

An Bord Pleanála



Inspector's Report

PL SU 05E.SU0126

DEVELOPMENT:-

Application under Section 177E of the Planning and Development Acts 2000 – 2011 for Substitute Consent in relation to a quarry development.

ADDRESS:

Carrick, Derrybeg, County Donegal.

APPLICATION FOR SUBSTITUTE CONSENT

Planning Authority:

Donegal County Council.

Planning Authority Reg. No:

EU QY 127.

Applicant:

Eamonn Coyle.

Application Type:

Substitute Consent Application.

Planning Authority Decision:

Not Applicable.

DATE OF SITE INSPECTION:

May 20th 2015

INSPECTOR:

Paul Caprani

1.0 INTRODUCTION

SU05E.SU0126 relates to an application under the provisions of Section 177E of the Planning and Development Act 2000 – 2011 for substitute consent in respect of a quarry at Carrick, Derrybeg, County Donegal. The application was accompanied by a Remedial Environmental Impact Statement. No third party observations or objections were received in respect of the application.

2.0 SITE LOCATION AND DESCRIPTION.

The site which is the subject of the current application is 6.62 hectares in size and is located in north-west Donegal in the area of Gweedore north of the N56 National Secondary Route. The site is located on the northwestern side of a third class road which links up with the R257 regional route to the southwest on the outskirts of the settlement of Derrybeg. The settlement of Derrybeg is located approximately 4 kilometres to the southwest of the site. Derrybeg is a scattered settlement with no identified village centre.

The sand and gravel quarry is located on the side of a gently-sloped hill and to the rear of existing dwellinghouses which front onto the local access road. There are approximately 10 dwellinghouses within 200 metres to the entrance of the site, all of which are located in the immediate vicinity of the entrance to the quarry and front onto the access road serving the quarry. There are no dwellings in the vicinity of the site, other than those located along the access road. There is a separate access point along the northern boundary of the site where a gate leads to a haul road taking traffic to a minor road network leading to the west of the site.

2.1 Environmental Designations in the Vicinity of the Site

The site is not located on any designated Natura 2000 Sites, nor is it located within or adjacent to any Natural Heritage Areas or Proposed Natural Heritage Areas. The nearest Natura 2000 sites are located approximately 2.5 km to the west of the site. These are the Gweedore Bay and Islands SAC (Site Code 001141) and the West Donegal Coast SPA (Site Code 004150). The qualifying interests associated with the SAC include:

Coastal lagoons [1150]
Reefs [1170]
Perennial vegetation of stony banks [1220]
Mediterranean salt meadows (Juncetalia maritimi) [1410]
Embryonic shifting dunes [2110]
Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]
Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]
Decalcified fixed dunes with Empetrum nigrum [2140]
Atlantic decalcified fixed dunes (Calluno-Ulicetea) [2150]
Dunes with Salix repens ssp. argentea (Salicion arenariae) [2170]
Humid dune slacks [2190]
Machairs (in Ireland)* [21A0]
Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]
European dry heaths [4030]
Alpine and Boreal heaths [4060]
Juniperus communis formations on heaths or calcareous grasslands [5130]
Lutra lutra (Otter) [1355]
Petalophyllum ralfsii (Petalwort) [1395]
Najas flexilis (Slender Naiad) [1833]

The features of Interest associated with **the West Donegal SPA** are as follows:

Fulmar (Fulmarus glacialis) [A009]
Cormorant (Phalacrocorax carbo) [A017]
Shag (Phalacrocorax aristotelis) [A018]
Peregrine (Falco peregrinus) [A103]
Herring Gull (Larus argentatus) [A184]

Kittiwake (Rissa tridactyla) [A188]

Razorbill (Alca torda) [A200]

Chough (Pyrrhocorax pyrrhocorax) [A346]

3.0 HISTORICAL OPERATIONS ON SITE

The sand and gravel quarry was not operating at the time of my site inspection. There are two main structures on the site. Both of which are located close to the entrance.

According to the information contained in the rEIS, the two main activities previously undertaken on site include aggregate production where sand and gravel is extracted from the gravel pit and then crushed, graded and washed for transport off-site. The remedial EIS states that, historically up to 20,000 tonnes of aggregate has been produced at the quarry on annual basis. The main products are washed, sand, gravel, garden chippings and aggregate.

The quarry also produces pre-cast concrete products such as kerbs and lentils and these are manufactured on site. There is a concrete batching plant on site which utilises sand and aggregate from the gravel pit and imported cement to manufacture concrete which is poured into moulds for the various pre-cast products. Approximately 10 – 12 loads per week of concrete products were manufactured at the quarry when it was fully operational. This amounted to approximately 12,000 tonnes of pre-cast concrete goods per annum. The area of the site worked to date is concentrated on the eastern site. The western portion of the site is currently undisturbed with no quarrying activity taking place. There are a series of settlement ponds located on the site. These are concentrated in the southwestern portion of the site, to the immediate south of the unworked area.

In terms of the existing buildings on site, the building located closest to the entrance accommodates an office with a kitchen and toilet facilities and a large machinery workshop to the rear. The building located further within the site near the eastern boundary comprises of a large storage shed which stores pre-cast moulds and pre-cast concrete products. The rEIS indicates that until recently there was a mobile crusher and grader located on site. Neither the processing plant nor the concrete batching plant was apparent during my site inspection.

There are several fuel tanks to the side of the workshop area close to the quarry entrance. According to the information contained in the rEIS there is mains water and electricity supply available on site.

As the quarry is currently non-operational, no staff is employed on site. Historically however up to 13 staff are employed on a full time/part time and casual basis. The quarry when operational opens between 0800 hours to 1700 hours Monday to Friday and 0800 hours to 1300 hours on Saturdays. Large stock agriculture is the predominantly land use in the wider area.

3.0 PLANNING HISTORY

It appears from the planning inspectors reports associated with the history files attached, that there is a protracted history of unauthorised development on site. Details of the history of the files attached are summarised below:

PL 05B.225952 – Planning permission was sought for the retention of a shed for the manufacture of precast concrete and a batching plant. Donegal Co Council granted permission for the proposal and this was the subject of a 3rd party appeal. The Board overturned the decision of the planning authority and refused permission on the planning grounds that the quarry in which the site is located does not have the benefit of planning permission and that the proposed development would facilitate the continued use of the site, which is unauthorised. The decision was dated 24th December 2010.

PL 05B 227456 – Planning permission was sought for the retention of an existing road which connects an existing bog road with the quarrying operations on site. Donegal recommended a grant of planning permission and this was subject to a 3rd party appeal. The Board overturned the decision of Donegal Co Council and refused permission for the following reason: Having regard to the lack of reasonable justification for the retention of the road and the difficulties that would be encountered in controlling its use, it is considered that the potential traffic movements that would be generated by the retention of the road, which itself exits onto a local road which is seriously substandard in width and alignment, would seriously impact on traffic safety on the local road and would, therefore, be contrary to the proper planning and sustainable development of the area. The decision was dated 24th December 2010.

PL 05B 227457 – Planning permission was sought for the retention of a yard for the display of concrete products and monumental sculptures. Again Donegal Co. Council granted planning permission and this decision was the subject of a 3rd Party appeal. The Board overturned the decision of Donegal Co Council and refused permission for the following reason: The yard for the display of pre-cast concrete products is located adjacent to a quarry from which aggregates are sourced for the manufacture of these products. As the quarry does not have the benefit of planning permission, it is considered that the proposed development would facilitate the continued use of the site, the use of which is unauthorised. The Board is, therefore, precluded from considering a grant of permission in this case. The decision was dated 24th December 2010.

PL 05B 229276 – Planning permission was sought for the retention and extension of quarry to incorporate excavation, crushing and grinding and processing of extracted material and the provision of settlement ponds and silt traps. Again Donegal Co Council issued notification to grant planning permission and this decision was the subject of a 3rd Party Appeal. The Board overturned the decision of Donegal Co Council and refused permission for the following reason:

'The Board is not satisfied, on the basis of the information contained in the planning application and the Environmental Impact Statement submitted, that an appropriate assessment of the effects of the development on the environment has been carried out. It is considered that there is insufficient information in relation to baseline conditions and the receiving environment. The likely significant effects arising and the impacts of the development in relation to surface and ground water, noise, dust, traffic, and the landscape have not been adequately addressed in the Environmental Impact Statement. It is considered, therefore, that the retention and extension of the development would seriously injure the amenities of the area and depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area'.

QV 05E 0313 – An application under the provisions of S.261A(6)(a) for a review of Donegal Co. Council's decision to seek an application for substitute consent accompanied by an EIS and NIS. The Board in its decision confirmed an application for substitute consent accompanied by and EIS only and set aside the decision for an NIS. The Decision was dated April 1st 2014.

4.0 APPLICATION LODGED WITH THE BOARD

The application for substitute consent was lodged with An Bord Pleanála on the 28th November 2014. A planning application form indicates that the applicant is the owner of the site in question. In terms of site history, the application form indicates that quarrying has taken place on this site prior to 1964.

An Bord Pleanála circulated the application to the following prescribed bodies:

- Development Applications Unit (DAHG)
- Bord Failte.
- The Heritage Council.
- The Arts Council.
- The North Western Regional Fisheries Board.
- The Department of Communication, Energy and Natural Resources.
- An Taisce.
- HSE.
- Uduras na Gealtachta.

4.1 Additional Information Request

On the 16th December 2014, the Board in accordance with Section 132 of the Planning and Development Act 2000 requested the applicant to submit the following:

- The application as made to the Board makes reference to a pre-cast manufacturing shed and concrete batching plant. Neither of these items are considered by the Board as being ancillary to the use of the site as a quarry and are not deemed to be appropriate for the inclusion in the substitute consent application. In this regard a revised newspaper notice is required and a revised application omitting references to the items mentioned above and other such revisions to the application as may consequently occur.
- The application makes reference to a 6.7 hectare site. The Board's Inspectors' Report under QV0313 states the extent of the area in question as being 3.5 hectares. The applicant is requested to comment and if appropriate submit revised drawings on this matter.
- The applicant is requested to submit drawings of an appropriate scale of 1:5000 and 1:10,000 showing the full extent of landholding of the applicant bounded in blue.

4.2 Additional Information Response

On the 3rd February 2015 the applicant made the following response.

Revised newspaper and site notice, including the revised application form omitting any references to pre-cast manufacturing plant and concrete batching plant.

In relation to the stated area of the site an additional 2.59 hectares in the northwestern portion of the site was included as this area has been used as a source of water management for the proposed quarry. A network of open drains situated on this land replenishes the existing settlement lagoons during heavy rainfall. The water is collected and then recycled for the use of quarrying operations.

5.0 LOCAL AUTHORITY SECTION 177 I REPORT

The Planner's Report sets out the location of the quarry and notes that the overall working area of the quarry is approximately 4.03 hectares. It is noted that An Bord Pleanála has accepted that the quarry is a pre-64 authorised quarry. The report goes on to set out the relevant planning history associated with the quarry (see above).

Section 2 of the report sets out the relevant development plan policy framework. In relation to transportation policies, the various policies are referred to and it is noted that there are no planned transport schemes in the area, nor does the quarry have any impact on the delivery of optimum accessibility or ease of movement within the county. It is considered reasonable that the existing entrance arrangement should be conditioned to meet current technical standards insofar as reasonably possible. The installation and use of both the wheel wash and dust controls will protect the adjoining road network from dust deposits.

In relation to water and environmental services, the various policies are referred to and it is noted in respect of groundwater and surface water that existing mitigation measures have been identified and should continue to operate. Further water management and mitigation measures are also set out in the report and these include the requirement for the operator to apply for discharge license for any water being discharged off the site. Necessary monitoring should be incorporated in the conditions in the event of the Board reaching a favourable decision on the application.

In relation to flooding, it is noted that the subject site is not located within a floodplain for flood risk area and therefore does not give rise to any flooding concerns.

In terms of the natural and built environment, again references are made to the various policies set out in the development plan and it is noted that the subject site is not located within an Area of an Especially High Scenic Amenity or any designated Natura 2000 sites. There are nine Natura 2000 sites within a 15 kilometre radius of the quarry, none of which are considered to be in the zone of influence of the quarry. The site is not affected by any

- Nature reserve,
- Groundwater protection area,
- Freshwater pearl mussel catchment or
- Other areas of importance for the protection of flora and fauna.

The site is not located in an area designated for a significant archaeological potential. It is noted that the application has not been accompanied by a Restoration Plan for aftercare of the quarry. The requirement for such a plan for the landscaping/restoration of the subject quarry should be condition in the case of a favourable decision being issued by the Board.

No significant visual impacts arise from the existing quarry. However, further boundary treatment/fencing and general landscaping to supplement the existing arrangement shall be conditioned in the case of a favourable decision being issued by the Board. In relation to technical standards, detailed conditions should be attached in order to ensure that the proposed development complies with the various technical requirements set out in the development plan. These include conditions relating to landscaping, buffers and screening and suitable storage of all waste material and any bunding of fuels etc.

Section 3 of the report sets out the planning authority's overall conclusions and states that the planning authority has no objection in principle to An Bord Pleanála approving the current application subject to conditions being attached in addition to the mitigation measures set out in the remedial environmental impact statement. The suggested conditions are set out on pages 9, 10 and 11 of the Section 177I report. A total of 14 conditions are recommended to be attached.

6.0 OTHER OBSERVATIONS SUBMITTED

The only other submission received by the Board was a submission from GSI dated 21st January 2015. It states that the GSI has no comment to make in relation to the information submitted.

7.0 PLANNING POLICY CONTEXT

7.1 Development Plan

The quarry in question is governed by the policies and provisions contained in the County Donegal Development Plan 2012-2018.

Chapter 7 of the Development Plan specifically relates to the extractive industry.

The objectives in relation to the extractive industry are as follows:

“To conserve and protect the environment including in particular the archaeological and natural heritage in conservation and protection of European designated sites and any other sites which are prescribed”.

“To preserve the character of the landscape where and to the extent that, the proper planning and sustainable development of the area requires it including the preservation of views and prospects, cultural features and the amenities of places and features of natural beauty or interest”.

“To identify those sites with the highest mineral/aggregate extractive potential within the life of the plan, and which do not reside within high amenity areas or adversely impact on environmental designations”.

“To protect and preserve quality of the environment including the prevention limitation, elimination, abatement or reduction or environment pollution and the protection of waters, groundwater, the seashore and the atmosphere”.

In terms of policies the following policies are relevant.

EX-P-1: *It is the policy of the Council not to normally permit new extractive industry proposals in area of especially high scenic amenity or why they would adversely impact upon any Natura 2000 site, Natural Heritage Area, nature reserve, groundwater protection area, freshwater*

pearl mussel catchment or other areas of importance for the protection of flora and fauna or areas of significant archaeological potential, unless it can be clearly demonstrated that such extractive industries would not have significant adverse impacts on the amenities or the environment, and comply with Article 6 of the Habitats Directive.

All extractive industry proposals in designated freshwater pearl mussel catchments will be subject to a Habitats Directive Assessment and will comply with the objectives and practices set out in the relevant freshwater pearl mussel sub-basement management plan and any relevant codes of practice.

EX-P-2: *It is the policy of the Council not to permit development proposals for quarry and ancillary facilities unless it has been evidenced that the development shall not result in a significant threat of pollution to the environment including siltation and sedimentation of receiving downstream surface waters, having regard to vulnerabilities identified in the river basin management plan and any relevant freshwater pearl mussel sub-basement plan and to ensure that extractive industry proposals do not adversely impact upon the environment including surface water and groundwater aquifers, quality and quantity, river corridors, associated wetlands and River Basin Management Districts.*

EX-P-3: *It is the policy of the Council to require all applications for extractive industry proposals to be accompanied by an integrated phased development and restoration plan for aftercare/reuse of the site. Any restoration plan must comply with Article 6 of the Habitats Directive having regard to the relevant conservation objectives, qualifying interests and threats to the integrity of a Natura 2000 site. Restoration Plans should comply with policies set out in EX-P-1 and EX-P-2 and Objectives EX-O-1 and EX-O-2 and EX-O-4.*

EX-P-4: *It is the policy of the Council to require that, where an extractive industry development is proposed within 300 metres of a recorded monument/archaeological site or is likely to have a material impact on the visual amenities of the monument/site, the applicants and operators shall engage the services of an archaeologist or suitably qualified person to undertake an archaeological assessment of the site.*

EX-P-5: *It is the policy of the Council to require that development proposals are accompanied by evidence of the suitability of the road network in terms of width, alignment and carrying capacity to require that any identified deficiencies can be addressed at the applicant's*

expense. Any mitigation works required to upgrade or align the road infrastructure must comply with Article 6 of the Habitats Directive.

7.2 Quarries and Ancillary Activities Guidelines for Planning Authorities, DoECLG 2004

This document provides guidance to planning authorities on determining applications for planning permission for quarrying and ancillary activities. It notes the economic importance of quarries and envisages a sustained level of demand for aggregates to facilitate the provision of the infrastructure required to support continuing economic and social development and to maintain Ireland's international competitiveness as a location for attracting inward foreign investment in the manufacturing and services sectors. Aggregates can only be worked where they occur and it is generally neither economically nor environmentally sustainable to transport them at any great distance to their market due to increased transport costs. Many pits and quarries tend to be located within 25 km of urban areas where most construction occurs. There will be a continuing need for some new and expanded aggregate quarrying operations on land to meet regional and local requirements.

Potential environmental impacts associated with quarries include noise, vibration, dust, effects on the amount and quality of water, lowering of the water table, effects on the natural heritage, the cultural heritage, landscape, traffic and waste materials. The following sections of the Guidelines are particularly relevant to this case:

- 3.3 Dust deposition/air quality
- 3.4 Water supplies and groundwater
- 3.5 Natural heritage
- 3.9 Waste management
- 3.10 Environmental Management Systems (EMS)
- 4.7 Possible planning conditions

8.0 PLANNING ASSESSMENT

Under the provisions of Section 177 K(1) of the Planning and Development Act as amended, it is stated that where an application is made to the Board for substitute consent in accordance with the relevant provisions of the Act and any regulations made thereunder, the Board when making a decision in relation to the application, should

consider the proper planning and sustainable development of the area and have regard in particular to the following matters:

- The provision of the development plan or any local area plan for the area.
- The provision of any special amenity area order relating to the area (The Board will note that there is no special amenity area order relating to the site in question).
- The remedial Environmental Impact Statement and remedial Natura Impact Statement submitted with the application (The Board will note that no remedial NIS was submitted with the current application).
- The significant effects of the environment on a European site.
- The report and opinion of the planning authority under Section 177 (I)
- Any submission or observations made in it in accordance with the regulations.
- Conditions that may be imposed in relation to the grant of permission under Section 34 (4).
- The matters referred to in Section 143 of the Act.

Having regard to the provisions of Section 177 K(1) of the Act I consider the following issues are particularly relevant and pertinent to the determination of the application for substitute consent.

- Development plan policy.
- Environmental impacts with particular emphasis on water issues, ecological issues, noise, vibration and dust.
- Visual impacts,
- Traffic.
- Archaeology.
- Tourism and amenity.
- Impact on European sites.

8.1 Development Plan Policy

As a preliminary matter it is considered appropriate that the Board assess the principle of the development in the context of the general objectives and policies set out in the development plan, and in particular those policies that relate to quarrying activity in Donegal. Firstly I note that the planning authority have not raised any objections to the

application for substitute consent on the grounds that it would overtly contravene any of the policies and objectives contained in the development plan. The development plan states that the local authority will only permit development or the continuation of quarrying activity where it can be demonstrated that the quarry does not adversely impact on views or prospects in the surrounding area, does not affect the integrity of qualifying interests associated with European sites, protects the character of the landscape and does not impact in any areas of significant archaeological potential. The development plan also requires that the extractive industry incorporates restoration plans when operations have ceased and also to ensure that the road network serving the development is suitable and has sufficient carrying capacity for trip generation and does not give rise to traffic safety issues.

An examination of these issues will be dealt with in more detail under separate headings below. However it is important to state at this preliminary stage that there appears to be nothing in the development plan which specifically precludes the operation of a quarry at this particular location subject to satisfying qualitative and environmental criteria and the specific policies set out in development plan. The development plan does not incorporate any policies which would prohibit quarrying activities in for example specific areas of the county and thus each application where the planning application (or in this case substitute consent application) will be evaluated on its merits and in accordance with the proper planning and sustainable development of the area. In short the principle of quarrying at this location is deemed to be acceptable subject to satisfying qualitative criteria set out in the development plan and the application for substitute consent will be analysed in the context of the information submitted with the substitute consent application and remedial EIS.

8.2 Environmental Impacts

8.2.1 Water Issues

There are four settlement ponds located within the quarry floor. The largest pond (pond 1) receives surface water flow from the upland area to the rear of the quarry via a number of drainage channels which feed into a single drainage channel which discharges into pond 1 (see photo 5&6 attached). Water on site is/was used both for the washing and screening of aggregate and is also used in the processing and manufacture of precast concrete. During periods of excessive rainfall, a

stormwater discharge drains runs from pond no. 1 to the southwestern boundary of the site (see photo 7). The drain carrying the stormwater offsite continues on to link up with the drainage channel on the northern side of the L1243 (access road) which discharges into the Corveen River approximately 60 metres to the southwest of the site (see photo 8). The Corveen River as already stated above, discharges into Gweedore Bay which is a designated SAC. Potential environmental impacts arising from the existing operations include elevated levels of suspended solids in the stormwater discharge and possible contamination from hydrocarbons stored on site.

In relation to elevated suspended solids, retention time in the settlement pond in question is large, with an overall capacity of over 650 cubic metres. This allows for significant residence time within the pond, thus ensuring that a high level of settlement occurs. The information contained in the EIS indicates that the outflow from settlement pond no. 1 has a suspended solid level of > 3 mg/l. This is a very modest level and is unlikely to give rise to any impacts on water quality in the Corveen River downstream. By extension therefore the proposed development is highly unlikely to have a significant effect on any of the qualifying interests associated with the coastal Natura 2000 sites 2.5 kilometres away.

In terms of hydrocarbons there are no details contained in the EIS in relation to any analysis undertaken for hydrocarbon concentration in the samples at the outfall. However Sections 6.12.3 sets out remedial measures for hydrocarbons and these include incorporating designated refuelling points within the quarry and that all fuel tanks should be relocated within the proposed refuelling area. Oils and greases stored on site shall be securely stored within the refuelling area and a pollution spill kit should be stored on site in the case of accidental spillage. The Board could also incorporate a condition, if it considers it appropriate, to ensure that the designated fuel area be appropriately bunded in order to contain any potential spillage.

Based on the information contained in the rEIS I am generally satisfied that the quarry when operating is not giving rise to any surface water contamination in the vicinity of the site. I also consider that this was likely to have been the case in the past.

In terms of potential groundwater pollution, the site is located in an area which is designated as being of low vulnerability in terms of groundwater contamination. The remedial EIS notes that there are no major sources

of drinking water in the vicinity of the site. No groundwater is being abstracted at the quarry and it appears that the settlement lagoons are sump areas for collected surface water and that the quarrying works have not excavated below the watertable. Examination of the bedrock and information contained from GSI suggests that only a small portion of rainfall can work its way into the groundwater system due to the lack of permeability of the bedrock and the peat soil. This conclusion is supported by the dense matrix of surface water drainage channels in the general area which suggests that very little groundwater recharge occurs. It is unlikely therefore that the quarry poses any threat in terms of suspended solids contamination. Hydrocarbon contamination provides a more realistic threat to the groundwater system. Again however, it is unlikely due to the bedrock characteristics of the area that any hydrocarbons spills would infiltrate the watertable. Hydrocarbon spills in my view pose a much greater risk to surface water in the case of a spillage. However, the mitigation measures set out for hydrocarbons above should ensure that with adequate management including the incorporation of appropriate bunding that hydrocarbons will not pose a risk to groundwater.

In conclusion therefore I am satisfied that the operations on site to date have not posed a significant threat to the hydrology or hydrogeology of the area and that with the continued implementation of appropriate environmental measures and the incorporation of additional mitigation measures as set out in the EIS that the proposal would not have adverse impact on the water environment.

8.2.2 Ecology

A habitat survey was carried out as part of the rEIS. The dominant habitat found within the site is characterised unsurprisingly as “active quarry” with spoil and bare ground. The dominant habitat found adjacent to the subject site was wet heath. Other habitats found within the site include recolonized bare ground, artificial lakes and ponds, wet grassland and upland blanket bog. Semi-mature woodland is located at the entrance into the quarry (see photo 1 attached). In terms of fauna and wildlife, it is stated that the quarry is a refuge for a pair of wild geese who reside all year round on the pond (see photo 5). Evidence of foxes was also noted on the western side of the quarry. In the adjoining areas of wet heath, Irish hare, foxes, snipe and hooded crow were observed. It is concluded that there are/were no significant habitats to be found within the site, but there are important habitats around the periphery which are not in danger from ongoing quarrying activities. The rEIS

does not recommend any active reinstatement works, as the entire area is termed 'active' or 'potentially active'. Natural vegetation has already taken place in the southeastern corner of the site and this is to be left undisturbed. Although not specifically stated in the rEIS, it is assumed that the quarry has removed the previous habitat on site which, it is assumed, comprised of wet heath having regard to the presence of this habitat in the immediate vicinity of the quarry. This habitat is not a designated habitat and does not form part of the qualifying interests of any Natura 2000 sites in the vicinity. It would appear reasonable to assume that any quarrying activity which has occurred post 1990 on site may have removed some wet heath habitat and while being of ecological interest, the site and the surrounding area did not contain an ecological habitat in sufficient populations to warrant its designation as a European site. The extent to which this habitat was removed by quarrying activity cannot be fully ascertained. It also appears from the information contained on file that the natural recolonisation of obsolete areas of the quarry is providing a very positive mix of habitats.

Based on my assessment above and relying on the contents in the rEIS, I can only conclude that the removal of wet heath to facilitate the quarrying would not have had a significant adverse environmental impact as this particular habitat did not merit or warrant designation as a European Site.

8.2.3 Noise, Vibration and Dust

Chapter 8 of the rEIS specifically deals with the issue of noise and vibration. The rEIS contains noise assessments conducted in 2007 when the quarry was operational. L_{Aeq} (60 minutes) survey recorded noise levels of 50 and 51 dB(A) at two noise monitoring locations, one of which is located adjacent to the entrance of the site. The other monitoring location was situated at the south-eastern corner of the site. The assessment suggests that the noise climate at the time of the survey was primarily influenced by passing traffic. The L_A (90) readings at the noise sensitive locations range between 39 and 42 dB(A). These levels may be more reflective of the background noise level experienced in the area when the quarry was operational. The fact that the background noise levels at these noise sensitive locations recorded readings of 39 and 42 dBA respectively suggests that the noise generated by the proposed development would be typical of that associated with the general rural area and the quarrying activities undertaken would not be inappropriate or uncharacteristic for such a rural area.

The fact that a sand and gravel quarry operated on site implies that no blasting was carried out at the site. The existing quarry operations therefore were unlikely to give rise to any significant impacts in terms of vibration. In conclusion therefore it appears that the quarry operations which were undertaken on site did not give rise to significant noise levels over and above that associated with a rural area and notwithstanding the presence of a number of dwellinghouses in the immediate vicinity of the quarry, it would appear that the noise environment during the period when the quarry was operating was generally acceptable and did not significantly impact on the amenities of the area. Nevertheless the Board may consider it appropriate that the applicant be required, by way of condition, to carry out at regular intervals a comprehensive and robust noise survey as part of any monitoring programme. Further to this point I note that the applicant proposes to implement a suite of noise mitigation measures and these are set out in Section 8.6 of the remedial rEIS.

8.3 Traffic

As already stated, the quarry is currently not operating, but Chapter 11 of the rEIS assesses the trip generation associated with the quarry operating at full production, producing approximately 20,000 tonnes of aggregate annually and 12,000 tonnes of precast concrete annually. At full production the quarry also employed 13 staff and taking into account the occasional caller to the quarry or customer collecting product (rather than taking delivery) another 8 vehicle movements per day were incorporated into the impact assessment. Therefore in full production it is estimated that the quarry would have generated 14 HGV journeys per day and 34 non-HGV journeys per day. The traffic accesses onto the L1243. This local road is a reasonably wide road with a good surface and capable of accommodating HGV traffic. The L1243 links up with the R257 approximately 1.5 kilometres to the southwest. The rEIS indicates that c.75% of all traffic uses this route. The R257 links up with the N56 national secondary route approximately 8 kilometres to the south.

I would agree with the conclusions set out in the rEIS that the traffic generated by the proposed development would be relatively modest in the context of the existing road network. The quarry when fully operational would not have a significant impact on the baseline traffic volumes of the local road network or the regional road network. Also having inspected the site I note that sightlines are generally adequate in

both directions. Donegal County Council recommends that in the case of a grant of planning permission that the existing entrance arrangements be conditioned to meet current technical standards insofar as reasonably possible. Having inspected the site I consider that the current access arrangements would meet current technical standards with regard to visibility splays.

8.4 Archaeology

The rEIS indicates that there are no recorded monuments or sites of archaeological interest on the application site. The nearest archaeological sites are located 3 kilometres to the southwest. While the nearest protected structure is located 3 kilometres to the northwest. There is no indication on file or in the EIS whether or not the quarrying activities which took place subsequent to 1990 in any way impacted upon any archaeological features within the site.

8.5 Visual Impact

It is very difficult to retrospectively evaluate any significant visual impact associated with the quarry subsequent to the implementation of the EIA Directive. No details are available as to the extent of excavation prior to 1990. However, having regard to the fact that the Board have already determined that the quarry commenced operations prior to 1964, it is very likely that in the 26-year period between 1964 and 1990 that a substantial area of the quarry had been excavated. The quarry is located on lands to the rear of dwellings which front onto the local access road (the L1243) and the entrance to the quarry is well landscaped obscuring and screening views of the quarrying activities from vantage points in the immediate vicinity of the entrance. I refer the Board to the photographs attached and photographs contained in the rEIS. It is apparent that the quarry is not readily visible from vantage points further along the local access road. However the two large buildings located within the quarry are visible. These buildings however are buildings which could be regarded as typical agricultural buildings which are characteristic of a rural area and as such do not look incongruous or out of place within this rural landscape.

While it is difficult to properly evaluate or determine the visual impact arising from works carried out post 1990, I can only conclude that currently the quarry does not have a significant adverse impact on the visual environment when viewed from vantage points in the vicinity and therefore assuming that the quarry is at its maximum extent since

quarrying operations began, I can only conclude that in the period between 1990 and the present the quarry is unlikely to have had a significant environmental impact from a visual perspective.

9.0 APPROPRIATE ASSESSMENT

The extent to which the development could significantly affect the European site was the subject of an assessment under Quarry Review Reg. Ref. 05E.QV0313. It is clear that the Board in setting aside the decision of the planning authority under the provisions of Section 261A (2)(a)(ii), it did not consider that the proposed development would have a significant impact on the Conservation Objectives or Qualifying Interests associated with any Natura 2000 sites in the vicinity. The nearest Natura 2000 sites are the west Donegal Coast SPA (Site Code: 004150) and the Gweedore Bay & Islands SAC (Site Code: 001141). The qualifying interests associated with both European sites are set out above in my report. The separation distance between the site and the SAC is estimated to be approximately 2.5 kilometres. While the quarry is hydrologically connected to the Corveen River which flows into the Gweedore Bay & Islands SAC via a storm overflow drain, it has already been concluded in my assessment above that any discharge from the quarry does not pose a threat to any of the conservation objectives or qualifying interests associated with the SAC, I fully concur therefore with the conclusions reached by the Board that an NIS was not necessary in this instance as the development in question does not pose a threat to the integrity of the SAC or SPA in the vicinity. It is considered therefore that the existing quarry either by itself or in combination with other plans or projects, would not be likely to have a significant effect on either the Gweedore Bay & Islands SAC (Site Code: 001141) or the West Donegal Coast SPA (Site Code: 004150) or any other European Site in view of the site's conservation objectives.

10.0 ENVIRONMENTAL IMPACT ASSESSMENT

I have read the entire contents of the EIS and I consider that the EIS submitted complies with the requirements of Articles 94 and 111 of the Planning and Development Regulations 2001, in that it contains the information specified in Schedule 6 of the Regulations and that the information is presented in an adequate manner. The EIS sets out a description of the existing quarry and identifies and describes the likely significant direct and indirect effects which were likely to have occurred

as a result of the quarrying activity when the quarry was operational between 1990 and the present date. I further note that the EIS attempts to assess in a comprehensive and robust manner the environmental impacts arising from the activities on site during the period when the quarry was fully operational. The environmental impact has been properly assessed in relation to:

- Human beings.
- Flora and fauna.
- Geology and soil.
- Hydrology and hydrogeology.
- Air quality.
- Noise and vibration.
- Landscape and visual impact.
- Material assets.
- Roads and traffic.

Finally the EIS assesses the proposed development in the context of the interaction of the foregoing.

The EIS assesses the potential likely effects on the environment under each of these headings and sets out specific mitigation and remedial measures where necessary in order to reduce and offset any potential environmental impact. I am therefore satisfied that the remedial EIS as submitted meets the statutory requirements as set out in Section 171A of the Act and Schedule 6 of the Planning and Development Regulations. I would also conclude based on the information contained in the EIS that the residual effects arising from the quarrying operations on site are deemed to be acceptable in the context of potential environmental impacts.

13.0 CONCLUSIONS AND RECOMMENDATIONS

Arising from assessment above, I consider the application for substitute consent should be granted in this instance. Based on the information available, I consider that the quarry has not given rise to significant adverse environmental effects and the ongoing impacts of the quarry are considered to be limited in terms of the scale and significance. I therefore recommend that the application for substitute consent be granted based on the reasons and considerations set out below and subject to 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.
- Quarrying and Ancillary Activities: Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government (April 2004).
- 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 submitted under Section 177 I.
- The report of the Board's Inspector including in relation to the potential significant effects on the environment.
- The site's planning history.
- The pattern of development in the area.
- The nature and scale of the development the subject of this application for substitute consent.

The Board completed an Environmental Impact Assessment in relation to the development in question and concluded that the remedial Environmental Impact Statement submitted identified and described adequately the direct and indirect effects on the environment of the development. The Board considered that the EIS was satisfactory in addressing the environmental effects of the development and also agreed with its conclusions in relation to the acceptability of mitigation measures proposed and the residual effects that the development would not be likely to have or have had a significant effect on the environment.

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

CONDITONS

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 28th November 2014 and the further information submitted by the Board on the 3rd February 2015 and relates only to works undertaken

prior to the decision of Donegal County Council to serve notice of the requirement to apply for substitute consent. It does not authorise any excavation which has taken place since that date, it does not authorise any future extension and does not relate to any other development on this site.

Reason: In the interest of clarity.

2. The developer shall arrange for the immediate removal of potentially pollutant material from the site, including any fuels, rubbish, chemicals and disused machinery within one month of the date of this order.

Reason: To reduce the visual impacts on the area and to reduce the potential for surface water pollution.

3. A comprehensive plan for the restoration of the entire quarry, including timelines, should be submitted to, and agreed in writing with the planning authority within three months of the date of this order. The following shall apply in relation to the design and implementation of the plan.

(a) Site restoration providing for the immediate re-vegetation of the site where suitable and

(b) The incorporation of landscaping and planting as indicated in Section 9.23 and 9.24 of the Remedial Environmental Impact Statement.

Reason: In the interest of visual amenity.

4. 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 security shall be agreed between the planning authority and the developer or in default of an agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory restoration of the site.

**Paul Caprani,
Senior Planning Inspector.**

25th May, 2015.

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