An Bord Pleanála

Inspector's Report

SU03.SU0127

Development: Quarry at Faheymore North, O'Briensbridge, County Clare.

Application for Substitute Consent under Section 177E

Planning Authority: Clare County Council

Applicant: Jim Bolton Sand and Gravel Limited

Submissions: HSE West

Observations: None

Date of site inspection:

Inspector: 9th July 2015

1.0 SITE LOCATION AND EXISTING OPERATIONS

1.1 This is an application for Substitute Consent under Section 261A (3) of the Planning and Development Act 2000. It is lodged on foot of a section 261A (2) (a) (i) determination and section 261A (3) (a) decision by An Bord Pleanála and the application is accompanied by a remedial Environmental Impact Statement (rEIS).

1.2 Substitute consent permission is being sought for a sand and gravel quarry which is located in the townland of Faheymore North, to the W of O'Briensbridge in South County Clare. The quarry site occupies a rural area, the site boundaries are defined by hedges and fencing, the lands slope up from SW to NE, and there are two streams located to the W and E. There is an existing disused quarry to the SW of the site (Tobins's Quarry) with a third quarry to the W (Roadstone Quarry). There are several dwellings house and farm buildings located within c.0.5km and vehicular access is via a third class road off the R344.

1.2 The landholding comprises three separate sites. These include the quarry site itself, agricultural fields to the SE which contain unworked aggregates, and a small triangular shaped area the SW at the junction of the R466 and the local road which is not used as a quarry. The quarry site comprises an overall area of c.15.38ha with an extraction area of c. 8.35ha. The substitute consent application relates to an extraction area of 7.4ha. The remaining of c.0.95ha, which was extracted after the Section 261A Notice was issued by the County Council and before An Bord Pleanála issued its determination on the review, does not form part of this application.

1.3 The quarry site comprises a worked out area to the NE and an active extraction area to the SW. The sand and gravels are processed and washed in the SW section, there is a large settlement pond located in the central SW section, and the office and staff facilities are housed in porta cabins to the SW to the N of the entrance.

1.4 The quarry has been extracted to depths of between 10m and 15m and the works extend to the N, W and E site boundaries. The works also appear to extend in a southerly direction beyond the large settlement pond and the SW site boundary with the adjacent disused and overgrown quarry which contains historic settlement ponds. The presence of substantial amounts of dried out sediments in the drain along the E side of the local road indicates that processing water from the quarry may have originally drained into this adjacent quarry.

1.5 The NE section which has been worked is becoming overgrown, it contains several small ponds and it is ready for re-instatement. The boundaries are defined by steep embankments which adjoin farmland to the N and E and the local road to the W. A small section of the embankment along the W site boundary with this road appears to have subsided. The two streams which flow parallel to the W and E site boundaries drain to another stream which flows along the R466 to towards the River Shannon SAC at O'Brien's Bridge c.3.5km to the E. The stream to the W is located outside of the site and it flows along the far side of the local road. The upper section of the stream to the E is located outside the site while the lower section is located inside the site, and it is thought to through the adjacent disused quarry to the S via an on-site culvert. The presence of flowing water in the NE section of the quarry suggests the stream to the E may be partially draining into the site.

1.6 Most of the remaining fields within the overall quarry site to the S have yet to be extracted although a substantial area adjacent to the S extraction area has been cleared of vegetation.

1.7 Quarry operations comprise topsoil striping, excavation of sand and gravel, and screening and washing. The quarry currently employs 4 people on a full and part time basis. The hours of operation at the quarry are 07.00-17.00 Monday to Friday and 07.00-13.00 Saturday and it closes for two weeks over Christmas.

2.0 SUBSTITUTE CONSENT APPLICATION

2.1 The development consists of the following works at the existing quarry which comprises a 7.4ha excavated area:

- Conveyor and crushing plant including:- power dry screener, washing plant, thickening plant and 2 crushers
- Separate VSI crusher plant for 50mm stone
- 2 x office cabins
- 1 x staff cabin with toilet, septic tank and percolation area
- 4 x housed generator units
- 2 x machinery cabins
- 3 x tool storage cabins
- 1 x housed fuel storage cabin

The application was accompanied by a Remedial Environmental Impact Statement (sEIS).

2.2 Remedial Environmental Impact Statement (sEIS)

2.2.1 The remedial Environmental Impact Statement (rEIS) was compiled with regard to S.177F of the Planning and Development Act, 2010 (as amended). The rEIS contains a description the receiving environment and survey methodology, an assessment of impacts, remedial and mitigation measures under the standard EIS headings. It deals with interactions and cumulative impacts, identifies technical difficulties, includes a restoration plan and contains a Non-technical summary.

3.0 SITE HISTORY

3.1 Pre 1964 and planning applications

3.1.1 The planning authority accepts that this quarry was in operation prior to 1964.

3.1.2 There is no record of any planning applications or permissions for this quarry site.

3.2 Enforcement

3.2.1 ***UD1171***: Warning Letter issues to James Bolton on 11th December 2002 with regard to unauthorised works being carried out at Fahymore, which does not have the benefit of planning permission. The quarry operator was required to cease all works and to restore the lands to a satisfactory condition. The response submission stated that Mr Bolton has quarried the site for c.20 years and is exempt from prosecution. The Council requested documentary evidence to support this claim.

3.2.2 A second Warning Letter was issued on 19th December 2006 in relation to the installation of a new washing plant and the construction of settlement ponds which should be removed. The response submission stated that Item no.1 of the FI request associated with the S.261 quarry registration application refers to the installation of a new washing plant and stated that washing and screening were now common place on quarries, and that the mobile plant in use since 1990 was replaced. Item 4 of the S.261 FI request refers to the settlement ponds as being an integral part of the operation as the 2 ponds formed an integral part of a fully enclosed water system which operated at the site.

3.3 Section 261 Registration

3.3.1 This is Substitute Consent application relates to a quarry which was registered by the County Council on 20th April 2007under S.261 as EUQY53.

Reg. Ref. EUQY53: James Bolton applied to Clare County Council on 20th April 2005 to register the site under section 261. The total site area was stated as 15.38ha. Registration granted subject to 13 conditions. Further correspondence was issued in March 2008 in relation to non-compliance with conditions no.11 and no.13.

3.4 Section 261A Determination

3.4.1 The site comprises a sand and gravel quarry that was registered under EUQY53 as summarised above the overall quarry was in the region c.15.38ha with an estimated extraction area of c.6ha.

3.4.2 The planning authority decided that section 261A 4(a) applied with regard to the planning history of the site which indicated that the quarry commenced operation on or after the 1st day of October 1964 and that no permission was granted in respect of the quarry under the Planning and Development Acts.

3.4.3 Following a review under ***QV0323*** the Board decided to confirm the decision of the Planning Authority on the basis of the information submitted which confirmed that quarrying activity has occurred on these lands before the by the 1st day of October 1964 and that the requirements in relation to registration under S.261 of the Planning and Development Act, 2000 as amended were fulfilled. The Board determined that development was carried out after the 1st day of February 1990 which would have required, having regard to the Environmental Impact Directive and Environmental Impact Assessment but that such a determination was not carried out or made.

4.0 PLANNING POLICY CONTEXT

4.1 Quarries and Ancillary Activities Guidelines for Planning Authorities, DoECLG 2004.

4.1.1 This document provides guidance to planning authorities on determining applications for planning permission for quarrying and ancillary activities.

4.1.2 It notes the economic importance of aggregates and that there will be a sustained level of demand in support of infrastructure provision. They can only be worked where they occur and pits and quarries tend to be located within 25km of urban areas where construction occurs. The document also provides advice in relation to environmental protection, visual impacts and residential amenity.

4.2 Clare County Development Plan 2011-2017

Section 13.10 Objective: Minerals, Mining and Quarrying

(a) To promote the extraction of minerals and aggregates where such activities do not have a significant negative impact on the environment, landscape, or residential amenities of neighbouring settlements and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities;

(b) To map aggregate resources during the lifetime of the Plan in order to positively plan for the extractive industry at appropriate locations.

Landscape character and scenic routes:

The site is located within the Slieve Bearnagh Uplands Landscape Character Area and within a settled landscape and a c.9km section of the R466 to the S of the site has been designated as a scenic route.

Objective 16.2: seeks to sustain and enhance quality of life and residential amenity and to promote economic activity within settled landscapes.

Objective 16.6: seeks to:

- Protect sensitive areas from inappropriate development.
- Ensure that proposed developments take into consideration their effects on views from the public road towards scenic features and are designed to minimise their impact.
- Ensure that appropriate standards of location, siting, design, finishing and landscaping are achieved.

4.3 East Clare Local Area Plan 2011-2017

4.3.1 No relevant provisions in this LAP.

5.0 SUBMISSIONS

5.1 The Planning Authority assessment

The main concerns of the Planning Authority are summarised below:

5.1.1 ***Context:***

- Approximately 6ha of the site has been extracted, this excludes a small field located to the SW which contains settlement ponds associated with the quarry, there are further reserves available for extraction within the remaining 9.3ha, and the extraction rate is c.200, 000 to 250,000 tonnes per annum.

- There are two areas of the site where sediment has accumulated, these were submitted as settlement ponds at S.261 registration although no discharges to these areas were observed.

- There are two pond areas on the site, the smaller does not receive any active discharge and the larger is a constructed lagoon which received pumped water from the processing area of the quarry.

- A stream which flows from N to S has been diverted via an excavation channel to the E of the larger settlement area, the discharge from the settlement pond and the stream meet at the S-most point of the site and flow out from the site, and there is no Discharge Licence.

- There are further settlement ponds located to the S of the site in a separate field which adjoins the public road and the nearby river, and another quarry (EUQY181) is located between the site and the settlement ponds.

- Not all of the water from the processing area is properly channelled to the settlement ponds, water from the washing plant and processing area flows out the main gate and into a shallow drain that runs along the access lane to the quarry.

5.1.2 ***Anticipated significant impacts may include the following:***

- Potential run off with high suspended solids, the Black River is located adjacent to the site and it drains to the Lower Shannon River SAC c.5km downstream, which has Good Ecological Status.

- Potential for run off containing high suspended solids giving rise to give rise ground and surface water pollution which could be exacerbated by sand and gravel washing.

- The site is located adjacent to 2 other quarries (Roadstone and Tobins) which could give rise to significant cumulative effects in relation to load movement, traffic hazards and run off with in the same surface and ground water catchment.

5.1.3 ***Remedial measures recommended or undertaken***

- The PA is not aware of any remedial measures undertaken.

- Remedial measure should take into consideration the expansion of the extraction activity and ancillary activities which could impact on the environment and European sites.

5.1.4 ***Recommendation and conditions***

The application for substitute consent should be approved subject to a number of conditions related to:

- Bunding to be provided around all fuels storage tanks and refuelling sites to protect surface and ground water from pollution.

- Dust control measures and dust monitoring points to be put in place to prevent pollution and protect residential amenity.

- Noise levels should be set to protect residential amenity.

- Consider applying a maximum limit on the volume of material to be extracted and processed on site per on annum so as to equal the capacity of the settlement ponds and sediment traps.

- Preparation of a rehabilitation plan for when the quarry is decommissioned in the interest of public safety and visual amenity.

- Attach a Bond to ensure satisfactory completion of the works.

- Control of weekday operating times to between 7am and 6pm with no works on Saturday pm an all day Sunday.

- Attach water management conditions to prevent water pollution.

- The drainage management plan should provide for the monitoring of ground and surface water quality, levels and discharges on the site.

- A wheel wash facility should be provided.

- No blasting.

- Groundwater monitoring should be carried out to prevent the pollution of surface and ground water.

5.2 Prescribed bodies

5.2.1 The application was circulated for comments under the provisions of Section 131 of the Act. The following prescribed bodies were included:

- Department of Arts, Heritage and the Gaeltacht
- The Department of Communication, Energy and Natural Resources
- Health Services Executive
- The Heritage Council
- An Chomhairle Ealaion
- Inland Fisheries Ireland
- Irish Water
- Fáilte Ireland
- An Taisce

5.2.2 The ***Health Services Executive*** stated the following:

General:

- The site is well screened, there are surface water drainage features at the entrance, noise at the boundary was not intrusive with no obvious tonal or impulsive sound or excessive dust depositions.

- Adequate description of the existing development in the rEIS, the Non-Technical Summary is accessible and alternatives cannot be considered as the development already exists.

Ground and surface water:

- Details in relation to hydrological impacts, the absence of groundwater contamination and the absence of an identified percolation area for the septic tank are noted (Ch.7 & 8 of rEIS).

- The following conditions are recommended:

    - The construction of a new percolation area.
    - The construction of the dedicated concrete bunded areas for fuel storage and refuelling activities.
    - Any drinking water on site should be sampled to ensure that it meets with statutory requirements and measures should be put in place to ensure that it does.

- The cultivated drainage ditches around the entrance were running freely and clear of excessive silting, and there was no evidence of hydrocarbon contamination of surface water.

Air Quality:

- The total environmental loading of PM10s and dust deposits are below generally accepted standards for industrial activity and the EHS has no record of complaints being received (Ch.10 of rEIS).

Noise and vibration:

- High degree of natural acoustic barriers around the site were noted, there is no record of complaints, noise at the boundaries did not seem intrusive, tonal or impulsive (Ch.11 of rEIS).

- Site activities increase noise levels within the range of up to 10dB (A) which is acceptable during operational hours.

- The hours of operation should be specified.

6.0 RESPONSE SUBMISSIONS

6.1 HRA Planning submitted a response to the concerns raised by the County Council on behalf of Jim Bolton Sand and Gravel Limited which are summarised below:

Site area: The excavated area is 7.4ha with 8ha of future reserves remaining, c.0.95ha of which has already been extracted whilst awaiting the ABP review determination (Section 2.4 of rEIS).

- ***Extraction rate***: Gate receipts suggest that the extraction rate is substantially less that that stated by the PA and more in the region of 112,500 tonnes per annum (Section 2.2 of rEIS).

- ***Settlement ponds and surface water:***

    - The PA's reference to 2 settlement ponds on the S side of the quarry is inaccurate.

    - Settlement ponds were initially constructed S of the operating quarry but became extant over time as silt accumulated and have become re-vegetated (Section 8.5 of rEIS).

    - New replacement settlement ponds were constructed on the S side of the quarry to which water from the processing area of the quarry is piped, these ponds facilitate the settlement of inert solids and then the clean water is pumped back to the extraction area for used in sand and gravel washing.

    - There is no discharge from the settlement ponds and no discharge licence is required.

    - Surface water flows to the settlement ponds and filtrates to the ground, surface water from a small part of the quarry along the S boundary drains to the adjacent disused quarry.

    - Surface water in the W section flows out the quarry entrance during heavy rainfall to a channel on the left hand side of the access road to a storm water drain near the entrance to the disused quarry, from here it enters a lagoon where the water either evaporates or percolates to groundwater, and the field is owned by the quarry operator.

    - There is no evidence that surface water runoff from the quarry enters the Bridgetown River directly.

    - The small stream through the site drains to a relatively small catchment (51ha) to the N, as the quarry works progressed to the E, it was decided to culvert this stream along its original route via a pipe through the site but not divert it.

- ***Cumulative impacts:*** Tobin's quarry has not operated since 2003 and the County Council requested the cessation of all works on site, and the Roadstone quarry has not been extracted for several years.

- ***Suggested conditions:*** Condition no.6 relates to a Bond however there is already a Bond of E110, 000 in place following the S.261 registration and this should be maintained by way of condition.

7.0 ASSESSMENT

7.1 The main issues arising from this application of substitute consent are set out below:

- Compliance with planning policy
- Environmental impacts
- Other issues
- Conditions

8.1 Compliance with planning policy

The site is located in an un-zoned rural area outside of any established settlement and the use of the lands for quarrying is compatible with national and local planning policy as set out in the 2004 Quarry Guidelines and the current County Clare Development Plan for the area, and in particular the policies and objectives which deal with the extractive industry.

8.2 Environmental Impacts

8.2.1 The Remedial Environmental Impact Statement

The applicant submitted a remedial Environmental Impact Statement (rEIS) which describes the receiving environment, identifies potential impacts and assesses the likely significant impacts potential on the standard range of environmental components usually contained in a conventional Environmental Impact Statement (EIS). The rEIS describes the existing mitigation measures at the quarry, it proposes new measures and assesses residual and cumulative impacts. Most sections conclude with survey results, data analysis and maps, and the rEIS were accompanied by a non-technical summary.

8.2.2 Remedial Environmental Impact Assessment

The remedial environmental impact assessment is set out in the following sections.

8.2.1 Human beings

rEIS: Section 4.0 of the rEIS deals with the impact of the quarry on human beings. It describes the growth in demand for sand and gravel and population growth in the area. It concludes that the works have had

no direct impact on the demographics of the area and that the quarry has had a positive impact on the local economy in terms of employment. Potential adverse impacts on amenity are dealt with under the relevant headings.

rEIA: The site boundaries are defined by a mix of hedges, embankments and fencing, and vehicular access to the quarry is via a gated entrance located along the SW site boundary with the local road. The Planning Authority requested that conditions be attached to address concerns related to the control of dust and noise; quarry rehabilitation; hours of operation and prohibition on blasting. The site boundaries should also be robust and secure enough to prevent trespass by humans and farm stock. Such conditions would further mitigate any adverse impacts on human beings.

- No residual impacts are anticipated following the implementation of mitigation measures and planning conditions.

8.2.2 Flora and fauna

rEIS: Section 5.0 of the rEIS deals with the impact of the quarry on flora and fauna in the quarry and the surrounding area, which is mainly characterised by agricultural land of no inherent ecological interest. It describes the presence of a small colony of sand martin in the quarry which is unusual for County Clare. It does not identify any adverse ecological impacts. It states that sediments are trapped to prevent entry to watercourses with no impacts on the Lower River Shannon SAC to the E and there is no direct link to the Glenomera Wood SAC to the W. It concludes that future restoration will contribute to biodiversity.

rEIA: The quarry contains a colony of nesting sand martins. The adjacent disused quarry to the S has become overgrown, the stream to the W and a waterlogged area to the SW are ecologically diverse, and the surrounding agricultural grazing land is defined by mature hedgerows. There is good mix of habitats, flora and fauna in the area and the adjacent habitats have not been adversely affected by quarry activities to any significant extent. The reinstatement proposals for the worked out N section of the quarry will enhance ecological quality. However it is possible that flora and fauna may have taken up occupancy of the site prior to implementation of the restoration plan and a planning condition should be attached to ensure that additional ecological surveys are undertaken.

- No residual impacts are anticipated following the implementation of planning conditions.

8.2.3 Geology and soils

rEIS: Section 6 of the rEIS deals with the impact of the quarry on geology and soils within the quarry and the surrounding area. The topography of the site varies between 61.5m OD and 89.75mOD, the underlying bedrock belongs to the Devonian Old Red Sandstone formation, depth to bedrock is unknown but is thought to be between 15m to 26m, and the subsoil comprises glacial fluvial sandstone sands and gravels, and the bedrock aquifer is classified as locally important. There are no karst features in the area and the quarry does not contain any sites of geological interest. The works involve the removal and washing of sand and gravel deposits along with abstraction.

The rEIS states that potential impacts related to removal of overburden could increase the risk of surface water runoff (containing suspended sediments) to local streams and groundwater aquifers, and groundwater contamination from fuel spills. It states that the mitigation measures (settlement lagoon, extraction above the watertable, stream culverts and spill kits) have ensured that there have been no significant alterations to the local and regional geological environment as a result of the works. Proposed mitigation measures relate to bunded fuel storage areas and a wheel wash facility. Potential adverse impacts on hydrology and hydrogeology are dealt with in rEIS section 7.

rEIA: The removal of soil and overburden and the loss of sand and gravel deposits are an inevitable consequence of quarrying. No sites of geological interest have been or will be affected. The on-site settlement lagoon for the management of processing water and surface water run-off currently seeks to prevent groundwater contamination and the stream culvert to the SE seeks to prevent surface water contamination. The proposed mitigation measures which include bunded fuel storage area, adherence to best re-fuelling and spillage prevention practices, and the use of pollution spill kits will further minimise the adverse impacts soils and geology.

The Planning Authority raised concerns in relation to the need to protect surface and ground water from pollution, the application of an annual maximum limit on the volume of material to be extracted and processed on site so as to equal the capacity of the settlement ponds and sediment traps, the preparation of a rehabilitation plan in the interest of public safety and visual amenity, and ongoing monitoring.

The Planning Authorities concerns in relation to soils and geology could be addressed by way of planning conditions and the rEIS mitigation measures.

- No residual impacts are anticipated following the implementation of mitigation measures and planning conditions.

8.2.4 Hydrogeology and hydrology

rEIS: Sections 7 and 8 of the rEIS deal with the impact of the quarry on hydrogeology within the quarry and the surrounding area. It states that the quarry is underlain be a Locally Important Aquifer which is Moderately Productive only in Local Zones. The watercourses that flow along the NE and SE site boundaries to the site entrance are tributaries of the Black River which drains to the River Shannon c.3km to the E, while the large settlement pond in the SW section discharges to ground. All rainfall either discharges to ground or becomes surface water run-off to the settlement pond. Water quality status is poor upstream and good downstream of the quarry, and there are no known surface water abstractions in either direction. There are 2 groundwater abstraction wells on site which provide c.175m_3/day for quarry activities, the wells have a small cone of depression and monitoring indicates that water is uncontaminated. Domestic effluent is treated by an on-site WWTS and a new percolation area is proposed.

Impacts that may have occurred as result of quarrying include: - surface water run-off; leaks and spills to groundwater from vehicles; and small size particles can give rise to sediment laden waters which enter watercourses and harm fisheries. Monitoring results indicate that there has been no significant impact on local or regional water resources; there is no record of fuel spillages; and groundwater abstraction levels are insignificant.

Existing mitigation measures to protect surface and ground water include:- direction of water to the settlement pond and discharge to ground; spill kits to deal with spills and leaks (propose to install a bunded area for fuel storage); excess rainwater percolates to ground although historic uncontrolled discharges flowed from the site along the drain to the SW and into the adjacent quarry however all discharges now flow to the sediment pond with no recorded impacts on the Black River; the surface water drain that traverse the S section of the site was culverted to protect the this river; the lowest extraction level is c.5m above the water table.

rEIA: Quarry activities have resulted in the extraction of substantial amounts of sand and gravel which has given rise to surface water run-off from rainfall and water flowing into the quarry from higher ground to the N, and sediment laden run-off from processing activities. There are several ponds on the quarry floor including the large settlement pond in the SW section. Most of the small ponds in the N section appear to have been formed by water flowing into the quarry although some have pipes draining in to them. There are 2 ground water abstraction points.

The Planning Authority has raised several concerns in relation to water management on the site. The authority states that not all of the water from the processing area is properly channelled to the settlement ponds, water from the washing plant and processing area flows out the main gate and into a shallow drain that runs along the access lane to the quarry, and that a Discharge Licence may be required. The application for substitute consent should be approved subject to a number of conditions related to: - restrictions on the volume of material to be extracted and processed so as to equal the capacity of the settlement ponds and sediment traps; water management measure to prevent pollution; the preparation of a drainage management plan; and ground and surface water monitoring.

The HSE noted the absence of groundwater contamination and raised concerns about the absence of an identified percolation area for the septic tank. This agency recommended the construction of a new percolation area, dedicated concrete bunded areas for fuel storage and refuelling activities and the sampling of drinking water. The agency also noted that the drainage ditches around the entrance were running freely and were clear of excessive silting, and that there was no evidence of hydrocarbon contamination of surface water.

The two watercourses to the W and E of the quarry drain to the Black River to the S. The W watercourse, which flows on the opposite side of the road, is not linked to the quarry. The course of the E watercourse is less obvious. It appears to flow parallel to the E site boundary and according to historic mapping and the rEIS it traverses the S section of the quarry and exits the site in the vicinity of the quarry entrance. However the application drawings indicate that it continues to flow in the southerly direction via a piped culvert through the adjacent disused quarry along an unknown course to the Black River. The bed of the roadside drain that runs from the quarry entrance along the quarry side of the local road to the entrance to the adjacent disused quarry to the S is covered with dried out sediments and this was the historic route

taken by quarry run-off prior to the construction of the large settlement pond in the SW section.

The existing mitigation measures appear to manage surface water run-off and discharge to ground reasonably well. However the settlement pond and on-site site drainage arrangements should also have the capacity to deal with heavy rainfall events, given that the past extraction of aggregates has given rise to an environment that does not readily absorb rainfall that falls on the site or flows into the site from the surrounding area. The discharge of surface water to the roadside drain should not be permitted and any discharge to a watercourse should be subject to a Discharge Licence. These issues could be addressed by way of a planning condition.

- No residual impacts are anticipated following the implementation of mitigation measures and planning conditions.

8.2.5 Climate and greenhouse gas emissions

rEIS: Section 9 of the rEIS deals with the impact of the quarry on climate and concludes that the works make an imperceptible contribution to Ireland's greenhouse gas emissions.

rEIA: Quarry operations are unlikely to rise to greenhouse gas emissions although quarry related vehicles and plant equipment may give rise to CO_2 and N_2O emissions. No mitigation measures are proposed or required.

- No residual impacts are anticipated.

8.2.6 Air quality

rEIS: Section 10 of the rEIS deals with the impact of the quarry on air quality in the surrounding area. It states that dust generating activities include empty truck movements, extraction, stockpiling, loading, full truck movements, screening, crushing, and wind erosion of stockpiles. It states that dust deposition levels are mainly confined to the quarry and the immediate environs, levels are generally below National and EU standards and the on-site Washer increases the moisture content of the extracted material. It concludes that the quarry has had a negligible impact on air quality that no mitigation measures are required or proposed and that mitigation measures in terms of retrospective air quality issues is not possible.

rEIA: Quarry operations have given rise the emission of dust particles dust as a result of sand and gravel extraction and processing, stockpiling and movement. The Planning Authority recommended that dust control measures and dust monitoring points to be put in place to prevent pollution and protect residential amenity. Dust deposition in the surrounding area from past quarry operations had not been a noticeable problem and it has no given rise to any significant adverse impacts that could be retrospectively mitigated for.

- No residual impacts.

8.2.7 Noise and vibration

rEIS: Section 11 of the rEIS deals with the impact of noise and vibration from quarry activities on the surrounding area. It states that noise surveys at the nearest noise sensitive locations indicated that operational activities were audible at low levels at properties to the N and inaudible beyond the S site boundary. It indicated that noise from plant and equipment was below the recommended levels at the nearest properties due to the separation distance and the screening provided by the intervening topography. It also indicated that noise from haulage vehicles was minor. It concluded that historic noise levels would have been below the lower adopted daytime noise criterion, that mitigation measures over and above those included as part of the site layout would not have been required, and that that mitigation measures in terms of retrospective noise issues is not possible.

rEIA: Quarry activities have given rise to noise and vibration as a result of extraction, processing and movement although it is noted that no blasting take place. The quarry is located within an undulating rural area with a low population density, and the site boundaries are mainly defined by steep embankments which serve as natural acoustic barriers. The survey results indicate that noise levels are low at the nearest noise sensitive locations. The Planning Authority requested that noise levels should be set to protect residential amenity. The HSE noted that high degree of natural acoustic barriers around the site, that there is no record of complaints from neighbours, and that noise at the boundaries did not seem intrusive, tonal or impulsive. Noise emissions in the surrounding area from past quarry operations had not been a noticeable problem and it has no given rise to any significant adverse impacts that could be retrospectively mitigated for.

- No residual impacts are anticipated.

8.2.8 Landscape and visual impact

rEIS: Section 12 of the rEIS deals with the visual impact of the quarry on the landscape it undertook a visual assessment of the site from 9 viewpoints in the surrounding area. It states that the quarry is located within the Slieve Bearnagh Uplands Landscape Character Area, there is a designated Heritage Landscape c.4km to the NE and a 9km stretch of the R466 to the S is a designated scenic route. It concludes that the study area is of medium sensitivity to the quarry works because of the existing industrial activities on the site, that the quarry had an impact on the visual and landscape character of the area, that the site is mainly concealed from public view, and that the impacts are not significant with little impact on the designated Scenic Route and Heritage Landscape. Visual impacts have been mitigated by the provision of a landscape berm along the N site boundary and will be mitigated by a restoration plan which includes plant decommissioning; re-grading slopes; levelling of spoil heaps; and reinstatement of to grassland.

rEIA: The quarry works comprise the extraction of sand and gravel which has had an inevitable impact on the landscape. The quarry is located within an undulating glacial landscape and the site generally slopes down from NE to SW, the site boundaries are mainly defined by embankments and mature hedgerows, and views into the site are mainly obscured by natural features and the topography of the area. The works have had no significant impact on the designated Scenic Route to the S or the Heritage Landscape to the NE. Any localised visual impacts will be addressed by the proposed restoration plan, full details of which should be required by way of a planning condition.

- No residual impacts are anticipated following the implementation of mitigation measures and planning conditions.

8.2.9 Material assets

rEIS: Section 13 of the rEIS deals with the impact of the quarry on material assets. It states that the quarry is located on unzoned land that is well removed from the settlement of Bridgetown and neighbouring uses comprise residential and agricultural. Several residential planning permissions have been granted in the vicinity which indicates that the quarry has had no adverse effect on the attractiveness of the area.

rEIA: Quarry operations have not had any significant adverse negative impacts on material assets in the surrounding area and none are

predicted and the proposed restoration plan will mitigate any adverse visual impacts in the long term.

- No residual impacts are anticipated.

8.2.10 Traffic and transport

rEIS: Section 14 of the rEIS deals with the traffic impacts of the quarry on the surrounding area and local road network. It states that the quarry is located along a local road which links to the R466 c.3.5km NW of O'Brensbridge, that the quarry generates 10HGV and 4 car trips to and from the site per day, with no adverse impact on the surrounding road network although some modifications at the junction of the local road and the R466 would improve visibility. It concluded that although HGV trips increased to c.15 per day during peak operations in 2006-2009, the road network had sufficient capacity with no significant adverse impacts.

rEIA: Vehicular access to the quarry is off the R466 via a local road, visibility at the junction is adequate in either direction, the R466 is not heavily trafficked and it has sufficient capacity to carry previous and current quarry related traffic.

- No residual impacts are anticipated.

8.2.11 Archaeology and Cultural heritage

rEIS: Section 15 of the rEIS deals with the impact of the quarry on archaeology and cultural heritage. It states that there are no recorded monuments, sites of archaeological interest or protected structures within the site although there are several archaeological features in the surrounding area. It states that quarrying could have had a negative impact on un-recorded subsurface features and that there is potential for adverse impacts on the green field areas of the site. It concludes that no specific mitigation measures are required or proposed and that mitigation in terms of retrospective impacts on archaeology and cultural heritage are not possible as excavation has occurred.

rEIA: Quarry operations have resulted in the inevitable removal of substantial amounts of sand and gravel from the site and the works have not had any known adverse impacts on archaeology and cultural heritage in the area. However it is possible that archaeological material could be discovered during the restoration phase and a planning

condition should be attached to ensure the adequate management of these works to ensure the preservation of any artefacts.

- No residual impacts are anticipated as extraction has already occurred.

8.2.12 Interactions and cumulative impacts

rEIS: Section 16 of the rEIS deals with interactions and cumulative impacts. Table 16.1 summarises the potential interactions which mainly relate to the operational stage and include interactions between: - human beings and material assets with most of the other categories; hydrology and hydrogeology with soils, geology and emissions to water; and landscape with soils, geology and archaeology. It states that the overall cumulative impacts relate to slight increases in economic activity, traffic generation, landscape character, dust levels and noise levels slightly.

rEIA: Quarrying can give rise to inevitable and unavoidable impacts on the environment and many of these impacts interact with each other. The main area of concern relates to the effects of the extraction and processing works on hydrology and hydrogeology and the interaction with soils and geology and surface water processes, and on the landscape. The proposed mitigation measures and suggested conditions related to the management of surface water, processing water and on-site drainage, and site restoration, should ensure that adverse impacts are not significant. It is noted that the rEIS does not assess the cumulative impacts of the quarry in-combination with other plans and projects in the area including the large Roadstone quarry to the NW of the site.

- No residual impacts are anticipated following the implementation of mitigation measures and planning conditions.

8.3 Other issues

Quarrying activity has taken place outside on the Substitute Consent application site boundaries to the S and SE of the site and to the S of the settlement pond in the SW section of the quarry. The submitted drawings do no show the exact location of the settlement pond in the SW section of the quarry or the location of any of the other ponds on the overall quarry floor. The applicant requested the Board not to attach a Bond condition as a Bond is already in place as per Condition no.6 of the Section 261 registration.

8.4 Conditions

8.4.1 The Planning Authority recommended that this application for substitute consent should be approved subject to a number of conditions related to bunding around fuels storage areas; dust and noise controls; limits on extraction volumes to equal the capacity of the settlement ponds and sediment traps; the preparation of a rehabilitation plan; the attachment of a Bond to ensure satisfactory completion of the works; operational hours; water management conditions; a drainage management plan to provide for the monitoring of ground and surface water quality; the provision of a wheel wash facility; and a prohibition on blasting. The details are summarised in section 5.1.4 above. The HSE recommended the attachment of a condition related to operational hours and the details are set out in section 5.2.2 above.

8.4.2 The application for substitute consent only relates to works that have already been undertaken and not to any future works which would require planning permission. Conditions can only relate to past works that may have had an adverse impact on the environment that still require mitigation or remediation, where this is still possible.

9.0 CONCLUSIONS AND RECOMMENDATIONS

Based on the above assessment, I am satisfied that the quarry has not given rise to significant adverse effects on the environment, subject to the continued implementation and management of the existing mitigation measures. I am also satisfied that any ongoing impacts as a result of the past works are limited in terms of scale and significance, subject to compliance with the proposed mitigation measures. I therefore recommend that the application for substitute consent be granted for the following reasons and considerations and subject to conditions set out below.

REASONS AND CONSIDERATIONS

Having regard to:

- The provisions of the Planning and Development Acts, 2000 to 2014 and in particular Part XA,
- The Government's guidelines and supplementary guidelines on Section 261A of the Planning and Development Act 2000 and related provisions,

- The provisions of the Clare County Development Plan, 2011-2017,
- The remedial Environmental Impact Statement submitted with the application for substitute consent,
- The report and opinion of the planning authority under section 177I,
- The submissions on file,
- The pattern of development in the area,
- The nature and scale of the development the subject of this application for substitute consent, and
- The mitigation measures which are in place and the further remedial measures proposed,

it is considered that, subject to compliance with the conditions set out below, the development would not be likely to have had/or to have a significant effect on the environment and 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 on the 04th day of December 2014 and the further information received by the Board on the 22nd day of December 2014, and relates only to works undertaken prior to the decision of Clare County Council to serve notice on the 22nd day of August 2012 of the requirement to apply for substitute consent. It does not authorise any excavation which has taken place since that date and does not authorise any future excavation.

   Reason: In the interest of clarity.

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

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

3. A detailed restoration scheme for the site according to the broad principles indicated on drawing Drawing No. 144-168-015 Rev: PL1 Restoration Plan shall be submitted to the planning authority for written agreement within three months of the date of this order. The following shall apply in relation to the design and timing of the restoration plan:

(a) The site restoration shall provide for the immediate re-vegetation of the site where suitable and/or the provision of features to control sediments which could result in surface water pollution.

(b) Any new settlement pond/s shall have sufficient capacity to cater for extreme rainfall events and management measures relating to release of stored water shall be described. There shall be no discharge of surface water to any roadside drains or watercourses.

(c) Prior to commencement of restoration works, a further survey of the site by an ecologist shall take place to establish species of ecological value, including flora and fauna, which may recently have taken up occupancy on the site. The restoration plan shall have regard to the results of this survey.

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

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

4. The settlement pond located in the SW section of the site shall have sufficient capacity to cater for extreme rainfall events and management measures relating to release of stored water shall be provided. There shall be no discharge of quarry water to any roadside drains or adjacent watercourses in the absence of a Discharge Licence.

Reason: In order to protect ground and surface water from contamination and pollution.

5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including site restoration) relating to the proposed development,
(b) employ a suitably-qualified archaeologist who shall monitor all excavation works, and
(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site during the site restoration phase and to secure the preservation and protection of any remains that may exist within the site.

6. Within three months of the date of this order, the developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

7. 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 such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. 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 the Board for determination.

Reason: To ensure the satisfactory restoration of the site in the interest of visual amenity.

Karla Mc Bride
Senior Planning Inspector
17th July 2015