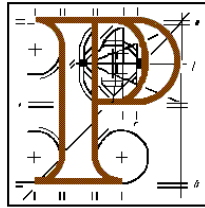


An Bord Pleanála



Inspector's Report

Reference: SU04.SU0093

Title: Quarry at Carrigtwohill, Co. Cork

Location: Rossmore, Carrigtwohill, Co. Cork

Applicant: Lagan Bitumen Limited

Local Authority: Cork County Council

Date of Site Visit: 19th December 2014

Inspector: Philip Davis

1. Introduction

This is an application under section 177E of the Planning and Development Acts, 2000-2011 for substitute consent for a sand, gravel and limestone quarry in east Cork, beside Cork Harbour. The application is accompanied by a remedial Natura Impact Statement (rNIS). The rNIS is required on foot of a direction under S.261A2(a)(ii) by the Board that the quarry would have required an Appropriate Assessment, due to the proximity of an EU designated site, the Great Island Channel SAC (001058). This quarry adjoins another quarry in a different ownership, which is also subject to a substitute consent application (**SU04.0117**).

2. Site Description

Photographs of the site and environs are attached in the appendix to this report.

Rossmore, Carrigtwohill

Rossmore townland is located in a sheltered area of coast between two small peninsulas which extend into the saltwater channel (the Belvelly Channel) separating the mainland from Great Island in Cork Harbour. It is 2 km due south from the small town 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 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 agricultural in nature, with medium sized fields of usually well drained grassland bounded by high hedges. There are a number of large limestone quarries in the area both active and abandoned and, at the very end of the peninsula just east of Rossmore, a civic amenity site within a former quarry. This civic amenity site is on an extended peninsula which forms one side of Rossmore Bay. The area is served by a single improved third class road, which terminates at the Civic Amenity site (this road is signposted as private although appears to be public). The road links to the north to connect with the minor road network south of Carrigtwohill and east of Fota.

Quarry at Rossmore, Carrigtwohill

The quarry in question is a sand, gravel, and limestone quarry with a site area given as 15.5 hectares. It is roughly rectangular in shape, and excavates into the southern side of a low ridge of limestone which extends east to west. The base is occupied by an area of sand and gravel 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 with open fields, while to the east is the access road, which runs down to the Civic Amenity site 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 on 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 rocky tidal zone, and extensive mudflats. 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 site.

3. **Determination**

The Board decided to confirm the S.261A(2)(a)(ii) determination by Cork County Council that having regard to the proximity of the quarry to the Great Island SAC (001058), the hydrogeological connection between the site and the SAC, and the extent of quarrying in the immediate area, an Appropriate Assessment would have been required.

4. **Reports and correspondence**

Substitute consent application

The Substitute Consent application under S.177E was submitted to An Bord Pleanála on the 8th April 2014. Following correspondence with the Board the application was readvertised on the 1st May 2014.

Department of Agriculture, Food and the Marine

It states that it does not appear that the works encroach on the State foreshore – there is no record of a foreshore consent.

Geological Survey of Ireland

No comment.

Carrigtwohill Environmental Alliance (CEA).

- It is noted that a previous application on the site for an extension was refused by the Board (PL04.217967). It is argued that the grounds for refusal remain valid.
- It is stated that the sustained intensity of quarrying activity in this area has had a significant impact on surrounding communities.
- It is noted that there is extraction of water on the site – concerns are expressed at the impact of this on the local aquifer and local communities.

National Roads Authority

The lack of information on traffic in the submission is noted. The Board is referred to the 2012 Guidelines.

An Taisce

The Board is reminded that ECJ case 215-06 only allows for retrospective assessment in 'exceptional circumstances'. It is also noted that previous registration of a site under S.261 must be deemed to be irrelevant, as confirmed in the High Court Judgement *An Taisce v An Bord Pleanála*.

Cork County Council

The planning authority made a detailed submission which summaries the planning and development plan background to the site. It is noted that there are significant issues with a lack of information on groundwater monitoring (contrary to conditions on permissions), and it seems that hydrocarbon levels in the settlement lagoon have consistently exceeded the permitted limits. It is noted that the planning authority does not have the resources available in relation to a full hydrological or hydrogeological assessment. It is noted that there are significant cumulative impacts with the adjoining life quarry and the inactive Cemax Quarry. Notwithstanding these issues, the County Council does not object to the granting of the substitute consent, but notes that any conditions should address the hydrological connection between the site and the adjoining protected sites.

5. Applicants response to submissions

In a detailed submission, the applicant responded to the various submissions above – key points are as follows:

- It is noted that there is a S.34(9) application on hold, which includes a comprehensive hydrological and hydrogeological (including cumulative) assessment.
- The issue of elevated hydrocarbons in the settlement lagoon are acknowledged – the applicant proposes to implement additional measures to further limit to potential for pollutants to enter the on-site lagoon (attached report providing details).
- It is noted that there is no evidence that the elevated hydrocarbon levels in the lagoon have had an impact, or potential impact, on the Natura 2000 site.
- It is noted that there have not been any significant enforcement issues relevant to the current operators.
- Details of additional groundwater monitoring – which is claimed to be above and beyond the requirements of previous conditions – are attached.

6. Planning Context

Planning history– appeal site

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. 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 2012 an application (withdrawn) was made to deepen the extraction below the water table. Two extensions of time applications are indicated in the planning authorities submission – **13/6351** and **14/4061**.

Planning permissions – general vicinity

There are a number of permitted quarries in the vicinity, including the concurrent case SU04.0117 to the west of this site.

Development Plan

The area is in open countryside within the Greenbelt zone around Cork City. It immediately adjoins a designated EU habitat, the Great Island Channel SAC (001058) and an SPA.

7. Assessment

Planning background

This quarry, located in an area with several large quarries and located directly beside a larger quarry (subject to attached file **SU04.0117**), has an active planning permission dated from 2002, which was submitted with an EIS. It has a further permission for concrete batching works within the site. The Board determined in January 2014 that an Appropriate Assessment should have been made, but was not. The reason given for this is the location of the quarry directly beside the Great Island Channel SAC, the likelihood that there is a hydrogeological connection between the quarry site and the SAC, and the extent of quarrying in the immediate area, with the possibility of in-combination impacts on the SAC. The rNIS was submitted on the basis of this decision.

The quarry

The quarry, with a site area of some 15.5 hectares, is a roughly rectangular extraction which runs from the shoreline of Rossmore Bay inland, with the working face extracting into the rising slope into deep deposits of limestone. Much of the site has been worked, and much of the working area is occupied by a variety of processing and storage works, mostly concrete batching and rock processing. During my site

visit I observed no evidence of dewatering or the pumping of water off-site, and there was no visible evidence of past discharges or natural flow. The file evidence indicates that the extraction works do not extend into the water table, although I note that dewatering in the adjoining quarry could potentially have artificially lowered the water table under this quarry. There is one large settlement pond within the site. It appears that there have been issues with pollution within this pond, although no enforcement action has been taken. There is a significantly larger quarry to the west – they are divided by an unexcavated area. The boundary with the coast, and the SAC, is marked by a bund of perhaps 3-5 meters in height. This is mostly covered with natural vegetation and some relatively recently planted trees. The area of coast immediately adjoining the site is marked by a small shingle and gravel shore, mud flats, and a small area of salt meadow. There is what appears to be the remains of a disused farm track (indicated in older OS plans) outside the site just above the high tide mark.

Great Island Channel SAC, site code 002170

The Great Island Channel SAC is an extensive designated area covering much of the sheltered shallow coastal waters of the channel separating Great Island within Cork Harbour from the mainland and smaller islands. Its objective is to maintain or restore favourable conservation condition of mudflats and sandflats not covered by seawater at low tide, and Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*).

Remedial Natura Impact Statement (rNIS)

The rNIS focuses on the potential impact on the two Annex 1 habitats close to the site in Rossmore Bay. 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.

The rNIS states – and this is consistent with my observations during my site visit – that there is no surface water connection between the quarry and the shoreline. 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.

It is noted in the rEIS that the settlement pond appears to be exposed groundwater, and most surface water within the site discharges to this pond. As such, it is almost certainly in hydraulic continuity with Rossmore Bay. This is therefore the most likely possible conduit for any pollution or other interference with the littoral habitat. I note

however (as is indicated in the rNIS), 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. As I note in my report in file SU04.0117, there is a visible direct pumped discharge to the coast from this site. Mitigation measures are set out in page 36 of the rNIS – these are standard mitigation measures including the protection of oil storage tanks, the interception of run-off and ensuring adequate waste water treatment on the site. From my observations during the site visit, these mitigation measures appear to be in place.

I note from file correspondence that there has been in the past an issue with pollution of the settlement pond, although it was apparently addressed without the need for enforcement action. It would seem that this was a problem of inadequate management within the site, rather than an intrinsic problem with the operation of a quarry on the lands. As such, it would appear that the mitigation measures as set out in the rEIS are adequate and practical and would ensure there would be no significant impact on the conservation objectives of the SAC by way of direct groundwater pollution.

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.

The Board Direction noted in particular the possible cumulative impacts with other projects in the area, most notably the larger quarry to the west. There is also an inactive quarry to the east and the civic amenity site to the south. The rNIS (page 38) does not directly quantify these impacts, but states that they were taken into account when assessing direct impacts. I note that the direct discharge of groundwater from the adjoining site was mentioned in the rNIS, although the analysis focuses on the prevention of pollution arising from the Lagan site. There is no analysis of the direct impact of this discharge. This issue is addressed in more detail in my report on the adjoining Cemex site, but on this point I would state that I concur with the conclusion of the rEIS that with adequate controls on run-off into the settlement pond, then there should be no cumulative impacts (even if this direct discharge on the adjoining site is having an impact).

The rNIS concludes that the overall quarry works would not have a significant impact on the SAC. On the basis of the information provided in the rNIS, other file documentation and my site visit, I would concur with the conclusion that subject to appropriate mitigation measures on site there would be no direct or indirect or cumulative impacts on the conservation objectives of the SAC.

Other related issues

The rNIS addresses other impacts on the SPA, which in Rossmore Bay is identical to the extent of the SAC. Impacts on this SPA were not identified in the ABP Direction as a reason for the requirement for an rEIS. Notwithstanding this, I am satisfied on the basis of the information provided that there would be no significant impacts on other conservation objective on the SAC or on the conservation objectives of the SPA.

8. Conclusion and Recommendation

I conclude that the rNIS is acceptable and that the Board should confirm the substitute consent subject to the conditions set out below. For the avoidance of doubt, I would note that the quarry works are subject to all mitigation measures set out in the rNIS and so I do not propose that these be repeated in the conditions.

I recommend therefore that the Board **confirm** the substitute consent for the reasons and considerations set out below.

DECISION

The Board, in accordance with section 177K of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, decided to **GRANT** substitute consent in accordance with the following conditions.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

The Board had regard, inter alia, to the following:

- (a) the provisions of the Planning and Development Acts, 2000 to 2011, as amended, and in particular Part XA,
- (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 Cork County Development Plan, 2009,
- (d) the remedial Natura Impact Statement submitted with the application for substitute consent,

- (e) the report and the opinion of the planning authority under section 177I,
- (f) the submissions/observations made in accordance with regulations made under section 177N,
- (g) the report of the Board's Inspector, including in relation to potential significant effects on the environment,
- (h) the planning history of the site,
- (i) the pattern of development in the area, and
- (j) the nature and scale of the development the subject of this application for substitute consent.

The Board completed a Natura Impact Assessment in relation to the development in question, and considered that the assessment and conclusions of the Inspector's report were satisfactory in identifying the impacts of the development in question on Natura 2000 sites in the vicinity, and also agreed with his conclusions in relation to the acceptability of mitigation measures proposed and residual effects.

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

CONDITIONS

1. This grant of substitute consent shall be in accordance with the plans and particulars submitted to An Bord Pleanála with the application on the 8th day of April 2014. This grant of substitute consent relates only to development undertaken as described in the application and does not authorise any future development on this site.

Reason: In the interest of clarity.

2. All environmental mitigation measures identified within the remedial Natura Impact Statement shall be implemented in full, save as may be required in order to comply with other conditions attached to this order.

Reason: To protect the environment and the amenities of the area and to ensure the proper planning and sustainable development of the area.

3. A restoration scheme shall be carried out in accordance with a restoration plan, which shall include existing and proposed finished ground levels, landscaping proposals and a timescale for implementation. This plan shall be prepared by the developer, and shall be submitted to, and agreed in writing with, the planning authority within 3 months of the date of this notice. In the

event of a failure to agree details, the restoration proposals shall be submitted to the Board for agreement.

Reason: In the interest of the visual amenities of the area, to ensure public safety and to ensure that the quarry restoration protects and enhances ecology.

4. 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 other security to secure the 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 the restoration of the site. 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.

Philip Davis,
Inspectorate.
24th April 2015