



An
Bord
Pleanála

Inspector's Report SU05E.SU0138

DEVELOPMENT:	Quarry
Location	Gortletragh, Stranorlar, Lifford, Co. Donegal.
Planning Authority	Donegal County Council
Applicant(s)	Patton Bros. Quarry Limited
Type of Appeal	Application for Substitute Consent under Section 177E
Observer(s)	None
Date of Site Inspection	24/01/2018
Inspector	Gillian Kane

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1.0 Introduction

- 1.1.1. The application is for substitute consent in accordance with S.177E2(a) of the Planning and Development Act 2000 as amended. It is submitted on foot of the Board determination under PL05E.QV0012, in accordance with section 261A(2)(a)(i) of the Planning and Development Act 2000- 2016, that development was carried out on the subject site after the 1st day of February, 1990, which would have required an environmental impact that such an assessment was not carried out or made.

2.0 Site Location and Description

- 2.1.1. The subject quarry is located on the northern side of the local country road L2714, which runs north-east from the town of Stranorlar in northern Donegal. The narrow, winding rural road serves a number of one-off houses in this upland area of Gortlettragh. To the south, east and west of the quarried land is low lying, open agricultural land. North of the quarry is a commercial forest. An open watercourse runs westwards from the western boundary of the quarry.
- 2.1.2. The operational quarry is accessed via a splayed and recessed vehicular entrance which is gated and signposted. Two commercial freight containers are used as site offices, in front of a weigh bridge. The site houses a significant number of vehicles (cars, trucks, tractors, lorries) and machinery (quarry equipment for breaking, crushing and grading and other) both end-of-life and in use.
- 2.1.3. A track leading from the entrance area runs along the western boundary and leads to the forested lands, a flat area with agricultural sheds and also to the higher grounds of the quarry face at the northern end. A series of blasting holes could be seen along the northern boundary. At various points around the quarry floor, mounds of stone, rock etc. lay.
- 2.1.4. The quarry face along the upper western boundary, all along the northern boundary and along the eastern boundary extends in height from 4m to 10m. The topography of the quarry lands varies in height from 95M OD at the quarry floor to approx. 130mOD at the northern boundary of the site.

3.0 Existing Operations

- 3.1.1. The rEIS submitted to the Board in August 2018 states that the extraction area is 2.52ha with an area of top-soil removal of 1.62ha on a total site area of 8.35ha.
- 3.1.2. The remedial EIAR submitted to the Board in December 2019 states that the application consists of historical quarrying activity associated with an extraction area of 2.52ha and an area of topsoil removal of 1.62ha, on a total site area of 8.35ha. The area relevant to the substitute consent application is that area extracted from the period 1 February 1990 to June 2015, namely 2.52ha.
- 3.1.3. The rEIAR states that the quarry consists of an extraction area within which rock is extracted. The quarry floor accommodates a processing area where the extracted material is processed into saleable aggregate. Two settlement ponds on the western boundary collect surface water which is then discharged offsite under licence. Extraction is by blasting followed by mechanical excavators. Mobile crushing and screening process the material into aggregate sized which are then stockpiled on the quarry deck. Removed overburden was used for landscaping and berm construction. All run-off is piped to the settlement pond system before discharge off-site to the Mullaghagarry stream, a tributary of the River Finn. Staff facilities and the site office are served by a septic tank system, permitted by Planning Authority reg. ref. 05/60249.
- 3.1.4. The rEIAR provides details of the structures on site, the plant on site, that no fuel is stored on site, the operating hours and that three full-time and three part-time staff are employed by the quarry. Details of waste management and disposal are presented (chapter 3 refers).

4.0 Substitute Consent Application

- 4.1.1. The application for substitute consent received by the Board on the 15th August, 2017 included a completed application form, a remedial EIS and associated drawings.
- 4.1.2. The applicant was advised by letter from the Board dated 16th May 2018 that as the application was received after the EIA Directive 2014/52/EU came into effect, that the application must comply with the requirements of the directive. The applicant was also advised that the details of total site area, quarry excavated area and topsoil

removed area for which the application for substitute consent is required should correspond to those areas of the decision of the Board to grant leave to apply for substitute consent LS05.LS0027, namely an extraction area of 2.52ha and an area of topsoil removal of 1.62ha.

4.1.3. On the 8th August 2018, the applicant responded to the s132 notice of the Board and submitted a Remedial Environmental Impact Assessment and a Safety Statement.

4.1.4. On the 6th June 2019, the Board advised the applicant that further information was required for the purposes of enabling it to determine the application. The applicant was requested to submit the following:

- 1 That the remedial Environmental Impact Statement be modified so as to comply with the requirements of Article 3(1) of Directive 2014/52/EU which requires that an EIAR should include chapters on, (in addition to those required under the previous Directive 2011/92/EU):

‘Population and Human Health’ – replacing the chapter on Human Beings,

‘Biodiversity’, replacing the former chapter on Flora and Fauna,

Land alongside soil, water, air and climate

The expected effects deriving from the vulnerability of the project to risks of major accidents and / or disasters.

(b) The developer is advised that Article 5(3) requires that to ensure the completeness and quality of the Environmental Impact Assessment Report, they shall ensure that the Environmental Impact Assessment Report is prepared by competent experts. Such experts to be clearly identified by reference to relevant topics / chapters

(c) The developer is requested to submit such additional information as necessary to allow the Board to arrive at a reasoned conclusion on the significant effects of the project on the environment.

- 2 The applicant is advised that a remedial Environmental Impact Assessment Report must contain a statement of the significant effects on the environment which have occurred or which are occurring, which can reasonably be expected to occur because the development the subject of the application for substitute

consent was carried out and provide details of any appropriate remedial measures undertaken or proposed to be undertaken to remedy any significant adverse effects on the environment or the period within which those measures shall be carried out.

- 3 The applicant is advised that it is not appropriate to refer to proposed future quarrying works in an application for substitute consent. Any proposed continuation or extension of the quarry must be subject to a separate consent process – an application for permission to the Planning Authority after the substitute consent process has been resolved.

4.1.5. On the 9th December 2019, the applicant submitted a remedial Environmental Impact Assessment Report. Section 4.3 and 4.4 of the rEIAR outlines a comprehensive history of the evolution of the site, chronologically and in planning history terms. The report states that the area relevant to the substitute consent application is that area extracted from the period 1 February 1990 to June 2015, namely 2.52ha. Section 4.4.5 and table 4.2 presents a summary of the areas relating to substitute consent, resulting in the extraction area of 2.52ha and a topsoil removal area of 1.62ha relating to substitute consent.

5.0 Site History

5.1.1. Planning Authority reg. ref. **99/2647**: Planning permission was granted for the re-opening of a disused quarry and extraction of materials on land subject to 13 no. conditions. The following conditions are of note:

1. life of permission is for three years from date of Managers Order (02/12/99)
2. area of excavation limited to drawings submitted to Planning Authority
3. entrance to be 6m with vision lines of 68m
6. surface water to be discharged to settling ponds prior to discharge to stream along eastern boundary

5.1.2. Planning Authority reg. ref. **05/60249**: Planning permission was granted for the retention of continuation of works to include the extraction of stone, including blasting, crushing, washing and ancillary site works, retention of site office and canteen and construction of a septic tank. Conditions number 1 states that the life of permission is for three years from date of Managers Order (16/01/06)

- 5.1.3. Planning Authority reg. ref **07/60597**: Planning permission was sought for the erection of plant for the manufacture of ready mix concrete, storage silo, water storage, aggregate storage, settlement ponds and all associated site works. Permission was refused on the grounds that conditions of the previous application had not been complied with.
- 5.1.4. Planning Authority reg. ref. **09/60062**: Planning permission was granted for the retention of a quarry including weighbridge, wheelwash, settlement lagoons, site office, canteen and all associated works, permission for continuation of processing of extracted materials from within the retention area and from new area, permission for extension of quarry by means of rock blasting, crushing and processing of extracted materials. Condition of note:
1. life of permission five years from 20/08/09 and no part of quarry to extend beyond a line 25m internal to the developers boundary as identified in site location map
- 5.1.5. Quarry Registration: Planning Authority reg. ref. **QY31**: Quarry registered as total site area of quarry 4.906 ha, Extraction area 1.315ha
- 5.1.6. **PL05E.QV0012**: The Board decided to confirm the determination of the Planning Authority in respect of the development made under section 261A(2)(a)(i) on the basis that development was carried out after the 1st day of February, 1990, which would have required an environmental impact assessment and that such an assessment was not carried out or made.
- 5.1.7. The Board decided to set aside the determination made under section 261A(2)(a)(ii) having had regard to (amongst other considerations) the history of temporary planning permissions including consideration of the impacts of the development on the River Finn SAC at further information stage under planning authority register ref. 09/60062 and evidence regarding the quality of the effluent discharging to the River Finn SAC from the site, the planning authority's issuance of a licence to discharge trade effluent to a tributary stream of the River Finn SAC. The Board determined that development on the site was not carried out after 26 February 1997 which would have required an appropriate assessment.
- 5.1.8. The applicants were notified of the Boards decision of the 13th June 2013 and advised that they were required to apply for substitute consent within a period of 12

weeks. Such an application was not submitted to the Board within the required time period.

- 5.1.9. Planning Authority Reg. Ref. **15/50834** – Permission was sought for the extension to and continuation of use of existing stone quarry. The planning application was accompanied by an EIA and an NIS. The applicant was advised that the Planning Authority could not consider the application as an EIA would have been required for the retention element of the application. The planning authority therefore refused to consider the application for permission to continue and extend the quarry on the site under section 34(12) of the act.
- 5.1.10. **LS05.LS0027**: on the 23rd of February 2017 Patton Bros. were granted permission for leave to apply for substitute consent under section 177C(2)(b) of the Planning and Development Act 2000- 2016.
- 5.1.11. **SH0234**: On the 7th of the June 2017 Patton Bros. were granted extension of time pursuant to section 177E94) of the Planning and Development Act 2000- 2016 for the making of an application for substitute consent for a Further Period of 10 Weeks from the 7th day of June, 2017.

5.2. Enforcement History

- 5.2.1. reg. ref. **UDSR0503**: Warning letter advising of unauthorised use of the quarry in 01/02/05.
- 5.2.2. reg. ref. **UDSR0801**: Non-compliance with conditions of 05/602489. Regularised with granting of planning permission under 09/60062.
- 5.2.3. reg. ref. **UDSR0928**: Operating quarry without benefit of planning permission. Regularised with grant of permission under 09/60062.

6.0 Policy Context

- 6.1. **Quarries and Ancillary Activities Guidelines for Planning Authorities, DoECLG 2004.**
- 6.1.1. This document provides guidance to planning authorities on determining applications for planning permission for quarrying and ancillary activities. 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. Advice is also provided in relation to environmental protection, visual impacts and residential amenity.

6.2. Donegal County Development Plan 2018-2024

6.2.1. Chapter 8.1 of the plan states that the aim regarding the extractive industry is to facilitate the appropriate and sustainable extraction of locally sourced aggregates and / or minerals that contribute to the local economy and ensuring that such activity does not adversely affect issues of acknowledged importance including water quality, natural habitats, important areas of landscape character, views and prospects, areas of geological interest or human health and residential amenity.

6.2.2. The following extractive industry objectives are relevant:

EX-O-1 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.

EX-O-2 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.

EX-O-3 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.

6.2.3. The following policies are relevant:

EX-P-1: It is a policy of the Council to require that development proposals for extractive industry are in accordance with DEHLG Quarries and Ancillary Activities Guidelines for Planning Authorities 2004 and the EPA Environmental Management Guidelines – Environmental Management in the Extractive Industry (Non-scheduled minerals) 2006.

EX-P-2: seeks not to normally permit new extractive industry proposals in area of especially high scenic amenity or where 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.

EX-P-3: seeks 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-4: seeks 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-5: seeks 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-6: seeks 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

7.0 Submissions

- 7.1.1. **Dept. Of Culture, Heritage and the Gaeltacht:** The large-in-scale quarry is situated in the vicinity of the Recorded Monument DG087-039- Souterrain. It is recommended that should there be any further expansion an archaeological impact assessment be carried out in advance of works and that an appropriate mitigation strategy be agreed with the Department. Four conditions recommended.

8.0 Assessment

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

- Principle of Development
- Environmental Impact
- Appropriate Assessment

8.1. Principle of Development

- 8.1.1. The Department's Guidelines for Planning Authorities on Quarries and Ancillary Activities (DoEHLG, 2004) acknowledges that extractive industries make an important contribution to economic development in Ireland but that such operations can give rise to land use and environmental issues which require mitigation and control through the planning system.
- 8.1.2. Concurrently policies of the Donegal County Development Plan 2018-2024 support, in principle, the processing of minerals to produce cement, bitumen and other products in the vicinity of the source of an aggregate where the transport network is suitable to reduce trip generation. Within the current policy context, I consider that the principle of development is acceptable on the site, subject to satisfactory assessment of environmental effects.

8.2. Environmental Impact Assessment

- 8.2.1. The rEIAR submitted to the Board states that it has been prepared to assess the potential impacts associated with the activities that have been undertaken on a day to day basis for quarrying activity on an extraction area of 2.52ha and associated topsoil removal on an area of 1.62ha. the period of activity is after 1st February 1990 to approx. June 2015.
- 8.2.2. Section 4.3 and 4.4 of the rEIAR submitted to the Board in Dec 2019 outlines comprehensive history of the evolution of the site, chronologically and in planning history terms. Regarding the subject application, section 4.4.5 and table 4.2 presents a summary of the areas relating to substitute consent, resulting in the extraction area of 2.52ha relating to substitute consent.
- 8.2.3. I submit that the statement is consistent with the requirements of section 177F of the Planning and Development Act 2000 in that it contains a statement of the significant effects on the environment which have occurred or which are occurring or which can reasonably be expected to occur because the subject development was carried out.
- 8.2.4. Chapter 2.0 (section 2.3 refers) of the rEIAR states that as the rEIAR has arisen as a direct requirement of an application for leave for substitute consent, the consideration of alternatives is not relevant. The existence of the established quarry and processing complex suggests that the continuous use of the lands for a quarry is more feasible than a new greenfield development. Likewise, alternative design proposals are precluded due to the retrospective nature of the rEIAR.
- 8.2.5. By reference to Section 172(1D) of the Act which places an obligation on the Board to consider the adequacy of an EIS, and which by inference includes an rEIS (noting the inclusion of references to substitute consent within Section 172), I am satisfied that the rEIAR adequately identifies and describes the direct and indirect effects of the subject development on the environment. I am also satisfied that there is sufficient information before the Board, including that contained in the rEIAR and the submission received to enable the Board to carry out an EIA and make a decision on the application for substitute consent.

Environmental Impact Assessment

- 8.2.6. As the competent authority for decision making, the Board is required to carry out an environmental impact assessment of the application for substitute consent i.e. to

identify, describe and assess the direct and indirect effects of a proposed development, in accordance with Articles 4 to 11 of the EIA Directive, on the following:

- Population and human health, biodiversity,
- Land, soil, water, air, climate and the landscape,
- Material assets and cultural heritage, and
- The interaction of the foregoing.

The following assessment of environmental effects has regard to the rEIAR submitted, the information on file and my inspection of the site. I note that by virtue of the nature of the development and its location within a larger quarry complex the issue of cumulative impacts is, in effect, addressed under a number of the environmental topics. Each chapter also addresses residual effects and mitigation measures if required or already undertaken.

Population and Human Health

- 8.2.7. The impacts of the subject quarry on population and human health is also addressed in the chapter on water, climate, air, noise & vibration, traffic and Landscape & Visual Impact.
- 8.2.8. The quarry historically employed 6 persons, three full-time and three part-time. Indirect employment is generated through goods and services. Possible impacts on population and human beings arise through health & safety, dust, noise, blast events, ground stability and access to the quarry. No cumulative impacts are predicted. Mitigation measures in terms of landscaping and environmental management processes are outlined.
- 8.2.9. Possible impacts on human health are addressed in a Human Health Impact Assessment, section 5.5.4 of the rEIAR. Of relevance to human health are air emissions, noise and vibration emissions, emissions to water and traffic associated with quarry activities. Each of these risks is assessed separately under the relevant chapter. Chapter 5 summarises those chapters and concludes that the effects on human health from water, noise & vibration and dust deposition are imperceptible. In terms of traffic the historical movements were 6 a day at full production, which it is noted was rarely achieved. No residual effects are expected.

8.2.10. On the basis of the information available I consider that the operation is unlikely to have given rise to any significant direct or indirect impacts on population and human health.

Biodiversity

8.2.11. Chapter 6 of the rEIAR addressed the potential impacts of the quarry on biodiversity. The subject quarry is 1.28km north of the River Finn SAC (002301). The rEIAR notes that the 2016 decision of the Board did not require a remedial NIS. A screening report is included as appendix 6 of the rEIAR. The chapter refers to survey work undertaken in 2019 and notes that no evidence of otter, badger, bat roosting features or invasive species were found in the subject area. In terms of water quality, the chapter notes that quarry operations are subject to a discharge licence, with monitoring results being of the highest quality. The report notes that historic activity appears to have had no negative effect on the area as it is biodiverse rich now. No mitigation measures are required or proposed. The report notes that should desilting of the settlement ponds be required, it must be carried out in a very sympathetic manner to cause minimal disruption to the existing habitat matrix.

8.2.12. Quarrying activities from 2000 to 2015 had an obvious impact on the immediate biodiversity as supporting habitat was removed to create the quarry void. No residual impacts have occurred.

8.2.13. Noting the limitations of using recent survey work to assess the impact of historical activity, it is considered that the operation is unlikely have given rise to any significant direct or indirect impacts on biodiversity.

Land, Soils & Geology

8.2.14. The impact of the subject quarry on land, soils and geology is assessed in chapter 7 of the rEIAR. The quarry works pale grey to medium grey calcitic marble, with the resultant aggregate being metamorphic marble. Impacts assessed are divided into operational and cumulative. The operative phase of the quarry resulted in the loss of a greenfield with the inevitable loss of geological resource. Mitigation measures undertaken during the subject period are outlined. Partial restoration of the quarry will offset this impact with the creation of new habitats that may increase biodiversity.

8.2.15. On the basis of the information available I consider that the operation is unlikely to have given rise to any significant direct or indirect impacts on land, soil or geology.

Water

- 8.2.16. The subject quarry floor is approx. 1m above the water table. Discharge from the quarry operates under a discharge licence issued by Donegal County Council in Dec 2008 and reviewed in Jan 2013. Water discharge from the quarry is through a series of two settlement ponds in the western corner of the site, to a drainage ditch and flow west for approx. 160m to the Mullaghagarry stream. This in turn flows south for approx. 1.5km before draining into the River Finn. Chapter 7 of the rEIAR states that it is possible that the River Finn SAC could be affected by surface water discharges or groundwater flows from the quarry as there is a defined hydraulic link between the quarry, the stream and the River Finn. Analysis from water samples taken at three locations within the quarry found that all samples were compliant with the licence conditions set and were deemed suitable for discharge to the wider local environment. Regular monitoring and analysis is carried out as a condition of the discharge licence.
- 8.2.17. On the basis of the available information I submit that the water environment would not appear to have been affected by the activity subject of this consent application

Climate

- 8.2.18. Chapter 9 of the rEIAR refers to Climate. It notes that the subject quarry is located in a semi-rural area with one-off housing, and farmland immediately adjoining the quarry site. Emissions associated with quarrying activities arise from vehicles and plant releasing greenhouse gases. The rEIAR states that the subject quarry has been assessed as having a slight impact over a long-term period. No cumulative impacts or residual effects have arisen.
- 8.2.19. On the basis of the information available I consider that the operation is unlikely to have given rise to any significant direct or indirect impacts on climate.

Air, Noise & Vibration

- 8.2.20. The rEIAR chapter on air, noise and vibrations notes the existing environment, the baseline conditions and the methodology used to assess same. There is one occupied dwelling within a 500m radius of the quarry and 7 no. occupied dwellings in a 700m radius.
- 8.2.21. Activities such as overburden stripping, extraction, processing and transportation of material can give rise to elevated dust levels if not managed correctly. The rEIAR

notes that in terms of dust deposition, monitoring has been undertaken at three locations within the quarry since 2004. All results were below the recommended guideline value of 50mg/m²/day for monitoring events. Emissions arising from plant and vehicles have the potential to contribute to local pollution levels. Mitigation measures are listed, namely: the of spraying of surfaces during dry weather, the carrying out of soil handling activities during dry weather only and the ongoing monitoring and the construction of berms. The chapter concludes that there were no adverse impacts on air quality. I am satisfied that considering the mitigation measures as detailed in Section 10.9, there are and will continue to be no significant residual dust impacts as a result of the subject quarry alone or in combination with other activities in the area.

8.2.22. In terms of noise, chapter 10 notes that noise monitoring was undertaken in June 2009 and October 2010 at two noise sensitive locations. Results, as shown in Table 10.6, were all below the recommended guideline value of 55dB(A). Further testing in 2018 and 2019 (table 10.7) also provided results under the guideline value. Vibration monitoring has not been undertaken. Short-term adverse impacts can arise from blasting and therefore blasting events are managed to ensure no impact on the nearest noise sensitive receptor. No cumulative or in-combination impacts are predicted.

8.2.23. I accept the conclusions that the operation of the quarry would not have an adverse impact on the nearest noise sensitive receptors.

Traffic

8.2.24. The subject quarry is located on the northern side of the local county road L2714, approx. 2.5km north-east of Stranorlar. The predominate land use in the immediate area is agriculture, with some forestry and woodland areas. Previous planning permissions demonstrated an average of 6 no. traffic movements per day generated by the quarry. Chapter 11 of the rEIAR states that the impact of this level of traffic is minor, negative to imperceptible. The carrying capacity of the road network is not significantly affected.

8.2.25. It is considered that the traffic volumes arising from the extraction activities on site have not given rise to or would give rise to material adverse impacts for the wider

community or would adversely affect the carrying capacity of the local or national road network involved.

Landscape and Visual Impact

8.2.26. Chapter 12 of the rEIAR presents the findings of a landscape and visual impact assessment. The report notes that the quarry is located in a sparsely populated rural area, characterised by small fields enclosed by hedgerows and trees and scattered residential development. The landscape of the quarry is designated as 'Agricultural arable and pasture'. I note that the chapter refers to the draft Donegal County Development Plan 2018-2024 (section 12.4 of the rEIAR). It is presumed that is a typographic error. The classification of the working area of the quarry and the area the subject of this substitute consent is within an Area of High Scenic Amenity. The LVA notes that planting undertaken along the western boundary has significantly reduced the visual impact of the quarry from the most exposed location. Likewise the treeline along the northern boundary screens the subject quarry from the nearest residential property. The rEIAR concludes that the visual impact of the subject quarry is at a localised level with no significant impact. Regarding mitigation, it is proposed to construct an additional berm along the eastern boundary of the working quarry closest to the nearest residential property. This shall be planted with a native hedge species.

8.2.27. In the context of the subject quarry operation I consider that landscape impact to be negligible.

Material Assets

8.2.28. Chapter 13 of the rEIAR addresses material assets. The nearest residential receptor to the subject quarry is a dwelling approx. 300m from the working quarry face. The quarry is served by public utilities and waste management services. In terms of geological resources, the extraction of stone from the subject 2.52ha is a permanent impact. The used land resource is considered to be a negative to imperceptible impact as once extraction has completed, a restoration plan will increase biodiversity in the area. The report states that due to the small-scale operation and location of the quarry, the impacts of the quarry on material assets immediately surrounding the area are said to be minimal. No residual or cumulative impacts are anticipated.

Cultural Heritage

- 8.2.29. Chapter 14 of the rEIAR address the existence of a sub-terrain monument that was considered under Planning Authority reg. ref. 09/60062. The report notes that the permission did not include any conditions relating to archaeology or cultural heritage.
- 8.2.30. Table 14.1 and Figure 14.1 show the location of sites and monuments within 1km of the quarry. There are no protected structures in the immediate vicinity. Two structures noted on the NIAH are within 1km of the site. The report states that as the existing quarry has been excavated it is not possible to determine if any archaeological or historic sites were disturbed. A review of all historic records showed no sites or monuments on that part of the quarry subject to this substitute consent.
- 8.2.31. I note the submission of the DAU, that the quarry is situated in the vicinity of the Recorded Monument DG087-039- Souterrain. It is recommended that should there be any further expansion an archaeological impact assessment be carried out in advance of works and that an appropriate mitigation strategy be agreed with the Department. Four conditions are recommended to be attached to any grant of permission. The recommendation specifically refers to further expansion. Given that the subject application is for substitute consent, it is considered that such conditions are not required.

Major Accidents / Disasters

- 8.2.32. Possible risks from major accidents / disasters arise from the potential of the subjects quarry to cause an accident / disaster and the vulnerability of the subject quarry to potential disasters / accidents. Natural disasters include natural events such as earthquakes, lightning strikes and extreme weather events such as flooding. Ireland is considered a low hazard area for earthquakes and a low lightning activity area. In terms of flood risk, the subject quarry is stated to be compliant with the Flood Risk Management Guidelines. The likelihood of a major disaster occurring at the quarry from a natural event is not significant.
- 8.2.33. The potential for a major accident is mitigated against through the highly maintained nature of the site, health & safety policy and on-going best practice in line with industry standards. The chapter notes that there have been no reported industrial

accidents or incidents at the quarry. The vulnerability of the subject quarry to a major accident or disaster is stated to low.

Interactions

- 8.2.34. Each of the preceding chapters of the rEIAR have separated discussed interactions between the recorded environmental impacts and the related topics. Table 16.1 sets out a summary of the inter-relationships. I am satisfied having regard to the mitigation measures in place that there are no indicators for negative or deleterious interactive impacts arising.

EIA - Conclusion

- 8.2.35. Having regard to the Environmental Impact Assessment carried out above, and to submissions made in connection with the substitute application, I note that quarrying activity is long established at this location and the expansion of the quarrying activities may have been considered more acceptable than the development of a separate site. I consider that the residual environmental effects arising from the development as described to be acceptable

8.3. Appropriate Assessment

- 8.3.1. As indicated above this application follows the decision of An Bord Pleanála to grant leave to apply for substitute consent under ref. LS05.LS0027. This decision directed that the application for substitute consent be accompanied by an rEIS, only, and did not require an rNIS. In considering the application LS05.LS0027 the Board was obliged to, and did, carry out a screening for Appropriate Assessment and concluded that Appropriate Assessment/the submission of an rNIS was not required.

9.0 Recommendation

I recommend that substitute consent for the above described development be granted for the following reasons and considerations subject to conditions.

REASONS AND CONSIDERATIONS

In coming to its decision, the Board had regard to the following:

- (a) the provisions of the Planning and Development Acts, 2000 to 2014, and in particular Part XA,

- (b) the 'Quarries and Ancillary Activities, Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government, April 2004.
- (c) the provisions of the current Donegal County Development Plan 2018 -2024,
- (d) the remedial Environmental Impact Report submitted with the application for substitute consent, and documentation on file generally,
- (d) the Board's decision in relation to the application for Leave to Apply for Substitute Consent on the 23rd day of February, 2017 (05.LS0027),
- (e) the report of the Board's Inspector, including in relation to potential significant effects on the environment.
- (f) the submission on the file,
- (g) the pattern of development in the area, and
- (h) the nature and scale of the development the subject of this application for substitute consent.

Appropriate Assessment

The Board had previously established at the time of the application for leave to apply for substitute consent that the development in question would not be likely to have a significant effect on a European Site and therefore no 'Appropriate Assessment' issues arise.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment in relation to the development in question and concluded that the remedial Environmental Impact Assessment Report submitted identified and described adequately the direct and indirect effects on the environment of the development. The Board considered that the Inspector's report was satisfactory in addressing the likely significant environmental effects of the development and also agreed with its conclusions in relation to the acceptability of mitigation measures proposed and residual effects.

Conclusion

Having regard to the acceptability of the environmental impacts, as set out above, and subject to the compliance with the conditions set out below, it is considered that the subject development would not be likely to have had or have a significant effect on the environment and is not contrary to the proper planning and sustainable development of the area.

Conditions

1. This grant of substitute consent shall be in accordance with the plans and particulars submitted to An Bord Pleanála with the application of the 8th day of August, 2018 and the 11th December 2019, except as otherwise may be required to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be in accordance with the agreed particulars.

Reason: In the interest of clarity

2. All environmental mitigation measures identified within the remedial Environmental Impact Report shall be implemented in full.

Reason: In the interest of the conservation of the environment

3. 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.

4. 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, as amended. The contribution shall be paid

prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

5. 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.

Gillian Kane

Senior Planning Inspector
20 August 2020