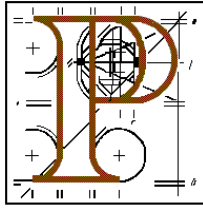

An Bord Pleanála



Inspector's Report

Development : Quarry, Clonmoney North, Bunratty, Newmarket on Fergus, Co. Clare

Planning Authority : Clare County Council

Applicant : Roadstone Ltd.

Observer(s) : None

Application Type : Application for Substitute Consent

Date of Inspection : 26/11/14

Inspector : Pauline Fitzpatrick

1.0 INTRODUCTION

- 1.1 On 7th February 2014 June 2013, the Board on review issued a split decision on the Planning Authority's (PA) determination under section 261A of the Planning and Development Acts 2000-2011 in respect of the quarry at Bunratty, Co. Clare. It confirmed the determination with respect of the northern section of the quarry which was the subject of planning register reference number P06/2560 and set aside the determination with regard to the remainder of the lands. The effect of the Board's order was to direct the owner to apply for substitute consent for the northern portion of the quarry site with the application to be accompanied by a remedial EIS and remedial NIS.
- 1.2 Following a written request from the applicant, the Board decided to grant an extension for the period of time in which the application could be made, up to 28th July 2014 (Board ref.17.SH.0201).
- 1.3 On the 28th July, 2014, Roadstone Ltd. lodged an application for substitute consent with the Board with a remedial EIS and remedial NIS. This report provides an assessment of the application and sets out a recommendation for the Board in respect of the development.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The site subject of the application constitutes the northern portion of a larger quarry site with a stated area of 96.7 ha. This includes an extraction area of c. 55 hectares and a c. 4 ha site located on the opposite side of the road. Approx. 40 hectares of the lands stated to be within the landholding remain in a greenfield condition. The site is located in the townlands of Bunratty West and Clonmoney North adjacent to the village of Bunratty in south County Clare. The quarry is accessed via a local road (L-3122) which links the N18 to the village.
- 2.2 The production plant is located at the southern end of the site where the original quarry was developed. The structures and plant in this area include site offices, workshops and car parking areas close to the site entrance and beyond this there are two asphalt plants, a block yard and a batching plant. Settlement ponds are located to the west of the plant area close to the site boundary with a surface water collection area immediately to the south-west of the application site. The quarry extraction area lies to the north of the manufacturing area and includes active areas undergoing extraction and areas previously subject to extraction.

2.3 The subject site referred to as both the ‘Melody Lands’ and as ‘Clonmoney North’ (in the current application) constitutes the northern most section of the quarry and has been subject to surface stripping and extraction at upper levels. It appears at the time of inspection that extraction works had ceased within this area for some time. The application site runs parallel to the north and north-western boundaries of the overall quarry site which are delineated by post and wire fencing and planting.

3.0 APPLICATION FOR SUBSTITUTE CONSENT

3.1 The application for substitute consent received by the Board on the 28th July 2014 includes a completed application form, copies of statutory notices, a remedial EIS, a remedial NIS and associated drawings.

3.2 The site to which the application refers constitutes the northern section of a larger quarry site with a stated area of 12.42 hectares. The lands have been referred to as the ‘Melody Lands’ in the past and are referred to as ‘Clonmoney North’ in the current application.

3.3 The topographic elevation of the overall quarry ranges from 60m AOD to the east to 10mAOD to the south. The site subject of the application ranges from 58mAOD to the east to 5m AOD at quarry floor level.

3.4 No activities have taken place on the site since 2006.

Note: A legal submission accompanying the application considers that a financial contribution condition can only be imposed in respect of development that has yet to be carried out and that such imposition in a retrospective application would be ultra vires. Financial contributions were imposed by way of conditions 28 and 29 of planning permission ref. P06/2561 and any imposition would constitute a double taxation.

4.0 PLANNING AND REGULATORY HISTORY

There is an extensive planning and regulatory history on the overall quarry site and is set out in the Planning Authority’s report on the application. Of note:

4.1 *Section 261*

QY12 - An application to register the quarry was received by the Council on 22/12/04. The total area for the quarry given on the application form was

stated to be 96.7 ha, with an extraction area of 53.1 ha. The site subject of this application was included within the site boundary. A further information request was issued on 08/06/05. A response was received on 05/07/05 and the planning authority concluded that a planning application and EIS is required.

4.2 Planning

Subsequent to the above registration the PA issued a warning letter indicating that a 12.42 ha area included within the registration was considered to be unauthorised. On foot of same:

RL05-07 – referral as to was whether the quarrying of lands contained in Folio No. 25993 (Melody Lands) is or is not exempted development. It was decided in January 2006 that the works were not exempted development.

P06-2560 – Subsequent to the said referral an application was lodged in 2006 for permission to retain and continue quarrying activities including the extraction of rock, processing of aggregates, landscaping, restoration and associated site works on the lands subject of this substitute consent application. An EIS was submitted with the application. Permission was refused for two reasons in August 2012. The reasons related to the planning authority being precluded from considering a grant of permission with due regard to ECJ Case C-215-06 and adverse impact on the qualifying interests of the Lower River Shannon SAC.

P06-2561 – Application for permission for the continuation of quarrying activities including the extraction of rock, processing of aggregates, landscaping, restoration and associated site works on the remaining lands as registered was lodged in tandem with P06-2561. An EIS was submitted with the application. Permission was granted in August 2012.

4.3 Enforcement

Enforcement Files 102/257, C03-002, and UD06-029 refer to the overall site.

4.4 Discharge Licence

A discharge licence under the Local Government (Water Pollution) Act 1977 to 2007 was granted under ref. no. WP173 in May 2012 (copy attached in Appendix 1.1 of rEIS).

4.5 Section 261A Determination and Decision

The Board on review issued a split decision confirming Clare County Council's determination under subsection 2(a) for part of the overall lands and setting

aside of the determination on the remainder. An application for substitute consent accompanied by a remedial EIS and remedial AA, was therefore required.

5.0 PLANNING POLICY CONTEXT

5.1 *Clare County Development Plan 2011-2017*

Section 6.11 – Natural Resources

It is an objective to facilitate, encourage and appropriately manage the development of natural resources of the County to ensure that it is done in a sensitive way, eliminating any significant adverse effects on the natural environment.

Sections 8.1, 8.2, 8.3, 9.1 and 9.2 set out objectives for the protection of ground and surface water.

Sections 9.9 and 9.10 set out objectives to protect against noise and air pollution.

Section 13.10 – Minerals, Mining and Quarrying

It is an objective to:

- (a) To promote the extraction of minerals and aggregates where such activities do not have a significant negative impact on the environment, landscape or residential amenities of neighbouring settlements and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities;
- (b) To map aggregate resources during the lifetime of the Plan in order to positively plan for the extractive industry at appropriate locations.

Section 16.3 – Western Corridor Working Landscapes

It is an objective to:

- (a) Permit development in these areas that will sustain economic activity, enhance social well-being and quality of life – subject to conformity with all other relevant provisions of the Plan and the availability and protection of resources;
- (b) That selection of appropriate sites in the first instance within this landscape, together with considerations of the details of siting and design, are directed towards minimising visual impact.
- (c) That particular regard should be given to avoiding intrusions on scenic routes and on ridges or shorelines.

Sections 17.3 and 17.4 address the protection of Natura 2000 sites and requirements for AA.

Note: Whilst the site is within the area covered by the South Clare LAP 2012-2018 there are no provisions directly relevant to the type of development concerned.

5.2 National Guidelines

The Quarries and Ancillary Activities Guidelines for Planning Authorities (April, 2004) offers guidance to Planning Authorities on planning for the extractive industry through the development plan process and determining applications for planning permission for quarrying and ancillary activities. The following sections are relevant to the current appeal.

- Section 3.4 outlines the potential environmental effects caused by quarrying on water supplies and ground water.
- Section 4.7 sets out possible planning conditions.
- Section 4.9 advises on the life of planning permission.

6.0 OBSERVATIONS

None received.

7.0 PRESCRIBED BODIES

The application for substitute consent was circulated by the Board to prescribed bodies. The responses received can be summarised as follows:

7.1 An Taisce

- The quarry operators should have lodged an application to expand the quarry before carrying out work on the site that began in 1997. Failure to do so does not justify the use of the 'substitute consent' process. No 'exceptional circumstances' apply in this case

7.2 Health and Safety Authority

- The development is located outside the outer zones associated with UCB Manufacturing Ireland Ltd. and Enva Ltd. It would not advise against the grant of permission in the context of Major Accident Hazards.

7.2 National Roads Authority

- The approach to the traffic assessment is conservative as it assesses the traffic generated as a result of activities of the overall quarry operation and is not restricted to the substitute consent application area only.
- Subject to quarrying operations based on the analysis set out in the rEIS the NRA has no specific objection in principle to the proposal. However where intensification of operations would arise a Traffic and Transport Assessment is recommended.
- Any recommendations arising from the traffic analysis contained in the rEIS should be included as conditions should permission be granted in the interests of maintaining levels of safety, capacity and efficiency on the national road network.

7.3 Health Service Executive

- The water recharge systems employed at the site and methods used for extraction of suspended solids and hydrocarbon interception are considered acceptable and that adequate systems were in place during the period of quarrying activity subject of the rEIA.
- A review of samples taken of wells and group water schemes did not indicate any ongoing or historical issues with ground water extraction quality around the site.
- No groundwater source protection zones were identified within the location of the site.
- Waste water generation from the site should have been considered.
- There was no evidence of historic high dust emissions noted on inspection around the site (burnt vegetation, accumulations within stone walls, condition of access roads etc.)
- There is comprehensive screening between the site and surrounding dwelling houses.
- A review of dust complaints received (if any) would have been beneficial.
- The use of an absolute noise exposure criteria (in this case 55dB(A)Leq(1 hour) does not assess the impact on noise sensitive locations around the quarry. The rEIS does not identify the changes in the noise environment as a result of the quarrying activities subject of the rEIA. The existing environment would include the quarrying activities being carried out elsewhere on the site.
- The rEIA should consider the cumulative impacts with the other activities on the site.
- The works between 1997 and 2006 resulted in an intensification of use notwithstanding statements in the rEIS to the contrary.

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- A review of noise complaints received (if any) would have been beneficial.
 - The mitigation measures detailed with regard to the dust and noise should be implemented in full for any future quarrying activity.

7.4 Department of Arts, Heritage and the Gaeltacht

The submission which is accompanied by direct correspondence had with the applicant dated August 2014 can be summarised as follows:

- Whilst the Department was consulted by the applicant there is little indication that the advice and recommendations have been taken into consideration from an ecological perspective.
- The site specific conservation objectives (SSCOs) and associated backing documents and habitat and species datasets for the SAC and SPA have not been used in the rNIS.
- The monitoring data that was required by way of condition to the discharge licence relevant to the site (WP173; 2012) and from any other relevant aspects of the licence should be presented in summary as the objective, scientific information which establishes the quality of the water leaving the site, including trends over time. This would support the assessment of the likely effects of the quarry on surface waters over time.
- The rNIS excludes without justification, potential effects on the sites arising from any other aspect of the quarry such as dust emissions and noise and vibration. Whilst there may be no effects the information and analysis necessary to make this determination should be presented. The sensitivities of the qualifying interests and special conservation interests to such pressures will also require review.
- The rEIS does not provide details of the restoration or after use of the application area save for a drawing with associated explanatory text. In addition the intention to spread topsoil and undertake planting of trees rather than allow more natural regeneration of vegetation is questioned.
- The ecological assessment and current habitats and conditions (soils, geology, topography etc.) should be used to inform the restoration/reinstatement plan for the site. The biodiversity potential of the site should be taken into account in developing the restoration plan.
- Deficiencies in the rNIS as detailed above coupled with the fact that the assessment is retrospective mean that it is unlikely that such a definitive determination can be reached at this time. The Department is of the view that further analysis of information that is or should be available is required to address the deficiencies and enable an AA to be carried out.
- There are no archaeological observations.

8.0 RESPONSE TO SUBMISSION BY DEPARTMENT OF ARTS, HERITAGE AND THE GAELTACHT

The submission was circulated to the applicant and PA for comment under section 131 of the Planning and Development Act 2000. A response was received from the *applicant* which can be summarised as follows:

- In terms of pre-application consultations the agent for the applicant has no record of an observation letter from the DAU referred to in its submission.
- Prior to the preparation of the rNIS and rEIS all available information on possible affected European designated sites was fully reviewed. The SSCOs supporting documents in particular were reviewed and the sensitivities, locations and conservation status of qualifying interests were carefully considered in light of the potential adverse effects identified. The qualifying interests were fully considered regarding their known and potential locations, sensitivities and identified possible effects from the project alone and in-combination with other developments.
- A field survey was conducted to seek any evidence of possible effects. No evidence of even localised impacts could be determined beyond 30 metres of the site boundary. The extensive wet ditch, reedbeds and flat topography between the site and the River Shannon and River Fergus Estuaries means that no measurable effect on water quality will arise. The existing surface water treatment system at the quarry is adequate and rules out the possibility of any effects on the downstream European sites.
- All species and habitats detailed in the datasets associated with the SSCOs were considered. The information sources reviewed included the Biodiversity Ireland database and Mapviewer. The species lists for the 10km squares associated with the Shannon Estuary were reviewed and, in particular, sensitive species identified as regarding possible effects were considered as relevant to the NIS.
- In April 2014 a scientific Biological Assessment based on aquatic based macroinvertebrate and macrophytes was conducted for the surface water ditch linking the quarry to the Shannon Estuary. Typical wet ditch flora and fauna occurred in the receiving ditch. Indicators of a healthy and typical wet ditch macro-invertebrate community were determined including damselflies, gastropods and bird species of reed beds (Sedge Warblers). The presence of breeding insectivorous birds, in particular, indicates a typical wet ditch ecosystem with a full range of expected trophic levels. This biological data used to inform the rNIS is much more robust than chemical and other possible analysis details, as it indicates if long term perturbations have been arising. It is the most scientific and accurate means to determine long term trends in water quality which may

measurably influence water quality in the Shannon Estuary. This is adequate information based on the very limited risk of effects as a result of the existing surface water treatment system. As highlighted in the rNIS the relevant qualifying interests are not particularly sensitive, as sensitive spawning areas/lifecycle stages are not linked to possible effects of the development.

- Dust, noise and vibration emissions are not a measurable risk to the relevant qualifying interests. The fact that the site is suitably removed and qualifying interests are not linked to these effects, means that this is not a risk. Dust is discussed in Chapter 9 of the rEIS, noise, blasting and vibration are discussed in Chapter 10.
- Section 11.4 and Figure 11.6 of the rEIS details restoration proposals. The plan was informed by the Project Ecologist and previous and recent Ecological Assessments which included a number of Ecological Site Surveys (13/06/11, 02/04/12 & 29/04/14).
- The statement that there are deficiencies in the rNIS is disputed.
- By its nature the assessment of works which took place within the application area are retrospective. The works on the site were carried out between 1998 and 2006. However the rNIS focuses purely on the impacts the application site is having on relevant designated sites presently and concludes that No Significant Adverse Effects (including alone and in-combination) have impacted on same as a result of quarrying works within the application site between 1998 and 2006.

9.0 PLANNING AUTHORITY'S REPORT

The Planning Authority's report which sets out the planning history on the site and relevant policy provisions also states that:

- The PA is not aware of any remedial measures undertaken in relation to this site with regard to possible significant effects on the environment, or on a European site associated with the development of the site or the area surrounding.
- Remedial measures should take into consideration the expansion of the extraction activity and ancillary activities associated with the operation of the quarry, and which generate emissions, either directly or indirectly, to the receiving environment, and in particular do not impact on elements of conservation interests of the designated European sites.
- The PA is of the opinion that the substitute consent should be permitted subject to all relevant criteria being addressed to the satisfaction of the Board. The reason is that it is accepted that there has been a quarry use

on this overall site pre-1964 and a level of intensification and expansion is accepted to allow for modern methods of extraction and development to be facilitated.

- Conditions recommended include:
 - Provision of bunding.
 - Installation of dust control measures and dust monitoring.
 - Noise levels should be set.
 - Set of maximum limit of volume of material to be extracted and processed on the site.
 - Preparation of rehabilitation plan.
 - Attachment of bond to secure satisfactory reinstatement.
 - Setting of operating hours.
 - Water management requirements.
 - Drainage management and preparation of drainage management plan.

10.0 APPLICANT'S RESPONSE TO PLANNING AUTHORITY SUBMISSION

No response received.

11.0 ISSUES AND ASSESSMENT

I consider the issues arising in respect of this application for substitute consent can be addressed under the following headings:

- Procedural Issues
- Principle of Development
- Environmental Impact Assessment
- Appropriate Assessment
- Financial Contributions
- Conditions

Procedural Issues

Principle of the Application for Substitute Consent

11.1 An application for substitute consent may only be brought forward under section 177E(2)(a) of the Planning and Development Act 2000 (as amended) pursuant to a notice under Section 261A of the Act (or other relevant sections of the Act).

11.2 In this case the PA has served a notice on the owner/operator of the quarry under Section 261A. Further, in the notice the PA states that it decided that quarrying had commenced prior to October 1964 and that the requirements in relation to registration of the quarry under section 261 were fulfilled. The Board, in its review of the determination, set aside same for part of the site whilst confirming it for the remainder. The development, which is the subject of this application for substitute consent has therefore been brought forward in accordance with the legal provisions of the Planning and Development Act 2000, as amended, and within the specific provisions of section 177E(2)(a). There is, therefore, an appropriate legal basis for the application.

Section 177J

11.3 Whilst the overall site was operational on day of inspection the subject site was not being quarried and from details provided with the application has not altered since 2006. I do not consider that the provisions of section 177J of the Planning and Development Act 2000 relating to cessation of works would be applicable in this instance.

Public Notice

11.4 A site notice was erected at the site entrance and was clearly legible on day of inspection.

Principle of Development

11.5 The limestone resource is a valuable high PSV (polished stone value) rock. The materials extracted are used for maintenance, improvement and new construction schemes on the road network. The quarry also supplies aggregates for a variety of uses including blacktop and concrete blocks. The application site was actively quarried between 1997 and 2006 and operation would have been similar to the ongoing operations in the active section of the quarry. This involves the controlled blasting of rock followed by crushing and screening of the rock to produce various grades of aggregate. Screened and sorted aggregate are loaded onto haulage trucks for transport to the relevant customer. Aggregates from the quarry are also used for the production of blacktop, readymix concrete, concrete blocks and precast concrete products.

11.6 The Department's Guidelines for Planning Authorities on Quarries and Ancillary Activities (DoEHLG, 2004) acknowledge that extractive industries make an important contribution to economic development in Ireland but that such operations can give rise to land use and environmental issues which require mitigation and control through the planning system. Concurrently policies of the Clare County Development Plan recognise that aggregates

resources contribute significantly to the economic development of the county and facilitate its further development but that the exploitation of such resources is required to be carried out in a manner that does not adversely impact on the environment, existing infrastructure and the amenity value of neighbouring lands. Within this current policy context, I consider that the principle of development is acceptable on the site, subject to a satisfactory assessment of environmental effects.

Environmental Impact Assessment

Adequacy of remedial Environmental Impact Statement

11.7 Retrospective assessment as is required in this instance has evident limitations. Whilst historical information is available in this case the details invariably refer to the overall quarry operation and not specifically to the application site. Therefore there is a certain reliance on informed likely estimation of effects arising from the application site only. In the context of such shortcomings I submit that the statement is consistent with the requirements of section 177F of the Planning and Development Act 2000 in that it contains a statement of the significant effects on the environment which have occurred. I note that the EIS prepared in support of the application for the retention and continuation of quarrying use on the lands in 2006 under ref. P06-2560 was used as a base for the current rEIS. I also submit that the document is generally consistent with the requirements of Article 94 of the Planning and Development Regulations, 2001-2013 (contents of an EIS). It does not provide information on the main alternatives studied, but having regard to the particular nature of the development, this is not a significant omission. It also includes a non-technical summary. Therefore I am satisfied that the rEIS is adequate to enable the Board to make a decision on the application for substitute consent.

Environmental Impact Assessment

11.8 As the competent authority for decision making, the Board is required to carry out an environmental impact assessment of the application for substitute consent i.e. to identify, describe and assess the direct and indirect effects of a proposed development, in accordance with Articles 4 to 11 of the EIA Directive, on the following:

- Human beings, flora and fauna,
- Soil, water, air, climate and the landscape,
- Material assets and cultural heritage, and

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- The interaction of the foregoing.

The following assessment of environmental effects has regard to the EIS submitted, the information on file and my inspection of the site.

Human Beings

11.9 Matters pertaining to soil, water, air quality, noise, landscape and traffic that affect human beings are addressed later in this assessment.

11.10 As per sections 1.1 and 2.3.4 of the rEIS the quarry is stated to provide significant employment directly and indirectly both in the local area and the wider region. The overall operation at the time of the site being active provided up to 22 no. direct staff on site and in the region of 100 indirect employees (contract hauliers, deliveries, services etc). Therefore I would accept the assertion that the employment had a positive effect on the local area.

Flora and Fauna

11.11 The quarry will have had direct and indirect impacts on flora and fauna. Direct effects will have arisen primarily from land take and indirect effects from the loss and fragmentation of habitats on site, disturbance resulting from the operation of the quarry and from discharges from the site ie. to air and water.

11.12 The site is not within or adjacent to any designated European Site or identified as being of specific ecological merit. The Lower River Shannon SAC is located approx. 750 metres east/southeast of the overall landholding. Indirect impacts on European sites are considered in detail later in this assessment.

11.13 As can be extrapolated from the aerial photographs for the area the extraction on the application site commenced in 1996. Section 5.2.4 sets out an assessment of the current habitats on the site and these invariably reflect what would be associated with such a quarry operation that has been stripped of soil and subsoil, any field boundary delineations and rock extracted. Notwithstanding and as can be extrapolated from the aerial photographs available it is not unreasonable to assume that the application site prior to works was comparable to adjoining lands, essentially comprising agricultural pasture land divided into fields, separated by hedgerows.

11.14 It would seem unlikely that the local population status of any individual or group of species that may have been present on the site and within the wider

area would have been adversely affected by the development since 1996. The displacement of species from the quarry site and the lands immediately adjoining it, by way of noise or disturbance, are unlikely to have had any significant impact. Fugitive dust emissions may have had some effect on habitats in close proximity to the site, but as the quarry has progressed and deepened, the worst emissions are likely to be contained within the site. It is reasonable to surmise that the works on the application site have not had a negative impact and species have habituated to the practices on site.

11.15 The prevailing environment with exposed rock faces has resulted in Peregrine Falcons being recorded on the western cliff face. As of July 2014 a pair are breeding on the site and are being monitored by the NPWS. The Peregrine Falcon is listed in Annex 1 of the EC Council Directive on the Conservation of Wild Birds. As per section 5.2.8.1 the cliff is in its final position as it occurs at the edge of the landholding and will not be disturbed in the future by quarrying activities. The rEIS states that certain measures with respect to Peregrine Falcons and other nesting birds on the western side of the quarry are in place, namely monitoring carried out in March/April each year to confirm bird breeding status and nest locations. This information is taken into account in planning the operational practices, including blasting, during the nesting season (ie. between late March and end of July). I also note that condition 25 attached to permission ref. 06/2561 for the continuation of quarrying on the larger site detailed measures regarding the protection of the birds. No additional mitigation measures beyond current measures are proposed.

11.16 Effectively the rEIS presents what are the cumulative impacts of the application site with the larger quarry operation. Thus I consider that it is reasonable to conclude that the environmental controls which have been in place and the general operation of the quarry were unlikely to have adversely impacted on habitats and species.

Soil

11.17 Top soil and sub-soils have been removed from the quarry area together with the underlying limestone deposits. Extraction of limestone by blasting and excavators is a permanent and irreversible impact. However, the application site, in itself, is a relatively small area and this permanent loss is unlikely to be significant in terms of the overall reserve. In terms of cumulative impacts the larger quarrying operation of which the site forms part with a stated extraction area of over 55 hectares is considered to be large in a local context but, again, in terms of the overall reserve remains small.

11.18 Contamination of soils was possible as a consequence of accidental spills. As per section 6.4 of the rEIS it is stated that the site has, and continues to be operated in accordance with an Environmental Management System (EMS) which includes the implementation of a number of best practice measures to ensure that surface water and groundwater in the area does not become contaminated by pollutants. On the basis of the information available I consider that the operation is unlikely to have given rise to any significant direct or indirect impacts on soil or geology.

Water

11.19 The topographic elevation of the quarry ranges from 60m AOD to the east of the site to 10m AOD to the south of the site. The site subject of the application ranges from 58m AOD to the east, to 5m AOD at quarry floor level. Aggregate excavation within the application area did not take place below the groundwater table.

11.20 There are no surface water features flowing onto or from the site or the active section of the quarry. The Owenogarney (Ratty River) which flows in a south-south westerly direction and discharges into the Upper Shannon Estuary is, at its closest point, c. 400 metres from the south-easterly tip of the landholding.

11.21 There is a second, unnamed stream located approx. 0.7km to the west of the subject site. It also flows in a southerly direction before entering the Upper Shannon Estuary at Inishcronan Point.

11.22 There are two areas of standing water within the active section of the quarry; the main surface water collection sump in the north-western corner immediately south of the application site and a series of five settlement ponds in the south-western corner.

11.23 Any rainfall that falls on the application area or the active quarry area either recharges to bedrock aquifer or runs off to the surface water collection sump. From here the water is pumped to the settlement ponds. The ponds are designed for the removal of suspended solids from the surface water.

11.24 Treated water is discharged into a small, unnamed stream that runs along the roadside (close to the quarry entrance) for which discharge license ref. no. WP173 refers (copy attached to Appendix 1.1) refers. It crosses the quarry landholding on the opposite side of the road. This area contains a naturally occurring reed bed which allows further removal of suspended solids from the

treated surface water. From here the treated surface water discharges into approx. 1.36km long, level drainage ditch with no significant flow before ultimately draining into the Upper Shannon Estuary.

- 11.25 Water is not constantly discharged but is re-circulated and used for washing purposes, dust suppression and wheel wash. A flow meter has been installed at the discharge point from the settlement ponds with a hydrocarbon interceptor installed at the final discharge point near the quarry entrance.
- 11.26 It is stated that fuel was not stored within the application area but within the active section within bunded storage areas. From the fuel storage area a mobile bunded fuel bowser supplies plant on the quarry floor. Also sewerage/waste water was not generated on the site. Waste water from staff facilities located adjacent to the existing administration buildings is piped under the local road to a septic tank and percolation area.
- 11.27 During the operational period of the application site the EPA monitored surface water quality at 4 no. monitoring stations within a 5.5km radius, but upstream of the quarry. The data provided with regard to monitoring stations post 2004 undertaken by the EPA also pertains to stations upstream of the quarry. As such the benefit of such information in terms of the current assessment is limited.
- 11.28 Of greater import is the on-site surface water quality monitoring that has been undertaken including the period during which the application site was being quarried. As treated surface water discharging from the quarry since 2006 may still be influenced by surface water runoff from the application site details of monitoring since 2006 are also provided. The results are set out in Tables 7.7 and 7.8. All relevant parameters set out in the current Discharge License are met save in two instances in 2002 where Total Suspended Solids exceeded the present limit. As evident in the more recent results there have been improvements in the concentrations of Total Suspended Solids which are attributed to improvements made to the quarry's Surface Water Management System since that time.
- 11.29 Groundwater monitoring has been carried out on the overall site since before the works commenced on the application site. The results are set out in Tables 7.10, 7.11 and 7.12. Recorded concentrations for all parameters are within the corresponding MACs quoted in the Drinking Water Regulations with the exception of sulphate and total coliforms. All parameters were also within the EPA Guideline values, with the exception of sulphate, total coliforms and

electrical conductivity and potassium. The sulphate concentration results was likely to be associated with mineralisation of the bedrock in this area.

- 11.30 As no works took place beneath the water table in the application area coupled with the measures in place to address potential pollution sources it is reasonable to conclude that the groundwater environment has not been impacted significantly by the application site.
- 11.31 Water supply is from the Sixmilebridge Council groundwater supply scheme. Approx. 278,000 litres of drinking water is used on the overall site per month.
- 11.32 On the basis of the available information I submit that, at worst, the stream into which water is discharged may have been affected by increased loading of sediments from the site or accidental spillages of hydrocarbons, in particular during peak periods of operation. However the discharge water quality as recorded was noted to be good. I also note that no third party or prescribed body has raised concerns regarding impact of the quarry on groundwater (volume or quality) or surface water quality of the watercourses in the vicinity. This appears to demonstrate that the previous activities subject of this application, coupled with the operations on the larger site have not had any known significant adverse environmental impacts on water in this area

Air and Climate

- 11.33 As stated, the application site is situated in a rural, relatively lightly populated area. There are a number of dwellings in the vicinity, predominately located along the county road to the east and north-east.
- 11.34 The main emission to air arising from the quarry is dust. Dust monitoring has been carried out on the overall site. The details provided date from 2001 which, while post-dating the commencement of works on the application site, could be considered as giving a reasonable representation of earlier, prevailing conditions. Monitoring was carried out at 9 points around the site perimeter as delineated on Figure 9.1 and the results are set out in Table 9.1. The figures as presented would be representative of the overall quarry operation and not just from the application site. From same I note a limited number of exceedances of the recommended limit value of 350mg/m²/day for dust deposition. Two exceedances were recorded at point D in the north-eastern corner of the application site in 2001. Three exceedances were recorded in 2005 one each at points B (south of overall site), D and G (south-western corner of overall site). Of the four recordings of exceedances in 2006, two were at point I at the northern most point of the overall site

boundary closest to the application site, the third at point D site and the fourth at point B. I also note from details on enforcement files provided to the Board during the Section 216 Registration that complaints had been recorded regarding elevated dust levels at nearby properties.

- 11.35 The rEIS states that mitigation measures were put in place as a result of the elevated dust results. The said measures as set out in section 9.4 are representative of what are considered to be industry best practice.
- 11.36 It is reasonable to conclude that dust arising from the entire operation during the period when the application site was being worked resulted in elevated dust levels which may have impacted on the amenities of residential properties in the vicinity. In this regard I note the location of a number of dwellings to the north-east of the site and the direction of the prevailing wind from the south-west. This conclusion is supported by the written complaints made in the past regarding same. I note that mitigation measures were put in place in response which are stated to have significantly reduced the potential for dust emissions. I would also submit that the elevated levels noted were most likely as a result of the cumulative operations on the overall quarry site and not the application site in operation.
- 11.37 In terms of noise the area subject of this application operated in a rural area, albeit in the context of the noise already generated by the large quarry site and traffic noise from the nearby N18 to the west. As with dust, noise monitoring was carried since 2001 and would have applied to the entire operation. From the quarry, noise emissions would have arisen from plant and equipment on site, blasting, processing and vehicles entering and leaving the site.
- 11.38 As noted from Table 10.2 there were a number of exceedances over the period 2001 and 2006 with the most evident being at monitoring point 1 along the south-western boundary. The exceedances noted across the site in June 2001 is explained by the applicant as being attributable to very strong winds. It is stated that mitigation measures have been put in place to limit noise levels on the site and surrounding area and, as detailed in Section 10.1.4, are indicative of accepted industry best practice.
- 11.39 Blasting at the overall site occurred on a very frequent basis since 2002 (see Appendix 10.2). No records before January 2002 are provided but it is reasonable to surmise that the results given are representative of the busiest periods of operation on the site. During each blast both ground vibration and air overpressure were measured. The results from same are attached in

Appendix 10.2. Whilst it may be contended in section 10.2.3 that there were a limited number of exceedances of the peak velocity maximum of 12mm/second and the 125dB (Lin) air overpressure maximum value, I would suggest that in view of the frequency of blasts that occurred during the 2001-2005 period that in fact exceedances, notably in air overpressure, occurred at a notable level of frequency between February 2004 and December 2006. For example of the c. 23 blasts recorded between January and December 2004 the air overpressure was exceeded in 14 (effectively 60% of the blasts recorded exceedances at 1 or more of the monitored locations). Of the c.32 blasts in 2005 the air overpressure was exceeded at 1 or more of the monitored locations in c.18 instances (equating to 56%). In 2006 of the c.35 blasts approx. 16 registered exceedances which equates to approx. 46%. Whilst I accept that atmospheric conditions can influence monitoring results the frequency of exceedances are noteworthy. Although the distance of the relevant monitoring locations are detailed in each instance I could not state with any accuracy that the recorded exceedances were as a result of blasting within the application site. As with dust, complaints were received by the PA regarding blasting on the site from adjoining property.

11.40 During the 2006 application for permission under ref. P06/2560 Clare County Council expressed concern in relation to the potential impact on the Clonmoney Reservoir c. 95 metres to the north of the overall landholding. In response a number of studies including a geophysical survey, structural survey and a drop test were undertaken (see section 10.2.2.1) which concluded that there was no evidence of any negative impact on the structure. As recommended a permanent blast monitoring station has been placed at the reservoir. On the basis of the information provided and absence of any reservations expressed by the Local Authority in its report to the Board it is reasonable to conclude that the site operation has not had a negative impact on same.

11.41 I would suggest on the basis of the information available that blasting has resulted in a material negative impact on the amenities of adjoining property however what is actually attributable to that which was undertaken within the application site is unclear. It is stated that the breaches of the threshold values were subsequently assessed that a blasting procedure has been put in place and that the results during blasting have improved considerably since 2006.

11.42 On balance I consider that the cumulative impacts of the working of the development site within the overall quarry operation has had a material negative impact on the properties in the vicinity arising from fugitive dust and

the consequences of blasting. The monitoring during the operative period which highlighted the exceedances of the relevant parameters resulted in the adoption of mitigation measures to address same. Thus were an application to have been made for permission to develop the site in the first instance I consider such mitigation measures would have been required as standard. Subject to the applicant showing that the relevant parameters could be met, on balance, it is reasonable to submit that the proposal would not have been refused on such grounds.

11.43 In terms of climate the quarry development has resulted in the emission of greenhouse gases to the atmosphere, primarily from the operation of plant and vehicles. However, these would not be significant locally.

Landscape

11.44 Contrary to the assertion made in section 11.2.9 I submit that as per the current Clare County Development Plan the site is within the Western Corridor Working Landscape (defined as 10km either side of the N18/M18) and not the Shannon Estuary Working Landscape. Development is permitted in such areas that will sustain economic activity and enhance social well being. In terms of visual considerations the relevant development plan objective requires that particular regard be had to avoiding intrusions on scenic routes and on ridges or shorelines. Sites should avoid visually prominent locations and avail of the topography and vegetation to reduce visibility from scenic routes, walking trails, public amenities and roads.

11.45 The quarry lies within a largely agricultural area characterised by medium to large fields punctuated by hedgerow boundaries. The overall quarry is located along the west of a ridgeline within an area of higher ground. The surrounding landscape falls down to 10m AOD within the relatively flat floodplains of the Owenogarney or Ratty River and the Shannon Estuary to the east and south. The site boundaries to the south and south-east are densely planted with mixed coniferous and broadleaved trees and road side vegetation is mainly mature hedgerows of varying density and height which restrict views into the site. The west of the site is bordered by pastureland and dense scrub and tall roadside vegetation along the N18.

11.46 The quarry void has substantially altered the landform of the local area. It cuts into the base of the rising topography resulting in higher faces on the west, north and east boundaries and has resulted in steep faces. However, views of the void and buildings on the site are limited as a consequence of topography and vegetation. As noted in the rEIS there is one open view of

the quarry along the R471 west of the site at an overbridge over the N18 but this is limited to the winter months when foliage is sparse.

- 11.47 There are two scenic routes in the vicinity both to the east of the quarry site namely SR22 – from Brickhill Bridge north east to road junction at Raeskcarnoge and SR23 – road from Cratloe north east through Gallows Hill to Glennagross. However neither the application site or the larger operation of which it forms part impinges on same. Concurrently I note that views of the quarry from Bunratty castle are screened.
- 11.48 In conclusion I would consider that landscape impacts as a result of the past operation of the quarry are locally significant but the visual impacts are not. Although the impacts are not major it is considered that the resultant impacts could have been reduced had operational mitigation been included.
- 11.49 A restoration plan (drawing no. 6987-2008) accompanies the application and I also refer the Board to Section 11.4 and Figure 11.66 of the rEIS. The plan entails levelling of spoil heaps, grading of finished ground levels and the existing spoil, with bare ground and the quarry floor to be left for natural colonisation. The works required to implement the restoration plan for the application site are to be take place within the first planting season following approval unless a section 34 planning application is granted for further works in the area.

Material Assets

- 11.50 Key local resources which are intrinsic to the application site include agricultural land on which quarrying has taken place, the stone resource which has being worked, and the road infrastructure in the vicinity of the site. Given the size of the application site direct impacts on agriculture and geology are considered to be minor.
- 11.51 Whilst in proximity to Bunratty Castle and Folk Park the most recent visitor figures as recorded by Failte Ireland would suggest that the operation has not had a negative impact on same.
- 11.52 Section 12 of the rEIS addresses traffic and is a conservative assessment as it evaluates the traffic generated as result of the overall quarry site. Access is from local road L3211 known locally as the Old Ennis to Limerick Road along which the 80kph speed limit applies with signage on approach to the entrance indicating the quarry site. It serves local traffic with through traffic largely removed following the opening of the N18 in the 1990's.

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- 11.53 A traffic study based on a 14 hour manual classified traffic count survey was carried out in March 2006. In addition records of material and tickets at the weighbridge leaving the site for the year 2006 have also been maintained and used to plot the average HGV traffic volumes at the site access. The average number of HGV's arriving and departing in the peak hour in 2006 was 79 with an estimated 33 light vehicular movements arriving/departing at the peak hour. As the site is c. 400 metres from the slip road of the N18 Galway to Limerick dual carriageway, the majority of traffic use this route.
- 11.54 The local road serving the site is of a reasonable scale and condition. Sightlines are somewhat restricted to the east. It is estimated that the overall traffic along the local road inclusive of the movements generated by the overall quarry site equated to 28% of the road capacity.
- 11.55 It is my opinion that the assessment provided is robust in that it assesses the impact from the overall quarry development and not just the site to which the application refers. I note that the NRA in its submission on the application did not have any specific comment on the development subject of the application. In addition the PA in its report did not express any reservations. I would therefore accept the conclusions that the traffic generated by the quarry operation did not result in any significant environmental impact for the wider community nor had it adversely affected the carrying capacity of the local or national road network involved. There is no record of the overall development having resulted in any significant traffic hazard. With due regard to these observations it is reasonable to conclude that the traffic and transportation operations that arose from the development did not cause any known significant traffic and transportation impacts for other road users.
- 11.56 The mitigation measures proposed, namely the erection of a stop sign at the junction of the site entrance and the local road, repainting of road markings and improvement of sight lines to the east to 160 metres by the cutting back of existing hedgerows do not appear to be applicable for the works that were carried out at the application site up to 2006 and would be more appropriately sought via the ongoing quarrying operations on the larger site. I note that no such requirements were attached by way of condition to the permission granted for the continuation of quarrying activities under ref. no. 06/2561. A special financial contribution for provision of anti-skid surfacing, street lighting and improved pedestrian facilities in the vicinity of the site was attached (condition 29).

Cultural Heritage

11.57 No recorded monuments lie within the site or in close proximity to it. In addition there are no protected structures in the vicinity. (See Figure 13-1 page 13-2)

11.58 While it was potentially possible for undocumented sub-surface archaeological features and material to have existed within the substitute consent area, there is no record of any archaeological finds and no known reason to consider why the development the subject of the substitute consent application would have had any significant archaeological impact. No residual impacts arise and no mitigation is required to be put in place. I would therefore accept the view that the quarry operation has not had an impact on cultural heritage.

Inter-relationship between the Foregoing

11.59 The main interactive impacts arising from the operation of the quarry are:

- Human beings, landscape, noise, dust, material assets and traffic related impacts.
- Flora & Fauna, Soils & geology and water

11.60 The operation of the quarry has taken place in a rural area. However, a number of residential properties lie within 500m of the site. The relevant sections of the rEIS effectively address the issue of cumulative impacts in terms of the working of the application site and the larger quarry operation and as noted in a number of instances notably in terms of vibration and dust, exceedances of acceptable limits did arise. However it is not possible to apportion the full responsibility to same to the working of the application site. No doubt the presence of the quarry with its associated noise, dust and traffic effects in particular, would have impacted on the local area. I consider that this would have been a cumulative moderate local impact for the duration of the quarrying activity.

11.61 The inter-relationship between flora and fauna, soils and geology and water has been discussed above under the 'Flora and Fauna' in which it is noted that the extraction has resulted in an environment that has provided an environment conducive for nesting peregrine falcons.

11.62 I know of no other notable development from the period relevant to this application with which cumulative impacts may or could have resulted that would have culminated in any significant environmental effects arising.

Appropriate Assessment

Description of the Project

11.63 The site and project is as described in sections 2 and 3 above.

Description of the Natura 2000 Sites

11.64 The overall quarry site is approx. 700 metres from the nearest point of the Lower River Shannon SAC with the site to which this application refers being c.1.4km distant. The site was proposed as eligible in January 2002. The qualifying interests for the SAC are as follows:

- Freshwater pearl mussel
- Sea lamprey
- Brook lamprey
- River lamprey
- Salmon
- Sandbanks which are slightly covered by sea water all the time
- Estuaries
- Mudflats and sandflats not covered by seawater at low tide
- Coastal lagoons
- Large shallow inlets and bays
- Reefs
- Perennial vegetation of stony banks
- Vegetated sea cliffs of the Atlantic and Baltic coasts
- Salicornia and other annuals colonizing mud and sand
- Spartina swards
- Atlantic salt meadows
- Bottle-nosed dolphin
- Otter
- Mediterranean salt meadows
- Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation
- Molinia meadows on calcareous, peaty or clayey-silt-laden soils
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*

11.65 Detailed conservation objectives for the site are set out in full in the attachment to this report, the overall aim being to maintain or restore the favourable conservation status of habitats and species of community interest. Maps 1-17 delineate areas of qualifying interests.

11.66 In addition the subject site is approx. 1.5km north of the River Shannon and River Fergus Estuaries SPA (site code 004077). The site was classified as a

SPA in January 1997. The qualifying interests are:

- Cormorant
- Whooper Swan
- Light-bellied Brent Goose
- Shelduck
- Wigeon
- Teal
- Pintail
- Shoveler
- Scaup
- Ringed Plover
- Golden Plover
- Grey Plover
- Lapwing
- Knot
- Dunlin
- Black-tailed Godwit
- Bar-tailed Godwit
- Curlew
- Redshank
- Greenshank
- Black-headed Gull
- Wetlands & Waterbirds

11.67 Detailed conservation objectives for the site are set out in full in the attachment to this report the overall aim being to maintain or restore the favourable conservation status of habitats and species of community interest.

11.68 I note that the quarry activity at this location dates from on or before 1964 with the extraction on the site subject of this application dating from 1996/1997. The classification/designation of the relevant sites post-date both and I submit that the relevant Department would have been aware of the existence of the quarry when designating same.

Prediction of Impacts

11.69 As the quarry is removed from any Natura 2000 site no direct impacts will occur. Indirect impacts may arise as a result of the site connectivity to the sites or as a result of loss of or changes to habitat on adjoining sites that are used by species of conservation interest in the nearby designated sites.

Cumulative impacts could also arise from other large scale development in the area.

11.70 I consider that the main threat arising from the quarry operation is the discharge of water with high levels of suspended solids. Extraction does not occur below the watertable.

Likelihood of Significant Effects/Impact on Conservation Objectives/Integrity of Site.

11.71 The applicant in response to the submission by the Department of Arts, Heritage and the Gaeltacht confirmed that it had full regard to the site-specific objectives, their associated backing documents and habitats and species datasets in the preparation of the rNIS and, as above, the potential adverse effects were determined to arise with regard to possible impacts on water quality associated with the treated surface water discharge.

11.72 The application site is linked to the designated sites via an unnamed stream and drainage ditch to which the quarry discharges under licence ref. no. WP173. The assessment undertaken pertains to the entirety of the site and not the site subject of this application.

11.73 Any rainfall that falls on the quarry either recharges to bedrock aquifer or will run off to the surface water collection sump which is located immediately south of the application site. From here the water is pumped to settlement ponds which are located in the south-eastern corner of the overall quarry site. The settlement ponds are designed for the removal of suspended solids from the surface water, prior to its discharge. The treated surface water discharges from the settlement ponds to an unnamed stream which flows adjacent to the local road in an easterly direction and then in a southerly direction onto the site on the opposite side of the road. This area contains a naturally occurring reed bed which discharges into approx. 1.36km long level drainage ditches with no significant flow before draining into the designated sections of the River Shannon Estuary.

11.74 A field assessment noted that the drainage ditch had typical habitat comprising dense willow, scrub and reed. The drainage ditch habitat has no significant regular flow and wetland plants. The ditch then crosses agricultural farmland before crossing the N18. At this point the receiving water in the drainage ditch is relatively clear and contains expected invertebrate and plant species. Macro-invertebrate species noted at this location include typical wet ditch fauna. These observations support the view that no significant localised water quality impacts are arising from the existing discharge.

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- 11.75 Based on the identified potential impact from the development, namely water pollution the key sensitive species are considered to be Sea Lamprey, Brook Lamprey, River Lamprey and Atlantic Salmon. None of these species spawn in the Shannon Estuary and it is an area that the species pass through between spawning and feeding areas. In this regard they are not particularly sensitive to general background pollution levels in the estuary which are low in any case.
- 11.76 In terms of the SPA birds can be affected by cumulative pollution loads from all sources which can lead to excessive eutrophication of intertidal habitats such as mudflats. This can indirectly affect food availability abundance. The species detailed all continue to use the SPA in numbers that reach National importance and in the case of Light Bellied Brent Geese, Dunlin and Black tailed Godwit – international importance.
- 11.77 Whilst it is possible that during the working of the site subject of this application incidents of water pollution may have arisen with monitoring in 2002 indicating elevated levels of Total Suspended Solids discharged (see section 11.28 above), it would appear from the available information that the current operation of the overall quarry is not and has not adversely impacted on water quality.
- 11.78 Given the distance between the discharge point and the European Sites, the dilution and drainage capacity to accept surface discharge and the control of discharge by license from this quarry I accept that it is reasonable to conclude that the risk of adverse impacts on the sites could reasonably be deemed to be low.
- 11.79 Whilst the rNIS does not address the issue of noise and dust I note the intervening distance between the quarry site and the European Sites, the prevailing wind direction away from them and the fact that the N18 separates same. I also note that dust and noise and vibration emissions are not measurable risks to the relevant qualifying interests in the designated sites.

Mitigation and Residual Impacts

- 11.80 No mitigation measures are proposed and no residual impacts arise.

AA Conclusion

- 11.81 In conclusion I consider it reasonable to conclude on the basis of the information available that the development subject of this substitute consent application, individually and in combination with other plans or projects has

not adversely affected the integrity of the European sites, Lower River Shannon SAC (site code 002165) and River Shannon and River Fergus Estuaries SPA (site code 004077) in view of the sites conservation objectives.

Other Issues

Financial Contributions

11.82 I note that the planning authority does not recommend the attachment of a condition relating to financial contributions. I consider it appropriate that the application of a bond for the restoration of the site be attached

Conditions

11.83 In the course of the application a number of conditions are recommended in respect of the application by both the PA and the HSE. The application for substitute consent refers to the past development of part of a larger quarry site, only, and a number of these conditions would, therefore, not be relevant.

12.0 CONCLUSIONS AND RECOMMENDATION

Having regard to the nature and scale of quarrying which has taken place on the application site in the context of the information provided in the rEIS and rNIS, and subject to the conditions set out below, I am satisfied that the development has not given rise to significant environmental effects and is otherwise in accordance with the proper planning and sustainable development of the area. Therefore I recommend that substitute consent is granted for the development for the following reasons and considerations 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 to 2014, and in particular Part XA,
- the 'Quarry and Ancillary Activities, Guidelines for Planning Authorities', April 2004,
- the provisions of the current Clare County Development Plan,
- the remedial Environmental Impact Statement submitted with the application for substitute consent,
- the remedial Natura impact statement submitted with the application for substitute consent,
- the report and the opinion of the planning authority under section 177I,
- the report of the Board's inspector, including in relation to potential significant effects on the environment,
- the submissions on file,
- the site's planning history,
- the pattern of development in the area, and
- the nature and scale of the development the subject of this application for substitute consent.

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 and would not be likely to have had/or to have a significant effect on the environment and either individually or in combination with other plans or projects, would not have an adverse impact on the integrity of any European site, having regard to the conservation objectives of those sites.

CONDITIONS

1. The grant of substitute consent shall be in accordance with the plans and particulars submitted with the application to An Bord Pleanála with the application on the 28th day of July, 2014. This grant of substitute consent relates only to works undertaken to date and does not authorise any future development on the subject site.

Reason: In the interest of clarity.

2. The restoration plan for the site subject of this substitute consent shall be carried out in accordance with the details provided on drawing

number 6987-2008 submitted with the application. Details of the timelines for the proposed restoration works, any proposals for phased implementation and an aftercare programme for a period of not less than five years shall be submitted to the planning authority for written agreement within three months of the date of this order.

Reason: In the interest of public amenity and public safety.

3. Within one month 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 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 restoration 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.

Pauline Fitzpatrick
Inspectorate

December, 2014