3 of this report I have outlined the planning history relating to the site and in section 6 the policy context.

The subject site is located in a rural area where the predominant land-use is agricultural use approximately one kilometre from the village of Knock. The site has a history of planning permissions dating back to 1999. There was also permission under ABP Ref. No. PL.16.226175 / P.A. Ref. No. P06/2134 to retain the existing quarry granted under P.A. Ref. No. P01/2787 and P.A. Ref. No. P97/260 and to extend quarry on the 13th of June 2008 subject to 22 conditions. It is noted that condition no.2 permitted the development for a period of 5 years which has expired.

Quarrying and extraction is therefore well established on the site.

7.4 Environmental Impact Assessment.

The application is accompanied by a remedial environmental impact statement.

In relation to the adequacy of the rEIS, I consider that it contains the information specified in Schedule 6 of the Planning and Development Regulations 2001, as amended and can be considered as a contribution

towards the process of assisting making the relevant decision maker and the competent authority, in this case the Board, to enable a decision to be made. The various sections of the rEIS where relevant are considered in the planning assessment.

7.5 Planning Assessment.

The application for substitute consent will be considered under the following headings:

- Policy
- Impacts on human beings
- Environmental impact including air emissions, noise and vibration and impacts on the water environment, roads and traffic and ecology.
- Landscape and visual impact
- Cultural heritage

7.5.1 Policy.

In section 6 of this report I have outlined the planning policy context.

In general terms the policies and objectives of the current county development plan support the principle of the expansion of an extraction industry which offers opportunity for employment and facilitates economic development. This largely supports national guidelines as set out in guidance on quarries and ancillary activities. The current county development plan also recognises a continuing need for some new or expanded aggregate quarrying operations on land to meet regional and local requirements and to ensure adequate supply of aggregates to meet likely scale of future demand.

The site itself has no specific zoning and it can be assumed that use is as the existing established use which in this case is an established quarry.

It is therefore important to state at this preliminary stage of assessment that there is no specific provision in the Development Plan which specifically precludes the operation of a quarry at this particular location subject to satisfying development management standards and the specific policies set out in the Development Plan.

Based on the stated policies of the County Development Plan, national guidelines, the established use of the site and the location of the development the principle of the subject development is I consider acceptable subject to complying with standards as stated in national guidance in relation to the extractive industry and also development management standards stated in the county development plan and subject to the consideration that it does not adversely impact on the amenities of the area or in contravention of other defined statutory provisions.

7.5.2 Impacts on human beings

The development it is indicated provided for employment opportunities locally and also for indirect employment opportunities for the local economy. The proposed development is not located in immediate close proximity to the main established tourist attraction in the area which is Knock shrine and is therefore not perceived having no direct impacts on tourism which I consider reasonable.

In relation to human beings, noise dust and traffic are identified as potential impacts, which are considered under separate headings as the creation of dust, noise, vibration, visual impact and traffic generation arising from the development can indirectly impact on human beings.

7.5.3 Environmental Impact.

7.5.3.1 Air impacts.

The rEIS identified the breaking of rock material, the movement and loading of material in dry weather and crushing of material were the identified sources of dust impact on the site. When necessary hosing and covering of material were carried out and other mitigation measures were put in place to ameliorate dispersal of fugitive dust particles. Any source of air quality degradation in the area was identified arising from the traffic on the adjoining N17. A report on dust (appendix 2 of rEIS) refers to dust levels occurring naturally during the year at a variable rate of 20mg/sq.m/day to 250mg/sq.m/day at the site perimeter below permitted levels of 350mg/sq.m/day as stated in the planning guidelines. Berms at the perimeter of the site assist in containment of dust and mitigation. Ongoing monitoring is recommended for future works in the rEIS.

On the basis of the information submitted I consider that impacts which arose were addressed and mitigated against to ensure emissions were below permitted levels.

7.5.3.2 Noise and vibration

The rEIS indicated that in past operations that no blasting occurred on the site, and the extraction occurred through mechanically extracting the face of the quarry. The processes which give rise to noise are identified which include the use and movement of machinery and plant including excavators and loading shovels and the processing plant with intermittent crushing of material. A report on noise and vibration is included as appendix 2 of the rEIS.

Noise from the N17 is identified as the dominant source of noise in the area. It is also indicated that other sources of noise are consistent with a rural area and quarry operations would not be audible over the traffic noise at the nearest houses. Mitigation measures are outlined to minimise noise impacts which are standard to quarrying operations and that ongoing monitoring is recommended in the rEIS

I would consider that the mitigation measures as outlined in the rEIS were satisfactory to ensure that the development did not adversely impact on the amenities of the area.

7.5.3.3 Impacts on the water environment

Water requirements for the site associated processes were extracted from a lagoon on the site and also as required sourced locally from a local well where the water was pumped to the site. In relation to usage of process water this was used for sprinkling material and washing of wheels with an overall daily demand/usage of 7,040 litres.

Measures were put in place for the collection of process water prior to reuse or discharge and measures were put in place in relation to accidental discharges. In this regard it is indicated in the rEIS that an engineered water management system was in place to collect process water and runoff including the provision of percolation and settlement ponds and discharged to a storage tank. The suspended solids were removed from the settlement ponds and used in spoil heaps and that the mitigation measures in place removed suspended solids and also prevented solids and particulate matter entering surface watercourses.

The water management system also provided for oil/petrol interceptors. Provision was also made for fuel storage and refuelling within an impermeable bunded area preventing discharge to surface water and ground water.

In relation to potential impact on ground water the rEIS indicates that ground water was not impacted upon as the level of excavation remained a minimum of one metre above the highest water table level.

In relation to aqueous discharges, the operation referred to used most process water and essentially involved continual recycling on site. Excess water not used or required was after treatment discharged to existing drains.

In a wider context the dominant influence on drainage is identified as the River Moy catchment located 1 km to the southwest of the site. The rEIS indicates that the nature of the processes used including the provision of percolation and settlement ponds and overall the mitigation measures in place remove suspended solids from entering this important ecological system.

In relation to water issues therefore, the level of water usage is relatively low and process water is processed and reused on the site. There is no indication that the abstraction of water from ground water gives rise to any potential impacts or on other potential users of water.

In relation to the treatment of water the system provides for the collection of water and other water including runoff which is collected and discharged initially to percolation and settlement ponds where sediment and fines settle

and the water reused as process water with excess water as it arises discharged to the surface watercourse system. The method of water treatment is standard to the extractive industry and process and there is provision for the treatment of accidental spillages entering surface water and ground water.

It is noted that Inland Fisheries Ireland in a submission having made reference to the presence of the Ballyhowley River in the vicinity which is a significant salmonid river but the quarry is not sufficiently close to the river to pose a threat to its ecological status and has no objections to make in relation to the quarry.

The nature of the activities on the site has the potential to adversely impact on water if measures to address impacts were not in place. Given the measures which were put in place and continued to be applied, the relatively low level of water usage, the water management measures in place and the absence of extraction below ground water levels subject to appropriate conditions I do not consider that impacts on water quality arise.

7.5.3.4 Roads and traffic

The site fronts onto a local road which to the east has a junction with the R329 which is now the former N17 carriageway. At the stated junction it travels north into Knock village and to the south it travels onto the new N17 Knock by pass. In the EIS it is indicated that in relation to the previous use of the quarry on average 6 loads left the quarry giving an estimated 12 truck movements daily which travel initially on the local road fronting the site before entering the wider road network. The level of movements would vary depending on the demand for material. Warning signs were placed on the local road giving advance warning of the entrance to the quarry.

The road network I consider can accommodate the level of traffic generated by the development and there would be no significant adverse impact on the local road network or generally in relation to traffic based on the level of traffic generated and the capacity of the receiving road network.

Finally I note that the NRA submitted an observation in relation to the application which notes the site does not access onto the national road network but requests the Board give consideration to including the conditions applied in PL.16.226175 given the site's proximity to the national road network.

7.5.3.5 Ecology

As part of the EIS an ecological survey was undertaken having regard to the location of the River Moy SAC approximately 1km to the southwest of the quarry See maps 3 and 4 in appendix of this report.

It is noted that the site is/was a working quarry which was formerly in agricultural use and adjoining lands are also in agricultural use. The site in relation to flora has no habitat of ecological significance. As part of the extraction process top soil was stripped and used to form berms.

The application of a water management system on the site it is indicated in the EIS ensures that water entering drainage systems off site has suspended solids removed and therefore it is indicated is not a threat to fauna or flora. There are also mitigation measures in place to suppress dust and noise levels.

I note however that the Department of Arts, Heritage and the Gaeltacht (DAHG) in a submission indicates a NIS should be submitted given its proximity to the River Moy SAC 2298 and appropriate mitigation outlined, that the existing mitigation in the EIS is insufficient. It is also noted that a pair of peregrine falcons were nesting in the quarry as stated in the EIS with no reference to mitigation to protect the nesting peregrines set out.

Please note in this regard that there is no reference to peregrine falcons in paper copy of the EIS but it is referred to on the disk at the bottom of page 6 where it states "Birds observed included Magpie, Blackbird and a pair of Peregrine Falcons".

In response to DAHG submission the applicant has indicated that Mayo County Council carried out a screening process which determined an NIS was not required and an NIS was therefore not included.

Please note that in this regard in the P.A determination screening for Appropriate Assessment it was concluded that arising from the separation distance between the quarry and the SAC an Appropriate Assessment determination was not required.

In relation to the nesting peregrine falcons nesting on the site the applicant's response indicate that initial surveys did not detect the presence of peregrine falcon but a pair was spotted at a later site inspection. It is possible that the action of the quarrying and subsequent cessation has given rise to a habitat that can now be used by peregrine falcons.

I would note the River Moy-SAC 002298 is selected for the presence of habitats and species including Annex 1 Habitats Directive priority habitats including old oak woodlands, alkaline fens, degraded raised bog and rhynchosporion and is also selected for species listed on Annex II of the same directive including atlantic salmon, otter, sea and brook lamprey and white-clawed crayfish (details of the conservation objectives are included in the appendix).

The site is not within the River Moy-SAC 002298 and as indicated approximately 1 kilometre from the nearest watercourse within the SAC.

In relation to the submission of a NIS, the issue of water and impact on fauna in the water system I have already outlined the measures in place for the treatment of water on the site to ensure removal of suspended solids, particulate matter and possible contaminants from entering both the ground water and surface water courses.

In this regard I consider that the existing mitigation outlined in the EIS is sufficient to address water impacts and an NIS is not required in relation to this development in relation to the consideration of adversely impacting on the favourable conservation status of these habitats. I would concur with the view that there is a satisfactory separation distance to the River Moy SAC 2298 and based on the past operations and the submission of IFI that no issues appear to have arisen in relation to water and the quality of the water system is of importance in relation to the relevant conservation objectives for the site

In relation to the peregrines currently nesting on the site I would agree with the applicant that the that the action of past quarrying operations by creating cliff faces and the subsequent cessation of quarry operations has given rise to a habitat that can now be used and considered beneficial by peregrines.

Within the framework of the Birds Directive Directive 2009/147/EC, the peregrine (*Falco peregrinus*) a bird of prey species, is listed in Annex I of the Directive and has an amber conservation status. It is not a listed species in the Habitats Directive and there is no reference to peregrines in the site synopsis and the conservation objectives relating to the River Moy-SAC 002298 and they are not a qualifying interest for the SAC.

Therefore in relation to the peregrines currently nesting on the site I would agree with the applicant that past operations of quarrying by creating cliff faces and the subsequent cessation of quarry operations has given rise to a habitat that can now be used and considered beneficial by peregrines. On the basis of current conditions on the site and in the context of the past operations there were no issues in relation to the presence of the peregrine species on the site. There is no clear indication of when the species nested on the site or was present during the period of active quarrying on the site.

On the basis of current conditions on the site and in the context of the past there are no issues in relation to the presence of the peregrine species on the site. Issues in relation to future mitigation are matters to be addressed in any future recommencement of extraction activities and permission relating to the development.

In relation to the provisions of Section 177J I do in the light of the above assessment not consider that the section need be invoked.

7.5.4 Landscape and visual impact.

In relation to the visual impact, the site is visible from the current N17 and forms part of rural landscape. The quarrying operation by its very nature

represents a visual impact on the landscape and as it is a rock quarry an irreversible visual impact. The impact is however local in context and not visible from the wider area. I would generally agree with the conclusion of the EIS that the development represents a low visual impact

7.5.5 Cultural Heritage.

The EIS indicates that no archaeological remains were identified on the site or that any archaeological remains were identified in the period since the implementation of the Directive. It is indicated that should expansion and should further fresh ground disturbance occur the monitoring of such works is recommended.

7.6 **Appropriate assessment**

I note that in the determination under section 261A the planning authority determined under file ref (QY106/CQ106) that a notice was served on the applicant under section 261(A) (3) (a) directing to apply for substitute consent and to submit a Remedial EIS. The planning authority screening in relation to Appropriate Assessment concluded while noting that the site lies within 0.8km of the River Moy-SAC 002298, arising from the separation distance between the quarry and the SAC an Appropriate Assessment determination was not required.

The applicant has in his response to the DAHG referred to the screening process under section 261A responding to the issue of NIS. In this determination the matter of Appropriate Assessment was I consider addressed and is distinct from NIS. I would also note in this regard section 261A(14) which indicates "where an application for substitute consent is required to be made under this section it shall be made in relation to that development in respect of which the planning authority has made a determination under subsection (2)(a)".

8.0 **CONCLUSION AND RECOMMENDATION**

In conclusion the development which has occurred essentially comprised the extraction of rock above the identified water table in an existing quarry at this site. Arising from my assessment above therefore I consider that the application for substitute consent should be granted in this instance. Based on the information available I conclude that the quarry has not given rise to significant adverse effects on the environment and that ongoing impacts are limited in terms of scale and significance. I therefore recommend that the application for substitute consent be granted based on the reasons and considerations and subject to the conditions set out below.

REASONS AND CONSIDERATIONS

The Board had regard inter alia to the following:

- The provisions of the Planning and Development Acts 2000-2011 as amended and in particular part XA.
- The Quarry and Ancillary Activities, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government 2004.
- The provisions of the Mayo County Council Development Plan 2008-2014.
- The remedial Environmental Impact Statement submitted with the application for substitute consent.
- the planning history of the site,
- submission received,
- The pattern of development in the area.
- The nature and scale of the development, the subject of this application for substitute consent.

The Board considered the remedial Environmental Impact Statement and concluded that the statement identified and described adequately the direct and indirect effects on the environment of the development.

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

CONDITIONS

- 1 The grant of substitute consent shall be in accordance with the plans and particulars submitted to An Bord Pleanála with the application on the 7th May 2013. This grant of substitute consent relates to only works undertaken to date and does not authorise any future development on the subject site.

Reason: In the interest of clarity.

- 2 A detailed restoration scheme for the site shall be submitted to the planning authority for written agreement within three months of the date of this order. The following shall apply in relation to the design and implementation of the restoration plan:
 - (a) The site restoration shall provide for the immediate re-vegetation of the site where suitable and/or the provision of features to control sediments which could result in surface water pollution.
 - (b) Prior to commencement of works, a further survey of the site by an ecologist shall take place to establish, in particular, the presence of species of

ecological value, including flora, which may recently have taken up occupancy on the site. The restoration plan shall have regard to the results of this survey.

(c) The scheme shall incorporate tree planting to screen the quarry from key vantage points including cultural heritage sites.

(d) Details of site safety measures shall be provided.

(e) A timescale for implementation and proposals for an aftercare programme of five years shall be agreed with the planning authority.

Reason: In the interest of pollution control, to enhance the visual amenities of the area, to enhance ecological value and to ensure public safety.

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

Reason: To ensure the satisfactory restoration of the site.

Derek Daly,

Senior Planning Inspector.

22nd December, 2013.