An Bord Pleanála Ref.: SU05E.SU0112

An Bord Pleanála

Inspector's Report

Application under Section 177E
pursuant to notice under Section 261A(3)(a) of
the Planning and Development Act

DESCRIPTION : An Existing quarry

SITE ADDRESS : Drumkeelan, Mountcharles, Co. Donegal

DIRECTION UNDER S.261A

Planning Authority :	Donegal County Council
Planning Authority Reg. Ref.:	EUQY10
Owner :	William McGroarty
Operator / occupier / applicant:	Conn Friel
Direction:	To apply to An Bord Pleanála for substitute consent under 177E. The direction implies, rather than stated, that the application be accompanied with a remedial environmental impact statement and a remedial Natura impact statement (date of order 20/08/12).
Review:	The Board **CONFIMRED** the determination under 2(a)(i) and **SET ASIDE** the determination under 2(a)(ii).

APPLICATION:

Made by :	Conn Friel
Type of application :	Application for substitute consent under Section 177E accompanied by a remedial environmental impact statement.

INSPECTOR : John Desmond

Date of inspection: 10/11/14

PART A

1.0 SITE DESCRIPTION

1.1 The site is situated southern County Donegal c.1.75km north of the village of Mountcharles and the N56 National Secondary Route and c.2.75km north of the coast at Donegal Bay. The area is rural and undulating, elevated just above the 100m contour line and is characterised by relatively poor agricultural lands set out in small fields, interspersed with boglands, heath and small coniferous plantations, farmsteads and one-off rural housing. The nearest residential dwellings is located c.180m northwest of the substitute consent site and c.40m from the quarry entrance to the public road.

1.2 The substitute consent area has a stated area of 4.2ha. It forms part of a wider landholding measuring approximately 12.9ha. Access from the quarry to the public road (a county / rural road) is via the northwest of the landholding, but outside of the substitute consent site. There is a cluster of four agricultural-type buildings in proximity to the entrance, with three settlement ponds situated south of the said buildings and northeast (outside) of the substitute consent site.

1.3 The quarry is a rock quarry subject to extraction by mechanical means, first being fractured by pneumatic rock breaker and then removed by excavator. No processing of material is carried out on site. Rock is stockpiled in site and categorised, based on visual inspection for use as decorative or building stone (p.2-3 EIS). Machinery used on site comprises tracked excavator and a dumper, with no fixed/permanent infrastructure on site, and the material is transported off site by trucks and tractor-trailers. The quarry was not operating during the time of my site inspection and no operatives were on site, however it does appear to be operating on an on-going basis.

1.4 The natural lie of land in this area and within the site is generally increasing from north and west towards the east and south. The lowest level of the quarry is indicated at 115mOD, along the access road at the northwest corner, but the working pit base of the quarry appears to be generally between 118m and 129m, increasing to the east. The lands adjacent the south and east of the substitute consent area rise to c.135m and c.140m respectively.

1.5 The lands adjacent the west, south, east and northeast of the pit are under heath. To the north the land (outside the applicant's ownership) is under mature coniferous plantation. There is a former rock quarry (estimated at 0.8ha-1ha in area) outside the eastern boundary of the landholding, which is now covered in mature scrub, but there appears to be an active (or recently active) quarry pit of c.0.4ha located almost adjacent to the east of that pit. A c.2ha area of land, located c.50m to the southwest of the substitute consent site would also appear to subject of active extraction (digger located on site).

1.6 The substitute consent site is c.2.6km to Donegal Bay SPA (ref.004151), SAC and pNHA (ref.000133), c.5km northwest of Lough Eske and Ardnamona Wood SAC (ref.000163), c.4.6km south of Meenaguse/Ardbane Bog SAC and pNHA .(000172), and c.8km southeast of Lough Nillan Bog (Carrickatlieve) SAC and pNHA (000165) and SPA (004110) and c.7.8km southeast of Meenybraddne Bog pNHA (00177).

2.0 SUBSTITUTE CONSENT APPLICATION DOCUMENTATION received 25/07/14:

Cover letter: Patrick O'Donnell of Earth Science Partnership (Ire Ltd).

Remedial Environmental Impact Statement, prepared by Earth Science Partnership (Ire Ltd). No significant adverse impacts are identified as having occurred, to be occurring or to be likely to occur resulting from the development already undertaken.

Drawings:

Received 25/07/14

Site location map	1:50,000	no.PP-100-00
Site location map	1:5,000	no.PP-100-01
Site location map	1:2,500	no.PP-100-02
Site layout map	1:1000	no.PP-110-00
Site layout map	1:500	no.PP-110-01
Site sections	1:1000	no.PP-120-00

Public notices:

Newspaper 24/07/14

Site notice 14/07/14 (in place at time of inspection)

3.0 RELEVANT PLANNING HISTORY

Reg.ref.10/20137: Permission **GRANTED** by Donegal County Council (19/07/10) to Con Friel for the erection of a portal frame agricultural building of 155-sq.m within the subject landholding, to the north of and outside of the substitute consent application site.

3.1 Enforcement

None.

3.2 QUARRY REGISTRATION

QY10: The Planning Authority issued notice (on 02/03/07) of its intention to impose 16no. conditions in registering the quarry, however it subsequently issued notice To Con Friel on 26/10/07 of its decision not to attach conditions under section 261(6). The registered quarry area was stated as 7.68ha, with an extraction area of 0.8ha and the material extracted was sandstone, with no processing carried out on site. The quarry was alleged to have been in operation for generations, with the current operator commencing quarrying since 1975. It was indicated that one digger operates on site (800 hours per year, at most) and that the quarry generates, at most, 150no. tractor loads per year.

3.3 SECTION 261A PROCESS

QV0333 / EUQY10: On 07/02/14 the Board confirmed the Planning Authority's determination under section 261A(2)(a)(i), set aside the Planning Authority's determination under section 261A(2)(a)(ii).

4.0 REPORTS / SUBMISSIONS

4.1 An Taisce (12/08/14)

The main points of the submission can be summarised as follows:

- Section 12.3.1 of the rEIS shows >50 dwellings located within 1km. Is the random permissions for one-off houses compatible with the site suitability for quarrying.
- Section 1.2 of the rEIS does not adequately address planning history. There is no planning status for the quarry.
- The evaluation of this site for continued quarrying is entirely inadequate.

4.2 NRA (20/08/14)

The main points of the submission can be summarised as follows:

- Where intensification of operations above the levels present in the rEIS arise, it is recommended that a Traffic and Transport Assessment be undertaken outlining potential impacts on the N56 and the N56/L1815.
- Any recommendations in the traffic analysis contained in the rEIS should be included in conditions in a grant of substitute consent in the interest of maintaining levels of safety, capacity and efficiency on the national road network.

4.3 GSI (02/09/14)

No comment.

4.4 Donegal County Council (08/10/14)

The main points of the Council's report can be summarised as follows:

General -

- 4.2ha extraction area. The registered area was identified as 7.68ha at section 261 registration stage.
- Excavation by pneumatic rock breaker and excavator. No processing takes place at quarry site.
- No planning history.

Policy framework

Donegal County Development Plan 2012-2018 relevant policies –

- RH-P-4 Structurally Weak Rural Area
- 6no. Natura sites within 15km but none area deemed to be within zone of influence of the site.
- No nature reserve, groundwater protection area, freshwater pearl mussel catchment, other area of importance for protection of flora or fauna, and no significant archaeological potential apply.
- T-P-3, T-P-15, T-P-17, T-P-18, T-P-19 & T-P-20 cumulative seek to control development prejudicial to implementation of a transport scheme, ensures compliance with technical standards and control new / intensification of access to national / strategic road network. Existing entrance shall be conditioned to meet current technical standards in so far as reasonably possible. The installation of wheel wash and dust controls would protect network. Traffic generation is low (8 loads per dat. No concerns raised by the PA
- WES-P-1, WES-P-3, WES-P-9 & WES-P-12 cumulative seek to protect environment, ground water, water quality and risk from major accidents. The quarry operator should be conditioned to carry out or put in place the identified mitigation measures including environmental monitoring and recording of inspections should substitute consent be granted. Existing mitigation measures in respect of ground and surface water, as identified, should continue to operate. No particular concerns raised by the PA.
- F-P-1 TO F-P-6 addresses the Flood Risk Management Guidelines. No concerns.

- Natural Heritage section 6.1.3 – NH-P-1, NH-P-2, NH-P-3, NH-P-4, NH-P-5, NH-P-8, NH-1-10, NH-P-12 AND NH-P-14. No concerns raised.
- Policy BH-P-1 built heritage. No concerns raised.
- AH-P-1 archaeological heritage. No concerns raised.
- Extractive industry and geology, section 7.13, policy EX-P-1 seeks to protect specific areas from new extractive industry unless it can be demonstrated that they would not have a significant adverse impact. No concerns raised by PA.
- EX-P-2 seeks not to permit quarries unless it can be demonstrated that they will not result in a significant threat of pollution. No concerns raised by PA.
- EX-P-3 requires integrated, phased development and restoration plan for aftercare / re-use of site. The application has been accompanied by a restoration plan for aftercare of the quarry in order to further reduce any visual impact and to restore the application site. No concerns raised.
- EX-P-5 required submission of evidence of suitability of road network and proposals to remedy any deficiencies in same at applicant's own expense. This has not been submitted. It is reasonable that existing entrance arrangements be conditioned to meet current technical standards as far as reasonably practical.
- Tourism section 8.1.3. Policies TOU-P-1 & TOU-P-3 seek to safeguard landscape and habitats, visual quality, amenities and views. No impacts. Conditions to address further screening and to control extent of further excavation / activity and site restoration
- Policy MCZM-P-10 seeks to ensure proposals do not compromise the recreational and environmental amenity of Natura 2000 sites, NHAs and the EHSA areas. No concerns raised.
- Development and technical standards – Part 10.5 Industrial and Commercial Development applies. Conditions should address landscaping, buffers and screening (section 10.5.2), suitable storage of all waste materials (sections 10.5.4 & 10.5.5), separate collection and disposal of all runoff from bunded areas (section 10.5.6), fuel connection / discharge points shall be rollover bunded (section 10.5.7).

Recommendation: It is recommended that the application for substitute consent be approved subject to 14no. conditions addressing the following issues:

1. Limit quarry activity / areas to redline boundary as delineated on plans submitted to the Board 25/07/14 and carried out strictly in accordance with lodged plans, details and the rEIS.

2. Final detailed restoration plan to be submitted for agreement of the planning authority and carried out within 6 months of the PA's written approval.
3. Provision of visibility splays to the entrance from 3m setback (x-distance). The length of the splay (Y-distance) to be calculated as per figure 7 section 10.2.10 of the County Development Plan.
4. Confining of operating hours.
5. Site boundary treatment.
6. Noise limits (50dB(A)) and monitoring.
7. Dust deposition limits (350mg/mg/m^2/day over 30 day average) and monitoring.
8. Requirement to provide wheelwash and sprinkler system; cleaning of spillages on public road, condition and spraying of internal roads.
9. Storage of oil or chemicals within bunded areas. Oil traps.
10. No surface water discharge to public road.
11. Restriction other development, including exempted development.
12. Signage / advertising prohibited.
13. Removal of scrap metal.
14. Provision of 'adequate' security in form of bond / cash deposit / other (for approval) to ensure compliance with condition no.2 (site restoration).

5.0 RESPONSES

None.

6.0 POLICY DOCUMENTS

DONEGAL COUNTY DEVELOPMENT PLAN 2012-2018

Chapter 4 Infrastructure – 4.1 Transportation Policies General - T-P-15. Note – the quarry does not access onto the Strategic Road Network (N56) Map 3).

Section 4.2 Water and Environmental Services: Objectives WES-O-4, WES-O5; Policies WES-P-1, WES-P-3, WES-P-9, WES-P-12

Chapter 6 - The Natural and Built Environment

Aim - To conserve, protect and enhance the County's built, natural and cultural heritage for future generations and encourage appreciation, access and enjoyment of these resources.

Natural Heritage Aim - To conserve and protect where appropriate the

County's natural heritage for future generations and encourage appreciation and enjoyment of these resources.

NH-O-7 – to prepare a landscape character assessment.

Map 8 Areas of Especially High Scenic Amenity

Chapter 7 – Natural Resource Development

Section 7.1 Extractive Industry and Geology

Aim – To facilitate the appropriate and sustainable extraction of locally sourced aggregates and/or minerals that contribute to the local economy and where such activity does not adversely affect issues of acknowledged importance including water quality, natural habitats, important areas of landscape character, views and prospects or areas of geological interest.

Objectives EX-O-1 – EX-O-4; Policies EX-P-1 – EX-P-5

Chapter 10 – Development and Technical Standards

Section 10.2.10 Vision Lines

7.0 REFERENCE DOCUMENTS

Section 261A of the Planning and Development Act, 2000 and related provisions, Guidelines for Planning Authorities' (DoEC&LG, January 2012)

'*Section 261A of the Planning and Development Act, 2000 and related provisions, Supplementary Guidelines for Planning Authorities*' (DoEC&LG, July 2012)

'*Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development*' (DoEH&LG, August 2003).

'*Advice Notes On Current Practice (in the preparation of Environmental Impact Statements)*' (EPA, September 2003).

'*Guidelines on the information to be contained in Environmental Impact Statements*', (EPA, March 2002).

'*Quarries and Ancillary Development, Guidelines for Planning Authorities*' (DoEH&LG, 2004).

'Environmental Management Guidelines: Environmental Management in the Extractive Industry (Non-Scheduled Minerals)' (EPA, 2006)

'*Guidelines for Inspectors: Quarrying and the Water Environment*', unpublished (February 2013)

PART B

ASSESSMENT:

1.0 Introduction
2.0 Nature and extent of development concerned
3.0 Planning policy
4.0 Environmental Impact Assessment - rEIS
5.0 Overall conclusion

1.0 Introduction

1.1 This is an application for substitute consent under Part XA, Section 177E of the Planning and Development Act 2000, as amended. On 07/02/14 the Board confirmed the planning authority's determination under Section 261A(2)(a)(i), set aside the planning authority's determination under Section 261A(2)(a)(ii) and confirmed the planning authority's decision under Section 261A(3)(a), insofar as it related to EIA, to direct the owner / occupier to submit an application for substitute consent accompanied by a remedial Environmental Impact Statement.

1.2 I have inspected the substitute consent site and have reviewed all details and submissions on file, including the remedial EIS, and the quarry registration and quarry review files pertaining to the quarry.

2.0 Nature and extent of development concerned:

2.1 This substitute consent application is for '*an existing quarry*' pertaining to a site of 4.2ha stated area, which appears to accord with the extent of the extraction area on the ground. There is a limited area of deposition outside the southern and eastern perimeter of the pit and substitute consent boundary. There are three stilling / settlement ponds and a shipping container located outside the northwest of the site boundary. There is a small extraction pit of c.300-sq.m located c.100m outside the southern boundary of the substitute consent area, accessed off the same internal access road, which is not subject of this application.

3.0 Planning policy:

3.1 The quarry development is generally consistent with the aim, objectives (EX-O-1 – EX-O-4) and policies (EX-P-1 – EX-P-5) governing 'extractive industry' as stated under section 7.1 of the County Development Plan 2012-2018. The Planning Authority has listed the relevant policies contained in the County Development Plan and indicated that no issues of conflict arise that cannot

adequately be addressed by recommended conditions.

4.0 Environmental Impact Assessment – remedial Environmental Impact Statement

4.0.1 The applicant submitted a remedial Environmental Impact Statement with the application. Part XA, section 177F of the Act of 2000, as amended states that a remedial environmental impact statement shall contain:

> *'(a) a statement of the significant effects, if any, on the environment, which have occurred or which are occurring or which can reasonably be expected to occur because the development the subject of the application for substitute consent was carried out*
>
> *(b) details of—(i) any appropriate remedial measures undertaken or proposed to be undertaken by the applicant for substitute consent to remedy any significant adverse effects on the environment; (ii) the period of time within which any proposed remedial measures shall be carried out by or on behalf of the applicant;'*
>
> *(c) such information as may be prescribed under section 177N.*

4.0.2 This differs from, and is less prescriptive than the information required to be contained in an EIS as specified under article 94 and schedule 6 of the Regulations 2001, as amended. There is no indication under Part XA that the information contained in a remedial EIS shall also follow the requirements of the said Regulations and I note that the department's '*Guidelines for Planning Authorities and An Bord Pleanála on carrying out EIA*' makes no reference to rEIS. I have not been able to locate any regulations made by the Minister prescribing additional information requirements under section 177N. The Board may, however, decide that the requirements of article 94 and schedule 6 of the Regulations also apply and I have carried out an environmental impact assessment of the subject development accordingly, having regard to the departmental guidance for carrying out same.

4.1.0 General comment – The rEIS provides, generally in accordance with the requirements of schedule 6(1) of the Regulations, a detailed description of the subject development, a description of measures provided or proposed to mitigate adverse effects, data to identify and assess what it considers to be the main effects. It does not address the issue of alternatives but these are generally not relevant to substitute consent cases. The rEIS also generally provides an explanation or amplification of that information, as required under section (2) of schedule 6, including a description of the aspects of the environment that may or may not be likely to have been, to be or to likely to be significantly affected by the development carried out.

4.2.0 Human beings –

4.2.1 According to EPA Advice Notes (2003) the environmental impacts of concern from quarry development concerning human beings include health and safety and amenity. There is potential for the development to have and to be having adverse impacts on human beings due to the scale and nature of development and the proximity of the site to residential properties in the vicinity (50no. within 1km, p.2-2 EIS). The main adverse impacts of concern are noise, dust and vibration from operations including mechanical extraction and access traffic, in particular having regard to cumulative impacts with other quarries within the vicinity. Indirect impacts include potential for contamination of groundwater used for potable domestic supply.

4.2.2 The assessment of impacts on human beings was carried out by Earth Science Partnership Ire Ltd (name and qualifications of the person carrying out the assessment not stated). The rEIS focuses on socio-economic impacts and impacts in terms of quality of life including population and profile trends, economic activity and employment and community aspects which are not of particular concern in a development of this nature and scale. It notes that existing operations and associated activities at this site have created a long established land use in the general area. It claims that potential impacts relating to noise, vibration, dust, traffic and visual issues are eliminated or reduced to acceptable levels through existing mitigation measures and will be further eliminated or reduced to acceptable levels by further remedial / mitigation measures proposed elsewhere in the rEIS. It submits that the quarry has not deterred people from living within the vicinity, with a number of dwellings constructed in recent years (it provides no information to support this); that it is not anticipated that the activities will have a bearing on the population numbers of the area and that no complaints have been received in recent years from local residences. No mitigation measures or remedial measures are specified in respect of impacts on human beings.

4.2.3 The Council has indicated that no enforcement action taken in respect of this site. No objections or submissions have been received from local residents in respect of the application, which would suggest that any impacts on residential amenities have not been significant. No road accidents are recorded on the rural road network between the site and the N56 within the last 5 years[1] and therefore it can be assumed that access traffic has not had a significant impact on road traffic safety on the network. Although there will be safety concerns in respect of any quarry, particularly were unauthorised site access can be achieved with ease, I expect that safety concerns can be easily addressed through the implementation of a site restoration plan that provides for the appropriate grading of site levels, the removal of machinery, equipment, structures, chemicals and fuels and all hazards, and the securing

[1] http://www.rsa.ie/en/RSA/Road-Safety/Our-Research/Ireland-Road-Collisions/

of the settlement ponds (and removal or appropriate redesign of same on decommissioning). The proposed site restoration plan is not acceptable as it provides for the continued excavation and extraction of the site which cannot be authorised under the substitute consent process. A site restoration plan addressing safety concerns may be agreed with the planning authority, having regard to the EPA's environmental management guidelines 2006.

4.2.4 In general, given the scale and location of the quarry development carried out, it is reasonable to conclude that the significant adverse impacts on human beings have not occurred, are not occurring and are not likely to occur from the development carried out in terms of impacts on residential amenities. However, given the specific characteristics of the quarry there may be locally significant impacts in terms of dust, as is explored below. Should the Board decide grant substitute consent a condition should be attached requiring the submission of a detailed site restoration plan addressing safety concerns, including a reasonable timeframe for implementation of same, for the written agreement of the planning authority.

4.3.0 Flora and fauna –

4.3.1 According to EPA Advice Notes the environmental impacts of concern from quarry development concerning on fauna and flora include loss of habitat, aquatic habitat alteration by changes in water quality and/or volume, effects of dust or vibration on agricultural stock, creation of new habitats, changes in quality and volume of surface and ground waters, dust blow to lands adjacent to site and transport routes, and new habitats created, especially after decommissioning. Another issue of concern is the presence and / distribution of invasive species.

4.3.2 The survey and assessment was carried out by Marie Louise Heffernan (MSc.,MIEEM), ecologist and environmental consultant, of Aster Environmental Consultants. Baseline data was derived from a desktop survey of NPWS designated sites, biodiversity Ireland database and the Bird Atlas 2007-2011,which appear to be comprehensive. In addition a site survey (of habitat, flora and fauna) within the substitute consent area and a small buffer zone was carried out in May 2014. The consultant submits that nothing in the literature suggested that surveys in other seasons were necessary.

4.3.3 The site is not located within any Natura 2000 site, but there are five such sites within 10km according to the rEIS, with the Donegal Bay SAC (ref.000133) and SPA (ref.004151) indicated at 2.9km. On the basis that the Board did not request an rNIS, the consultant concludes that no significant impacts were anticipated by the Board and no further investigation of potential impacts is included in the rEIS. I consider this reasonable.

4.3.4 Direct Impacts included the permanent loss of total of 4.2ha of wet heath habitat to quarrying, but no evaluation of the significance of such habitat is

provided and no reference is made to the loss of pre-existing mature scrub-colonized inactive-quarry or to the value of such habitats. It suggests that no significant impacts have occurred on rare flora and that the surrounding heath habitat is extensive and capable of accommodating displaced fauna from this relatively small area. Whilst the rEIS indicates that there are a high number of mammals, including bats, recorded for this hectad, it does not indicate the conservation significance of those species other than Otter (Annex II of Habitats Directive), their legal status in terms of protection (under Irish and/or EU legislation) or the likelihood of their presence on site prior to extraction activities carried out post 1 February 1990 and the level of information in this section of the rEIS is far from optimum.

4.3.5 In terms of indirect impacts the rEIS notes that potential for surface water runoff from the site, through increased runoff, to have had adverse impacts on adjacent watercourses through siltation potentially carrying sediment to Glencoagh Lough. It is silent on whether any significant adverse impact has occurred on the surface water ecosystem in the past in this regard, but it indicates that the potential for same has been remediated through installation of lagoons. The rEIS submits that the impact of contamination by hydrocarbons is not considered significant given the waste and management policies in place and the proposals to install a petrol interceptor and it found no evidence of waste oils, other wastes or hydrocarbon spills on site. I cannot determine whether any significant impacts on flora or fauna have occurred through hydrocarbon or chemical spills.

4.3.6 The risk on flora and fauna would appear likely to have been localised given that the activities do not necessitate de-watering (limiting quantities of discharge) and the watercourse to which the site discharges is reported to be generally dry except during periods of rain, suggesting that the distance contaminated discharge (whether by silt or hydrocarbons) could travel would be limited as there is no permanent waterbody to convey effluent. However, the risk of significant localised impacts remains outstanding as fuels and chemicals are stored on site without protective bunds and refuelling takes place on site on exposed and waterlogged ground, which clearly suggests that environmental management systems operating on this site are deficient, and that the development poses an ongoing risk. This issue can be remediated through the removal of hydrocarbon and chemical material from the site or the provision of an appropriate store with protective bund, the carrying out of all on-site refuelling, in accordance with the EPA's environmental management guidelines (2006) the DoE quarry guidelines (2004) and the provision of a petrol interceptor to the settlement ponds pending completion of site restoration works.

4.3.7 It also submits that indirect impacts on fauna would have occurred intermittently over a long period of time from noise from extraction and

transportation, but any displacement of species could have been accommodated due to the surrounding habitats.

4.3.8 In terms of cumulative impacts the rEIS notes the location of five quarries within 1km, three within 500m. As the quarries are shallow and above the water-table the rEIS considers the cumulative impacts have related to loss of habitat and flora and fauna but that there is no evidence of cumulative impacts.

4.3.9 There has been a permanent localised adverse impact on flora and fauna have occurred through the loss of 4.2ha of wet heath and scrub. It is locally significant and can be satisfactorily remediated through the implementation of an appropriate site restoration plan. As set out in subsequent sections below, I consider there to be potential for significant adverse impacts to occur on ecology through interactions with soil and water impacts arising from fuel/chemical spills. The potential for significant impacts on ecology can be addressed through standard remedial measures relating to chemical/fuel storage and refuelling on site as recommended in the EPA Environmental Management guidelines (2006) pending completion of site restoration works. These issues can be addressed by condition.

4.4.0 Soils & geology –

4.4.1 The EPA's advice notes indicate that the main impacts from quarrying on soils and geology are stability, loss of topsoil, loss / creation of geologically important sites, dust deposition, erosion and / or subsidence of workings, impacts of dewatering on the structure of surface deposits and soil. The Institute of Geologists of Ireland publication '*Geology in Environmental Impact Statements, a Guide*' (2002) sets out a comprehensive range of impacts for consideration regarding geology and hydrogeology.

4.4.2 The assessment of impacts on soils and geology was carried out by Earth Science Partnership Ire Ltd (the name and qualifications of the person carrying out the assessment is not stated). The assessment is based on a site visit and walkover survey, a desktop review of '*all available geological literature and published information on the geology of the study area*', and the GSI, Geotechnical Ground Investigations, Well Database and Karst Database.

4.4.3 The baseline data indicates that the subsoils at the site consist of a mixture of sandstone and shale till and blanket peat, with part of the site consisting of bedrock at the surface due to extraction activity. The bedrock on site consists of sandstone, siltstone and shale of the Mullaghmore Sandstone Formation. The significance, or not, of the subsoils and bedrock found on site is not referred to and I can only assume that they are not of significance. The nearest geological heritage sites is located at Mountcharles Sandstone Mine c.2km to the south. There are no GSI Geo-hazards recorded in the vicinity. I consider the detail of baseline data to generally be reasonable.

4.4.4 The rEIS indicates that a localised impact on the geological environment from the removal of soils and bedrock has occurred but that this will be offset as much as possible through the proposed restoration plan. It indicates that no evidence of existing or past contamination by hydrocarbons (presumably of soil) was found, however it provides no details of what sort of survey was carried out to make this determination. The conclusion that the potential for future impacts to occur from contamination have been minimised through the putting in place procedures for dealing with such events is undermined by the evidence on site, with fuel and chemicals stored without any protective bunds and refuelling taking place in a flooded pit not finished in a hard impermeable surface. It may be reasonable to assume that any such impacts that may have occurred are likely to be localised and relatively minor and may be addressed through the implementation of an appropriate site restoration plan.

4.4.5 Having regard to the intensity of the operations which appear to have expanded rapidly post 1995 from almost non-existence, and having regard to the character of the quarry which is relatively shallow and open, with silt-like material intermingled with extracted material throughout, I consider dust deposition to be a significant concern. This would have likely regularly blown off-site in dry weather. It would also have been carried onto the public road by transport vehicles. Dust blow may be a locally significant impact affecting residential property but it will have been mitigated by the location of the site and the surrounding heath and forestry plantation. This issue is addressed the section on air in the rEIS and in my assessment below.

4.4.6 This section of the rEIS does not address potential for erosion / subsidence, or potential impacts of de-watering, however there does not appear to be any evidence of subsidence and the quarry working takes place above the water table and does not necessitate dewatering.

4.4.7 On balance, the potential for significant impacts appear to be from potential contamination of soils from hydrocarbon and chemicals stored and used on site and from dust blow and dust conveyed by quarry transport. These impacts may have occurred, may be occurring and are likely to occur from that development carried. These impacts can be remediated. The only relevant remedial measure referred to under section 5.6 is the proposed implementation of the landscape and restoration plan, in addition, perhaps to the installation of a hydrocarbon interceptor at the discharge of the settlement lagoon, the use of spill trays during refuelling, the appropriate storage of fuels and the appropriate storage and handling of overburden and soils during the course of site restoration. This issue should be addressed by condition, with details to be agreed with the planning authority.

4.5.0 Hydrology & hydrogeology –

4.5.1 The EPA Advice Notes indicate that the principle impacts of concern relating to soils and geology include changes in character and volume of water discharges, contamination from accidental spills, impacts of extraction on the hydrogeological (groundwater) regime, depletion of resources, lowering of water table, effects on yield of local wells, contamination from surface during working and after closure, increased vulnerability to contamination from after-use of surface workings.

4.5.2 The assessment of impacts on hydrology and hydrogeology was carried out by Earth Science Partnership Ire Ltd (the name and relevant qualifications of the person carrying out the assessment are not provided). The assessment is based on a site visit and walkover survey, a desktop review of '*all available geological literature and published information on the geology of the study area*', and the GSI, Geotechnical Ground Investigations, Well Database and Karst Database.

4.5.3 Groundwater - The rEIS notes that the potential has existed and exists for a reduction of groundwater quality from operations on site due to the removal of the protective layer of overburden but it submits that this is mitigated by the buffer zone between quarrying and the water table as no extraction takes place below the water table. However, where overburden has been removed water will percolate directly to the water table and the intervening layers of rock will provide little, if any buffer against contamination and the risk to groundwaters is significant. The quarry is located within a broader area defined as of extreme vulnerability and X-rock at surface which indicates that groundwater in this area is at significant risk even without quarry development. Cumulative impacts with similar development over this area are of concern as there are six active extraction pits along a 2km stretch including the subject quarry.

4.5.4 It is submitted that the risk to groundwater from contamination during operations is minimised by the low level of activity and the existing procedures in place in relation to fuel and that there is no evidence to suggest that there may have been contamination in the past. However fuels and chemicals are currently stored in inappropriate housing without impermeable surface and protective bunds. Vehicles and machinery are refuelled in a refuelling pit without an impermeable fixed surface. The refuelling pit was flooded on the day of inspection and therefore it would not have been possible to use spill-mats. The existing storage and refuelling facilities do not accord with EPA's '*Environmental Management in the Extractive Industry*' guidelines 2006 and risk to groundwater is not minimised. Should similar procedures and storage facilities be common across quarries in the vicinity there would be a significant threat to groundwater that is rated X-rock at surface or of extreme vulnerability. It is the objective (WES-O-4, WES-O-5) and policy (WES-P-3,

WES-P-9, WES-P-12) of the County Council under the development plan to protect, improve and enhance surface water in accordance with the River Basin Management Plan and to manage development proposals in order to reduce the risk of major accidents involving dangerous substances.

4.5.5 No groundwater quality testing informed the rEIS, however it does include details of the Chemical and Quantitative Status report of Frosses Groundwater Body (IE_NW_G_067), which is of 'Good' overall status, is 'not at risk' of achieving good status and has an overall objective to 'protect'. This would suggest that there has been no significant cumulative impact on the groundwater body. There are no wells in the vicinity and a piped public supply is available, which would limit the significance of any adverse impacts on groundwater to a degree. No groundwater protection scheme has been prepared for this area.

4.5.6 The rEIS submits that subject to the implementation of proposed mitigation measures, the continued operation of the site will not have a significant negative impacts on the water environment which will be subject to monitoring. The substitute consent process can only authorised the development that has already been carried out, not future development.

4.5.7 Surface water - The rEIS indicates that the quarry discharges to the stream/ditch to the north, which discharges to a watercourse to the west, a tributary to the Glencoagh River, then to Drumduff and eventually to the Eany Water Rivers, respectively, and discharges to the sea at Inver Bar (this is outside of and at a distance of c.5km[2] from any relevant Natura 2000 site). All extraction activity takes place above the water table (the level of which was not determined) and no dewatering occurs and discharge is limited to rainfall runoff. The assessment estimates through water balance calculations that an average of c.146.7m^3 is either discharged or evaporates from the quarry per day, but no actual discharge rate was measured. A water treatment system (three-stage ponds) has been provided within the quarry site (outside the substitute consent area) at some point between May 2008 and April 2011, which will have remediated and will continue to remediate any potential adverse impacts on the surface water system from contamination by silts. The RWB report for the waterbody (Eany Water IE_NW_37_3654) for 2014 indicates that the river body is of 'Good' status, with general physio-chemical and Diatoms status rated 'High', and micro-invertebrate and overall ecological rated as of 'Good' status. This would suggest that no significant adverse impacts have occurred from the quarry taken cumulatively with similar development in the vicinity.

4.5.8 The rEIS includes water quality testing of effluent discharging from the water treatment system which shows compliance for 16no. parameters, again

[2] 5km between source point of discharge to the estuary and the pathway to the nearest directly accessible part of the Natura 2000 site.

supporting the contention that no significant adverse effects are occurring. The parameters tested include 5 of the 6 parameters for which the EPA's Environmental Management in the Extractive Industry 2006 recommend ELVs in effluent discharged. The applicant's water quality testing did not include hydrocarbons for which the EPA recommends an ELV of 1mg/l. The current arrangements on site regarding storage of fuel and chemicals and the refuelling of vehicles / machinery do not comply with the standards recommended by the EPA and the development therefore continues to pose an ongoing risk of significant impact on water. There is no hydrocarbon interceptor prior to the discharge point to the settlement ponds[3], nor is there a hydrocarbon interceptor at the refuelling point on site to prevent contamination of the surface water system should spillage have occurred or occur. These issues can and should be remediated by condition for the protection of groundwater and surface water as set out under section 3.2.1 and 3.3.1 of the EPA's Environmental Management in the Extractive Industry 2006 (relating to storage of fuel/chemicals and refuelling on site) until site restoration works are completed. The water and environmental objectives and policies of the Council under the plan, as referred to above, also related to surface water. The planning authority submits that quarry operator be conditioned to carry out or put in place the identified mitigation measures including environmental monitoring and recording of inspections. This can be addressed by condition.

4.5.9 There are no staff facilities, such as WCs or staff canteen, provided on site, and therefore there is no wastewater treatment plant to treat human sewage. Clearly there is a need for basic sanitation while there are employees working from this site. A portable toilet should be provided and maintained by a licensed operator for the duration of restoration works carried out on site. This can be addressed by condition.

4.5.10 There is no evidence that significant adverse impacts have occurred on the water environment from the development and from cumulative development in the vicinity. There is a risk of significant adverse effects may be occurring or will be likely to occur based on the current facilities for storage of chemicals/fuels and refuelling of vehicles on site. It is Council policy to protect against same. I am satisfied that these risks can be remediated by condition.

4.6.0 Climate –

4.6.1 I would accept that no significant impacts are likely to have occurred or to occur as a result of the development carried out, in itself or taken cumulatively with similar development in the vicinity. As the development is complete having regard to the nature of the substitute consent process, no future adverse impacts are anticipated. The restoration of the site will result in plant

[3] A hydrocarbon interceptor is proposed to be installed at the discharge point to the settlement tanks.

growth over the extraction area, thereby having a positive impact on the CO_2 balance.

4.7.0 Air

4.7.1 The EPA's advice notes indicate that the main potential for significant impacts include dust from processing, drilling and internal haul roads, dust from transportation, material storage and handling, and fly rock from surface workings.

4.7.2 The assessment of impacts on air was carried out by Earth Science Partnership Ire Ltd (the name and relevant qualifications of the person carrying out the assessment are not provided). The assessment is based on a desk based study and the evaluation of monitoring results for the site.

4.7.3 No significant adverse impacts are anticipated in the rEIS as having occurred, to be occurring or to be likely to occur from the development carried out, in itself or taken cumulatively with similar development in the vicinity. Dust is the main emission to pose threat of significant impact given the nature and scale of the quarry. The quarry contains very significant quantities of fine soil material, intermingled with the extracted rock materials, distributed throughout the extraction pit, the tracks within the quarry are uneven dirt tracks rather than level compacted aggregate material and the access road is finished in loose aggregate. I would therefore expect that this quarry would generate significant quantities of dust in dry weather and mud and other material along the public road in wet weather. The rEIS assessment does not address the specific character of this quarry and the dust generating potential.

4.7.4 The applicant carried out dust monitoring from 22/04/13 to 22/05/14 at three locations on the periphery of the extraction pit at a time when the quarry was said to be fully operational. Dust levels were found to reach a maximum of 37mg/m^2/day at the northeast corner of the site, which is well below the standard of 350mg/m^2/day recommended by the EPA in the Environmental Management in the Extractive Industry guidelines. Met Eireann data for that period would indicate that that period was a wet period in that location, with 100-125% and 100-150% of average rainfall for the months of April and May, which may explain the low dust levels.

4.7.5 Section 8.7 sets out remedial / mitigation measures, however there is no evidence to support the contention that the measures referred to are '*continuously practiced'.* In particular, the quarry is, in my professional opinion, not '*kept in good condition*', with stockpiles of extracted material mixed with overburden / soil distributed throughout the quarry, with unsuitable access roads and many berms free of vegetation. The potential for significant adverse impacts on the environment is therefore unnecessarily increased. The main sensitive receptors are residential dwelling to the northwest and north, the nearest being c.180m from the extraction pit. The intervening

coniferous plantation and other vegetation north of the quarry will continue to provide a buffer from dust emanating from the pit, however the nearest dwellings (c.40m from the entrance) are likely to be effected from dust from quarry transport accessing and egressing the quarry entrance. This adverse impact may have been significant for periods when the quarry was operating at peak. There are no objections from third parties resident in the vicinity which may suggests that no significant impacts are currently occurring.

4.7.6 The implementation of a suitable landscape restoration plan would remediate potential significant adverse impacts from dust. The carrying out of grading works and the movement of materials on site under the restoration plan will increase dust generation for a limited period and the implementation of good practice in terms of minimising dust generation in accordance with EPA guidance (e.g. damping with water-bowser during dry periods) would minimise same. The cessation of quarry activity (on-going activity cannot be authorised under the substitute process) will ensure that no significant adverse impacts arise from dust will arise from traffic on the network.

4.8.0 Noise & vibration –

4.8.1 Having regard to the EPA advice notes, the main impacts from noise and vibration for the subject quarry arise from surface drilling and transport noise, including internal haulage.

4.8.2 The assessment of noise and vibration impacts on air was carried out by Earth Science Partnership Ire Ltd (the name and relevant qualifications of the person carrying out the assessment are not provided). The assessment is based on a desk based study, GIS data and noise monitoring carried out at three locations.

4.8.3 Noise monitoring during operations indicates that the operations do not result in significant adverse impact in terms of noise, with then resultant levels well below the daytime ELV of 55dbB(A) for 1 hour recommended by the EPA (there are no night time operations). The rEIS explains that sandstone is a porous and soft stone and is easy to extract, therefore rock breaking by pneumatic rock breakers is undertaken at low levels. No blasting takes place on site and therefore no vibration is anticipated. No significant impacts are anticipated by the rEIS in terms of noise from traffic on the network from the subject development or taken cumulatively.

4.8.4 In general I am satisfied that significant impacts have not occurred, are not occurring and are not likely to occur from the quarry development carried out. Nuisance noise from transport may have occasionally adversely impacted on the amenities of residential property fronting onto the rural road network, and this may have been significant at times during peak operations particularly when taken cumulatively with other similar operations in this locality. As the substitute consent process does not authorise continued operations the

potential for significant adverse impact of from noise and vibration from transportation can be considered to have ceased. No remedial measures are required other than following the EPA's Environmental Management guidelines in operations during site restoration.

4.9.0 Landscape–

4.9.1 Having regard to the main potential for impacts on the landscape arise from visibility of surface workings, surface plant, dust adjacent to site and transport roads and impact on landscape character due to the intensity and nature of development.

4.9.2 The assessment of landscape impacts on air was carried out by Earth Science Partnership Ire Ltd (the name and relevant qualifications of the person carrying out the assessment are not provided). The assessment is based on field observations to assess landscape character and structure of the site and its surroundings, a visual impacts assessment based on publicly accessible viewpoints and a desk based study, having regard to the GLVIA guidelines.

4.9.3 The site is not located within an Area of Especially High Scenic Amenity (EHSA) and there are no views or prospects within the vicinity under the County Development Plan. The area is defined as Donegal Bay drumlins (31) Landscape Character under the Draft Landscape Character Areas of Donegal (it is the policy of the Council, NH-O-7 to prepare a LCA as a framework to protect, manage and plan the landscape). The landscape character sensitivity attributed to the site by the rEIS is medium, which I consider reasonable. The rEIS submits that the magnitude of change is low and the significance of the visual impact is assessed as slight. In my opinion the visual impact is significant in the local context and in the wider context taken cumulatively with similar quarry development within the vicinity, however I am satisfied that significant adverse impacts can easily be remedied to an acceptable level through the implementation of an appropriate site restoration plan.

4.9.4 The proposed site restoration plan (fig.11.3 'Restoration Section Map, appended to chapter 11 of the rEIS) submitted by the applicant is not acceptable. It is based on continuing extraction to a depth of c.112.5mOD, between 12.5m and 20m below the current base of the extraction pit. On-going quarrying / extraction activity cannot be authorised under the substitute consent process.

4.9.5 The details of an appropriate site restoration plan to remediate current landscape and visual impacts should be agreed with the planning authority and be consistent with the recommendations of the EPA's Environmental Management guidelines (2006). The restoration plan should include the removal of all equipment, machinery and waste materials other than natural quarry materials; the redistribution of stockpiled materials to provide for a

more even graded slope across the site; the redistribution of overburden, including berms over the site area and the covering of such material with any topsoil remaining on site; allowing the site to regenerate with local vegetation. The timeframe for implementation of same should be agreed with the local planning authority.

4.10.0 Material Assets (general) –

4.10.1 Excluding the impacts on archaeology and cultural assets, the EPA advice notes indicate that the main impacts include the effects of vibration on surface structures, road damage due to transport and machinery use, loss of, or damage to water supplies, effects on potential for groundwater development in the area in the future and impacts on geological heritage.

4.10.2 The assessment of impacts on material assets was carried out by Earth Science Partnership Ire Ltd (the name and relevant qualifications of the person carrying out the assessment are not provided). The assessment looked at potential impacts on residential buildings, geological resource, land resource, road network and access, public utilities and scenic routes. No significant impacts are identified as having occurred in respect of those features. Based on the information contained in the rEIS it would also appear that the development carried out has not had significant effects on water supply in terms of groundwater resource.

4.10.3 I consider the assessment to be reasonable and that there have been no significant impact on material assets.

4.11.0 Archaeology & Cultural heritage (Material Assets)–

4.11.1 The EPA advice notes indicate that the main impact on cultural assets as material assets include loss of sites by surface workings or structures, damage to old structures by vibration from blasting or transportation, and the effect on the preservation of buried organic remains due to changes in water table.

4.11.2 The assessment was prepared by Mr Leo Morahan of Leo Morahan Archaeology, but details of his qualifications are not stated. The assessor looked at the general archaeological background of the area, the Record of Monuments and Places, protected structures under the County Development Plan 2012, a cartographic review, aerial photographs, excavation recorded in the area and a field assessment. He concluded that as there were no archaeological features or monuments recorded on any part of the site, there is no indication or evidence that any works have impacted on archaeology. I would accept this conclusion as reasonable. Comments made in that chapter of the rEIS on possible future extension are irrelevant to substitute consent application.

4.12.0 Traffic (Material Assets & Human Beings) –

4.12.1 The main impact concerns regarding traffic arise from traffic safety concerns (impacts on human factor) and impact on the actual road network as a material asset.

4.12.2 The assessment was carried out by Earth Science Partnership Ire Ltd (the name and relevant qualifications of the person carrying out the assessment are not provided). The assessment would appear to be based on a desk based study, having regard to estimated traffic movements and RSA data on road traffic collisions data.

4.12.3 It is submitted that the quarry generates a maximum of 8 loads per day, which is rarely achieved, and no loads on some days. It is not apparent how this was determined. The total number of movements is indicated as 9, including 1 employee movement. The assessment does not take account that each load and employee entails two movements, an arrival and departure, generating 18no. movements. The assessment does not take account of the number of employees / operatives working from this site (stated as 2no. full time and 2no. part time) or how many there were at time of peak operations. 4no. employees would generate 8no. traffic movements, but possibly more given that there are no staff facilities on site. Therefore it can be conservatively estimated that the quarry generated 24no. traffic movements per day between 0730 and 1830 hours (based on operating hours of 0800-1800 hours).

4.12.4 The local road network (between the site and the N56) is poor, being a rural road of poor vertical and horizontal alignment, with a hairpin bend. It connects to the N56 (the main west-east road between Killybegs and Donegal town and a designated as part of the Strategic Road Network for the County) c.2km to the south. There is no record of any traffic accidents on the said local road between the site entrance and N56, which can be expected to the principle transport route to/from the site. The rEIS submits that although there were a number of serious and minor road collisions on the N56, none of these occurred at the junction with the local road (L1815); that the two fatal collisions on the relevant section of the N56 occurred outside working hours (2300-0300) and that the distribution of minor collisions along this section of N56 is broadly similar to the N56 in general. There is no evidence that the development carried out has had a significant adverse impact on human beings through road traffic accidents. The NRA raised no objection subject to any recommendations in the traffic analysis contained in the rEIS being included in conditions in a grant of substitute consent (it comments regarding future intensification are not relevant to the case at hand).

4.12.5 It is submitted that the development carried out has not had a significant impact on local road infrastructure through wear and tear due to the low levels of travel generated and the limited weight of transport vehicles (10 tonnes).

The planning authority has not disputed this. There is evidence of some wear and tear at the site entrance, although it is not of great significance. The loose-surface finish to the site access road means that such material will flow (or be carried be vehicles) onto the road and will abrade the surface and degrade the quality of same. This issue can be remedied by condition.

4.12.6 Visibility at the site entrance does not appear to be adequate. The rEIS does not propose the removal of the said features and only proposes to trim hedgerows to maintain good visibility. Condition no.3 recommended by the local authority requires that visibility splays be provided to the entrance from a 3m setback (X-distance) to a length of up to 160m based on Development Plan Standards (fig 7 under section 10.2.10 refers). It is Council policy (T-P-15) that development proposals comply with technical standards under the plan. The local road is a narrow rural road that is lightly trafficked. To achieve adequate sightlines would necessitate the removal, from the left hand side, of an old stone shed that appears to be of some architectural and historic value and, to the right hand side, the removal of mature trees. I don't consider the removal of the structure and/or trees to be desirable (for visual and local character reasons and their role in mitigation dust emissions) given that the development concerned is completed for the purposes of substitute consent, excepting site restoration. Given the low level of traffic that will arise during site restoration I consider that this issue would be more appropriately addressed through appropriate temporary warning signage and the implementation of appropriate traffic safety procedures for the egress of vehicles during the period of site restoration, the details of which can be agreed with the planning authority. The entrance will revert to an agricultural entrance on completion of site restoration.

4.12.7 Condition no.8 recommended by the planning authority requires the installation of a wheelwash and sprinkler system, that the operator provides for the cleaning of spillages on public road and for the spraying of internal roads and access road. Given that this is an application for substitute consent it would be unreasonable to require the provision of a wheelwash and sprinkler system for the duration of site restoration works. Some variation of the mitigation measures proposed in the rEIS, i.e. that all vehicles leaving the site will be clean and tidy and that regular inspections of the road network used by the quarry will be undertaken to ensure that they are maintained in a tidy manner, would be appropriate.

4.12.8 I would accept that there is no evidence that the development carried has had or is having a significant adverse impact on the road network as a material asset, or on human beings in terms of road traffic safety.

4.13.0 Interactions

4.13.1 Interactions are addressed throughout the rEIS. The section on interactions does not identify any other significant interactions.

5.0 Overall conclusion

5.1 Having regard to the nature of the development, the operations and arrangements evident on site, and the site's location relative to sensitive receptors, it is likely that significant localised impacts may have occurred and / or may be occurring or may occur on human beings (on amenities from quarry transport and from the quarry during prolonged dry spells), on water (from fuel/chemical spillages) and ecology (through interactions with water impacts). I am satisfied that these impacts can be satisfactorily remediated through, i) the immediate removal of all chemicals and fuel stored on site, or the immediate implementation of the recommendations of the EPA's '*Environmental Management in the Extractive Industry*' (2006) pertaining to the storage of chemical / fuels and the refuelling of vehicles / machinery on site; ii) the implementation of an appropriate site restoration plan within a reasonable timeframe, the details of which should be agreed with the local planning authority. In this regard, the site restoration plan submitted with the substitute consent application (fig 11.3 appended to section 11 of the rEIS) is unacceptable as it includes for the continued extraction of the site to a level of between 12.5m to 20m below the current base of the quarry, whereas the substitute consent process can only authorise the development already carried out. Ongoing potential for damage to the public road arising from the loose surface finish to the site access road may also be resolved by condition.

Recommendation:

I recommend that the Board **GRANT** substitute consent for the quarry development undertaken within substitute consent boundary.

Reasons and Considerations

Having regard to:

- 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 'Environmental Management Guidelines: Environmental Management in the Extractive Industry (Non-Scheduled Minerals)' (EPA, 2006)
- the provisions of the current Donegal County Development Plan,
- the remedial Environmental Impact Statement submitted with the application for substitute consent,
- the report and the opinion of the planning authority under section 177I,
- 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 consider that subject to compliance with the conditions set out below, the development carried out 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 with the application to An Bord Pleanála on the 25th day of July 2014. This grant of substitute consent:

(a) relates only to development undertaken as described in the application, does not authorise any future extraction activity and does not relate to any other development on the subject site.

(b) shall be limited to that area (approximately 4.2ha) outlined in red on the application drawings.

Reason: In the interest of clarity.

2. (a) Within one month of the date of this decision, the applicant shall have either:

   i) permanently removed all chemicals and fuel stored on site,

   or

   ii) implementation the recommendations of the EPA's environmental management guidelines, '*Environmental Management in the Extractive Industry (Non-Scheduled Minerals)*' (2006), section 3, in respect of the storage of chemical / fuels and the refuelling of vehicles / machinery on site.

   Reason: To mitigate the risk of significant impacts occurring on water, soil, human beings and ecology from pollution arising from development and procedures on site.

3. The applicant / operator shall comply with the requirements of the planning authority regarding the undertaking, recording and timely reporting of the results of all environmental monitoring to the authority.

   Reason: To mitigate the risk of significant impacts on factors of the environment.

4. (a) Within three months of the date of this decision, the applicant shall submit detailed proposals, including drawings, for the restoration of the substitute consent site for the approval of the planning authority. The details shall include:

   i. The identification of all areas to be levelled or graded;

   ii. The identification of all items of plant and machinery, scrap metal, stockpiles, chemicals/fuels, contaminated materials including any contaminated soil, and waste materials to be removed;

   iii. Details of measures to ensure the stability of the faces of the quarry;

   iv. Details of landscaping / screening measures to be implemented;

   v. The timescale for the implementation of the restoration scheme.

(b) The restoration scheme shall be based on the current finished levels within the quarry, as detailed in 'Site Layout Map' drawing no.PP-110-01 received 25/07/14 and shall not provide for extraction, or excavation other than for site levelling / grading purposes, of the substitute consent application site.

(c) The restoration of the subject quarry area shall be completed within a period of six months after the date of the approval of the restoration plan by the planning authority unless permission is first granted for the continuation of quarry activity within the substitute consent area.

Reason: In the interest of proper planning and sustainable development.

5 During the implementation of the site restoration plan the applicant shall:

i) Inspect all vehicles leaving the site and ensure that the are clean;

ii) Inspect the public road network used by the quarry on a daily basis and shall remove any debris or material deposited on the network from vehicles travelling from the site;

iii) Provide, subject to the agreement of the local authority, appropriate temporary signage to warn vehicles on approach to the quarry entrance during operating hours;

iv) Ensure that adequate visibility is maintained at the entrance and the implementation of appropriate safety procedures for the egress of vehicles during the period of site restoration, the details of which shall be agreed with the planning authority.

Reason: In the interest of road safety.

6 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 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 development.

7 Within 3 months of the date of this order the applicant shall agree full details, including the timeframe for implementation, of:

i) provision of an appropriate surface to the site access road within the vicinity of and up to its junction with the public road;

ii) any repairs necessary to the public road within the immediate vicinity of the site access.

Reason: To repair damage to the public road network that may have arisen from the development concerned and to prevent damage to the public road infrastructure from traffic accessing / egressing the site.

John Desmond,
Planning Inspector
30/01/15