

# 37L Planning Statement

Proposed Quarry Development at Ardcahan,  
Dunmanway, Co. Cork.

on behalf of Murray Brothers Tarmacadam Ltd.

April 2026



McCutcheon Halley  
CHARTERED PLANNING CONSULTANTS

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# 1. Introduction

McCutcheon Halley Planning Consultants have been appointed by Murray Brothers Tarmacadam Ltd. (MBTL) to prepare this Planning Statement to accompany a planning application to An Coimisiún Pleanála (ACP) for proposed quarrying development, at Ardcahan (Townland), Dunmanway, Co. Cork.

This application is submitted to ACP in conjunction with a simultaneous Substitute Consent (SC) application at the Ardcahan site in accordance with section 37L of the PDA which allows ACP to assess an application for proposed quarrying development concurrently with an application for SC.

This Planning Statement focuses on the proposed quarrying development and provides an assessment under the following headings:

- Development Overview
- Legislative Context
- Planning History
- Planning Policy Context (National and Local)
- Assessment
  - Compliance with National and Local Planning Policy
  - Site Suitability
  - Project Need/Demand for Aggregates
  - Potential Economic Contribution
  - Environmental Assessment/Mitigation
  - Proposed Regeneration Plan
  - Development Contributions
  - Duration of Planning Permission
- Conclusion

The quarry in Ardcahan has not been active for a number of years (since 2014) but has a long history and has in the past, made a significant contribution to the local economy and construction/infrastructure projects in the wider area. Before quarrying stopped, it would also have been the main source of material for the adjoining macadam plant which is also operated by the applicant.

The quarry has a very high quality resource (quartzitic sandstone) and it is submitted that the resumption of quarrying at this site, which has already been extensively worked and would feed the existing macadam plant, is a significantly more sustainable and environmentally sensitive proposition than quarrying on a greenfield site and we would ask ACP to support the proposal and grant permission for the concurrent SC application and this application to resume of quarrying on this site.

## 2. Development Overview

### 3.1 Site Context

The applicant in this case is Murray Brothers Tarmacadam Ltd. (MBTL), who are the owners of the quarry in Ardcahan which is located approximately 3.5km north-east of Dunmanway in West Cork. The quarry is accessed off the L4621-9 local road ('Hospital Road'), approximately 300m east of its junction with the R587 regional road, which links Dunmanway and Macroom.

The overall landholding (outlined in blue below) measures approx. 25 hectares (ha) and is located in a rural area characterised by undulating topography, agricultural grassland, scrub, woodland and some low density rural housing.<sup>1</sup>

A quarry has existed on the landholding since pre-1963 and was operated by Cork County Council (CCC) up until it was acquired by the applicant in the 1990's. The former extraction areas are located within the blue and purple hatched areas in Figure 1. The quarry site also contains a network of internal access roads/tracks which extend across the wider landholding.

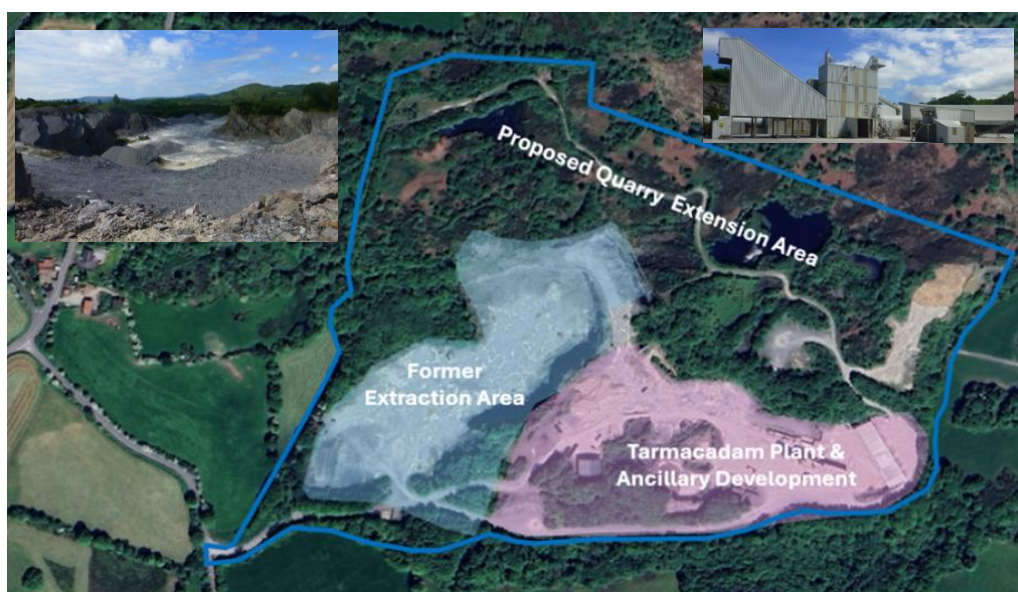


Figure 1: Aerial view of Ardcahan Quarry/Macadam Plant (MBTL landholding outlined in blue).

In the southeast of the landholding is a macadam production plant and buildings used for administration, welfare, production and storage purposes (this is also located within the purple hatched area), which was granted planning permission under CCC Ref. 98/294 and included a prefabricated office building/toilet/canteen, laboratory, mixing plant, storage silos, bins for plant covered aggregate storage bays/sheds, bitumen tanks, well / pumphouse, weighbridge, car parking area for staff and visitors.

<sup>1</sup> The nearest dwellings to the quarry site (red line boundary) are located approximately 300m south; 275m west; 450m north and 400m east of the site.

The quarry at Ardcahan has not been active for some years (since 2014) but has a long history and for over 50 years of continuous operation made a significant contribution to the local economy and employment of the area and helped deliver important developments and infrastructure projects in the wider region.

The overall site of the proposed quarrying/development area measures 10.4 and includes a proposed extraction area measuring 5.01 ha, principally along the north of the application site area and to the north of the former extraction area.

The balance of the application lands comprises ancillary areas including the existing quarry floor, which is proposed to be used for aggregate processing, settling ponds, stockpiling etc, associated with the proposed quarrying.

The application site does not include or propose any works within the southeast part of the landholding occupied by the macadam plant, administration buildings and associated development previously permitted under Reg. Ref. 98/294.

### **3.2 Proposed Development**

This proposed development involves quarrying of quartzitic sandstone by extending the existing extraction area. Remaining reserves at the quarry are estimated to be in the region of 3.7 million tonnes of aggregate. The proposed extraction area measures 5.01 ha, and the stone will be extracted from the existing levels down to a level resembling the existing quarry floor i.e. approximately 75 metres over Ordnance Datum (MOD).

Depending on demand and market conditions, it is anticipated that the proposed quarrying activities will generally produce between 175,000 to 200,000 tonnes of aggregate per annum, with an anticipated annual upper output of 225,000 tonnes. Any regional downturn would similarly result in lower annual output than the expected average.

Recognising that the scale of output may fluctuate during the lifetime of the quarry due to commercial, economic and/or operational factors, this application seeks permission for a 20-year duration. A 20-year lifespan is considered appropriate to facilitate extraction of the estimated reserves and implementation of the proposed regeneration plan, once the extraction/quarrying has ceased.

The rock will be extracted using industry-standard blasting methods to produce broken rock by creating a series of benches generally of the order of 15m deep, with up to 20m depth if required. The number of benches will vary depending on the existing ground level and depth of overburden; however, the final quarry floor level across the site will be approximately 75 MOD.

Excavated material will generally be processed on-site by primary and secondary crushing with more limited tertiary crushing for specialist products. The aggregate processing area is to be situated in the southwest of the existing quarry void/floor, with the blast pile being fed into the existing

mobile primary jaw crusher, using a loading shovel. The crushing/screening will take place within the quarry floor (close to the proposed extraction areas) and the washing facility will be located in the southwest part of the site (refer to drawing ref. 2546-03-37L).

Blasted rock will be loaded into a crusher to reduce the size of the rock fragments. Crushed stone shall then be transferred into a screening unit for grading, before being stored in stockpiles and storage bays on site. Some of the product will be washed for specialist use.

The main plant and machinery used during processing will include:

- Track mounted drill rig to drill blast holes;
- Excavator used to load crusher;
- Mobile jaw crushers and cone crushers to crush the stone
- Screening units used to size and separate blasted rock;
- Washing plant and associated conveyors and settlement lagoons;
- Wheel loader used to stockpile products and load customer road trucks; and
- Other machinery e.g. loading shovels, excavators, haulage vehicles.

The main markets will be to supply the regional construction industry including local authorities for infrastructure construction and maintenance, the existing adjoining macadam plant, as well as to supply aggregate to external concrete and block making facilities, and to the agricultural sector.

The extraction activity is proposed over three phases (see Figure 2). The first phase will take place to the northeast of the former extraction area and will be extended to the east in the second phase, and to the west in the third phase. This approach will concentrate Phase 1 and 2 extraction activities in proximity to the existing macadam plant and taking advantage of the use of established facilities (car parking, administration buildings and welfare facilities).

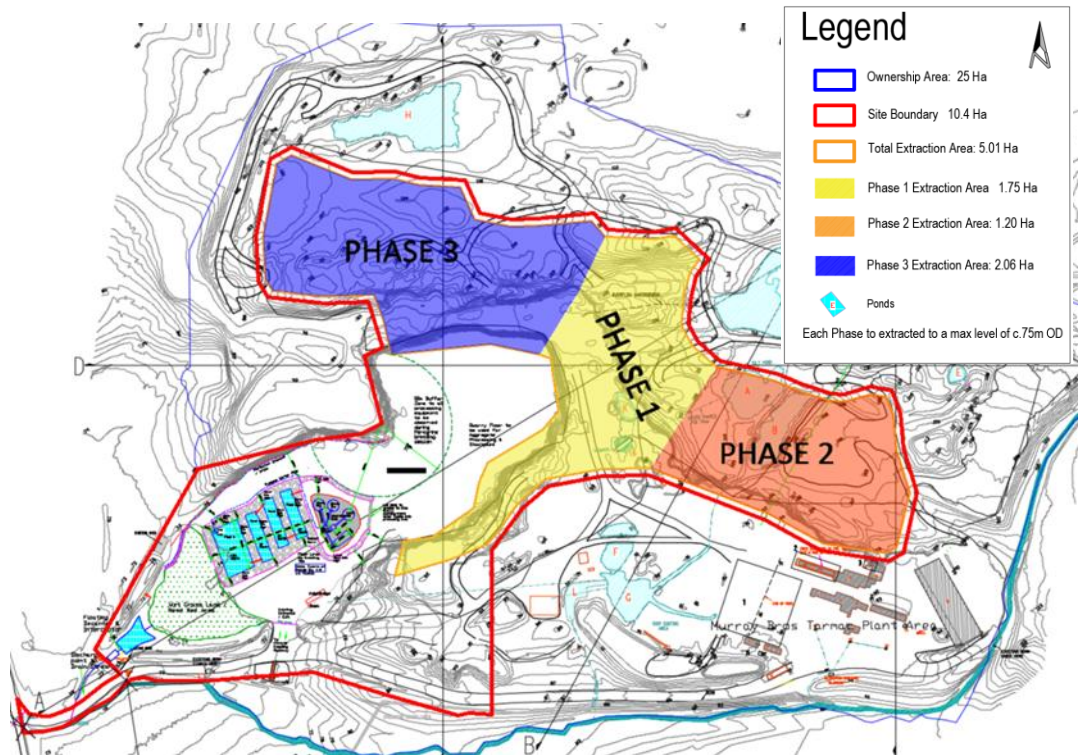


Figure 2: Proposed Extraction Areas and Phasing

The scale and approximate duration of each phase of the proposed extraction areas are set out in Table 1. The phasing strategy is indicative and may be subject to change over the lifetime of the quarry in response to market conditions or other factors.

Phase No.	Extraction Area	Average Depth of Extraction Area (Metres)	Volume (M <sup>3</sup> ) Est.	Tonnes (millions)	Approx. Duration
Phase 1	1.75ha	25	437,500	1.14	6-7 yrs
Phase 2	1.2ha	30	360,000	0.94	5-6 yrs
Phase 3	2.06ha	30	618,000	1.61	6-7 yrs
<b>Totals</b>	<b>5.01ha</b>	<b>20 to 30m</b>	<b>1,415,500</b>	<b>3.68</b>	<b>17-20 yrs</b>

Table 1 Indicative Phasing Strategy for Extraction

Due to the proximity to the Bandon River Special Area of Conservation (SAC) the management of water from the site is of particular importance to the proposed scheme. The natural topography of the site area means that the majority of the sites' surface water flows from the upland areas in the north to the lower ground in the south and southwest.

Surface water is prevented from directly entering the adjacent boundary stream (to the south) as the fall of the ground is generally away from the stream and sloping back into the quarry site. In addition, the presence of a continuous earth berm along the eastern and southern edge of the access road of the quarry works to prevent surface water run-off entering the stream.

Process water on this site is by way of the aggregate washing facility, with the wash-water recycled through sealed/lined settlement lagoons which then run to a deeper clean water lagoon for re-use in a closed loop system. The lagoons will be regularly inspected and cleaned.

The quarrying operations will employ five to six full-time staff and up to six part-time staff e.g. hauliers. General hours of operation will be as follows:

- Loading of vehicles between 7 am and 7 pm, Monday to Friday;
- Quarry processing operations from 8 am to 6 pm, Monday to Friday;
- Saturday quarry processing operations from 8 am to 2.30 pm (loading from 7am).

Blasting operations will only occur between 10 am – 4 pm, Monday to Friday.

Vehicles will use the existing site entrance at the L4621-9 ('Hospital Road') in the southwest of the site. Quarry-related HGV traffic will travel to and from the site via the R587 situated 300m to the west. Traffic will be managed to allow for staggered vehicular movements distributed evenly across the day, including during local traffic peak hours.

Once the extraction/quarrying works have been completed, regeneration works on site will not include reinstatement of previous ground levels and the quarry void will be left open.

As part of the decommissioning phase all stockpiles, plant and equipment will be removed and regeneration will include the cultivation of two native woodland pockets in the east and west of the proposed extraction area (see Figure 3: Proposed Regeneration Plan ). The settlement ponds on the southwest of the site, will also form a seasonal lagoon(s) which will be planted in its margins with native wetland planting, thus improving the residual environment of the site, once quarrying activity has ceased.

### 3. Legislative Context

Section 2(1) of the 2000 Planning and Development Act, as amended, (PDA), provides a definition for a quarry<sup>2</sup> as follows:

*“quarry” means an excavation or system of excavations made for the purpose of, or in connection with, the getting of minerals (whether in their natural state or in solution or suspension) or products of minerals, being neither a mine nor merely a well or bore-hole or a well and bore-hole combined, and shall be deemed to include—*

*(i) any place on the surface surrounding or adjacent to the quarry occupied together with the quarry for the storage or removal of the minerals or for the purposes of a process ancillary to the getting of minerals, including the breaking, crushing, grinding, screening, washing or dressing of such minerals but, subject thereto, does not include any place at which any manufacturing process is carried on;*

*(ii) any place occupied by the owner of a quarry and used for depositing refuse from it but any place so used in connection with two or more quarries, and occupied by the owner of one of them, or by the owners of any two or more in common, shall be deemed to form part of such one of those quarries as the Minister may direct;*

*(iii) any line or siding (not being part of a railway) serving a quarry but, if serving two or more quarries shall be deemed to form part of such one of them as the Minister may direct;*

*(iv) a conveyor or aerial ropeway provided for the removal from a quarry of minerals or refuse.”<sup>3</sup>*

While the 2000 Act will be replaced in full by the recently enacted Planning and Development Act 2024 (the 2024 Act), due for phased commencement over the coming months, the definition and general planning provisions relating to quarry development, remains substantially the same.<sup>4</sup>

Environmental Impact Assessment (EIA) as provided for in Part X of the PDA and Schedule 5 of the Planning and Development Regulations 2001, as amended (the 2001 Regulations), include the following relevant criteria/thresholds for mandatory EIA:

- Quarrying and open-cast mining where the surface of the site exceeds 25 hectares;<sup>5</sup>
- Extraction of stone, gravel, sand or clay, where the area of extraction would be greater than 5 hectares; and <sup>6</sup>

<sup>2</sup> Section 2(1), Interpretation, of the 2000 PDA, as amended.

<sup>3</sup> Section 2(1), Interpretation, of the 2000 PDA.

<sup>4</sup> Section 353(9) of the 2024 Act.

<sup>5</sup> Planning and Development Regulations, 2001 (as amended), Schedule 5, Part 1, Class 19.

<sup>6</sup> Planning and Development Regulations, 2001 (as amended), Schedule 5, Part 2, Class 2(b)

- All extraction of minerals within the meaning of the Minerals Development Acts, 1940-1999.<sup>7</sup>

As the area of extraction is greater than 5 hectares here, as part of this planning application, an EIAR is being prepared and is submitted with the application.

Section 37L of the 2000 Planning and Development Act, as amended, (PDA) was further amended under the Planning and Development, Maritime and Valuation (Amendment) Act 2022, to enable an application for substitute consent to run simultaneously with an application for permission for future development. Key provisions of Section 37L include:

- **Integrated Assessment:** ACP is required to decide on the future development application either at the same time or as soon as possible after the decision on the substitute consent application.
- **Dependency on Substitute Consent:** If the application for substitute consent is refused, the application for future development must also be refused.

In accordance with the new legislative provisions, this application for future quarrying development is submitted in accordance with section 37L of the PDA in conjunction with a simultaneous application for Substitute Consent (SC) under Section 177E at the Ardcahan site which allows ACP to assess and decide the SC application and the application for future development at the same time or as soon as possible after the decision on the SC application.

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<sup>7</sup> Planning and Development Regulations, 2001 (as amended), Schedule 5, Part 2, Class 2(c)

## 4. Planning History

An overview of the planning history of the quarry is provided below.

### Pre-1963 Quarry Status

The pre-1963 status of the quarry has been previously accepted by CCC and An Coimisiún Pleanála (ACP).<sup>8</sup> This was documented during the Section 261A<sup>9</sup> process (see Appendix 2), where it was explicitly stated that quarrying commenced prior to 1963 (i.e. prior to the commencement of the 1963 Planning and Development Act):

*"The quarry operating on this site commenced prior to the enactment of the 1963 Planning and Development Act. The site has been incrementally excavated since that time..."*<sup>10</sup>

The pre-1963 status of the quarry was also acknowledged under the CCC Ref. 98/294 application (see below and Appendix 1) and the CCC Ref. 11/317 application where both the Area and Senior Planners acknowledged the 'pre-1963' status of the quarry:

*"The site forms part of a larger landholding containing an existing and established pre-63 quarry..."*<sup>11</sup>

The pre-1963 status of the quarry was again acknowledged by Cork County Council in their submission to ABP Ref. 305621-19 where Section 4.1 of the Inspectors Report (which summarised the submission by Cork County Council) confirmed that the quarry was a 'pre-1963' quarry and was purchased from Cork County Council:

*"The planning authority [Cork County Council] is satisfied that the applicant could reasonably have held the belief that the quarry was authorised as it was a **pre-1963 quarry purchased from the Council**" (emphasis added).<sup>12</sup>*

The pre-1963 status of the quarry has therefore been comprehensively documented and accepted by both CCC and ACP.

### Cork County Council 98/294

In 1998, Cork County Council granted planning permission for a macadam / asphalt manufacturing plant permitted under Council Ref. 98/294 (see

<sup>8</sup> On June 18, 2025 An Bord Pleanála's name officially changed to An Coimisiún Pleanála following the commencement of Part 17 of the Planning and Development Act 2024. This report refers to both An Bord Pleanála's and An Coimisiún Pleanála depending on the relevant time period (i.e. pre and post June 18, 2025).

<sup>9</sup> As the quarry was not registered under the Section 261 process, there are no reports filed by CCC under the initial 261 registration process.

<sup>10</sup> Case Planners (Section 261A), report dated, p.7.

<sup>11</sup> Area Planners Report dated 11/07/2011, p.2.

<sup>12</sup> ACP Ref. 305621-19, Inspectors report, p. 9, Section 4.1.

Appendix 1). The permitted development included a prefabricated office building/toilet/canteen, laboratory, mixing plant, storage silos, bins for plant, covered aggregate storage bays, storage shed, bitumen tanks, well/pumphouse, weighbridge and car parking area for staff and visitors.

As part of the assessment of the proposed development, the strengths of the quarry and its location were identified in the planners report as follows:

*“Site is located in a rural area about 3 miles north of Dunmanway and the macadam plant is located on the floor of a large quarry. The site is well screened ... access is very good with a short stretch of Council road leading to the Coppeen-Dunmanway Regional Route. Given the adequacy of the road network I do not consider a contribution to be appropriate.”*

In addition to the above, during their assessment of the 98/294 application, the Council again accepted that the pre-1963 status of the quarry had been established and that the quarry was authorised and included conditions regulating quarrying operations/activities as part of the 98/294 permission.

This macadam/asphalt manufacturing plant continues in operation today and is located to the east of the area subject of this planning application.

### **Quarry Registration Process under Section 261 and 261A Review**

The obligation to register quarries came into force in 2005 pursuant to Section 261 of the PDA. Unfortunately the applicant did not comply with this statutory obligation and as such, the quarry at Ardcahan became unauthorised from 28<sup>th</sup> April 2005 (the day after the last date for Section 261 registration – this is outlined in greater detail in the concurrent SC application).<sup>13</sup>

Under the 261A Review, a formal determination was made by CCC which concluded that development had been carried out at the Ardcahan quarry/site which would have required an EIA, and AA and issued an enforcement notice (SKBE/13/7) which required the cessation of quarrying at the site within a six-month period. The quarry then ceased operations in line with the 6 month time frame included in the notice and the Council wrote to the applicant on 17<sup>th</sup> of October 2014 stating that the (SKBE/13/7) enforcement notice had been complied with, and that the enforcement case was closed (see Appendix 3).

### **Cork County Council Ref. 11/317**

In 2011 the applicant wanted to extend the extraction area of the quarry and submitted a planning application under CCC Ref. 11/317 for this extension. This was refused on the grounds that the development would comprise an extension of an existing unauthorised quarry, as the quarry had failed to register under the Section 261 process.

<sup>13</sup> The failure to register the quarry under Section 261 of the PDA automatically deemed the quarry at Ardcahan an unauthorised development, however the CCC did not issue an enforcement notice following the 261 registration process and MBTL only became aware of the unauthorised status of the quarry when permission was refused under ref. 11/317.

Additional reasons for the refusal CCC Ref. 11/317, included the absence of the application being supported by an Environmental Impact Assessment and Appropriate Assessment.

**Cork County Council ref. 14/616/An Bord Pleanála Ref. PL88.245174**

After the Council wrote to the applicant on 17<sup>th</sup> of October 2014 stating that the SKBE/13/7 enforcement notice had been complied with, and that the enforcement case was closed, MBTL submitted a new application for quarrying of stone with an extraction area of 6 hectares and to ground level of 77 metres (O.D.) in 2014.

Planning permission was initially permitted by Cork County Council ref. 14/616<sup>14</sup> and was also permitted on appeal under ABP Ref. PL88.245174.

A subsequent Judicial Review (JR) of the PL88.245174 permission [2016 No. 499 JR] granted certiorari of the decision.

**An Bord Pleanála Ref.s 302158-18 & 305621-19**

Following the grant certiorari of the ABP PL88.245174 decision, two applications for leave to apply for substitute consent under Section 177C were submitted in 2018 (ABP Ref. 302158-18) and 2019 (ABP Ref. 305621-19).

ABP granted leave to apply for substitute consent under the second application, ABP Ref. 305621-19, on the basis that:

- *the regularisation of the development concerned would not circumvent the purpose and objectives of the Environmental Impact Assessment Directive or the Habitats Directive;*
- *the ability to carry out an assessment of the environmental impacts of the development for the purpose of an environmental impact assessment or an appropriate assessment, and to provide for public participation in such an assessment, has not been substantially impaired;*
- *the actual or likely significant effects on the environment or adverse effects on the integrity of a European site, if any, resulting from the carrying out of the development, could likely be substantially remediated;*
- *the applicant has complied with a previous planning permission granted. In deciding not to accept the recommendation of the Inspector to refuse leave to apply for substitute consent, the Board had regard to the full extent of the meaning of ‘quarry’ as set out in section 2 of the Planning and Development Act 2000, as amended by the European Union (Environmental Impact Assessment and Habitats) (No. 2) Regulations 2011 (S.I. No. 584 of 2011), section 3(b), and noted that this meaning is not restricted to areas of extraction. Furthermore, the Board noted that any substitute consent, if granted, would regularise previous development and, save as regards the taking of remedial measures, would not allow for continuing or future*

<sup>14</sup> An EIS was submitted with the application and an NIS at further information stage.

*development of the quarry, and that such continuing or future development would require separate planning permission to be obtained following the granting of such substitute consent.*

### **An Bord Pleanála Ref. 313649-22**

Following ABP's decision to grant leave to apply for substitute consent, an application for SC for quarry development at Ardcahan was submitted by MBTL on 18/05/2022.

In a letter dated 26<sup>th</sup> May 2022, ABP wrote to the applicant stating that by Order dated 3<sup>rd</sup> December, 2020, the High Court placed a stay on the consideration of the application lodged with ABP as *"the Court Order places a stay on any processing of the application. Once the stay on the application has been lifted by the High Court, processing of the application will commence"*.

The SC application submitted under ABP Ref. 313649-22 was subsequently withdrawn on 13/02/2024.

Given the reasons for Judicial Review (that affected the 313649-22 SC application) were procedural (later corrected by way of legislation) and related to the processing of the (withdrawn) 313649-22 application only, it is submitted that our client is entitled to submit this new application for proposed quarrying and the concurrent, new application for SC and that both applications are not affected by any past planning or legal/procedural issues which affected the previous 313649-22 SC application.

### **Conclusion**

While there is a long and complex planning history in relation to our clients quarry in Ardcahan, this application and the concurrent SC application submitted in accordance with section 37L of the PDA,<sup>15</sup> provide an opportunity to address this history and remedy the planning impasse that has prevented quarrying on our clients site.

This application and the concurrent SC application are accompanied by a comprehensive EIAR/NIS and rEIAR/rNIS respectively (which include comprehensive mitigation measures and regeneration proposals) and would allow the quarry in Ardcahan to once again, make a positive contribution to the local economy and construction/infrastructure projects in the area and feed the adjoining macadam plant which currently has to source material externally.

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<sup>15</sup> The amendments introduced under the new legislation widen the availability of the future development to all types of development (not just for future quarrying as was previously the case).

## 5. Planning Policy Context

### 5.1 National Planning Framework

In 2018, Project Ireland 2040 integrated mineral extraction into the broader National Planning Framework (NPF), recognizing the essential role of quarries in delivering housing and infrastructure. The importance of quarries has been elevated even more under the NPF First Revision (April 2025) which focuses on accelerated construction/infrastructure and housing delivery.

Section 9.2 of the NPF highlights the strategic importance of extractive industries in supplying essential materials for construction and supports the identification and protection of aggregates and mineral reserves from conflicting land uses, to ensure their sustainable use:

*“Extractive industries are important for the supply of aggregates and construction materials and minerals to a variety of sectors, for both domestic requirements and for export. The planning process will play a key role in realising the potential of the extractive industries sector by identifying and protecting important reserves of aggregates and minerals from development that might prejudice their utilisation.”<sup>16</sup>*

National Policy Objective 23 (NPO 23) of the NPF also acknowledges the importance of quarries/extractive industries in the development of rural economies through supporting the local economy:

*“Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and **extractive industries**, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism” (emphasis added).<sup>17</sup>*

The NPF places particular emphasis on strengthening regional cores such as Cork and its hinterlands, recognising its potential to act as a key driver of economic growth and innovation outside of Dublin. The revised NPF also supports the diversification of Cork’s employment base and the creation of conditions that attract and retain talent, enhancing the region’s competitiveness and appeal to investors.

Quarries and the extraction industry in general have a key role to play in the realisation and implementation of NPF objectives.

<sup>16</sup> National Planning Framework, p.78.

<sup>17</sup> National Planning Framework, p.78.

## 5.2 Regional Spatial and Economic Strategy (for the Southern Region 2020-2032)

The Regional Spatial and Economic Strategy (RSES) for the Southern Region recognises and supports the necessary role of the quarrying (extractive) industry in providing essential materials for construction, while simultaneously emphasising the need for careful management, environmental protection, and alignment with national and local planning policies.

Key aspects of the RSES regarding quarry development include the following:

- **Essential Resource:** The RSES acknowledges that aggregates (e.g. stone, sand, and gravel) are vital for infrastructure development and the construction industry. The RSES recognizes that extraction can only occur where these natural resources are found, making the industry location-specific.
- **Balancing Development and Environment:** A core RSES principle involves balancing the economic and social benefits of extraction against potential adverse effects on the environment (noise, dust, water quality, visual intrusion, habitat loss) and residential amenities. The strategy requires that appropriate mitigation measures be implemented during operational and restoration phases.
- **Policy Alignment:** The RSES serves as a strategic framework to implement the NPF and related national economic policies at a regional level. All City and County Development Plans within the Southern Region must align with the RSES, ensuring a consistent approach to managing extractive industries.
- **Protection of Reserves:** The RSES highlights the importance of protecting significant aggregate and mineral reserves from encroaching developments (such as housing) that might prevent their future use, which is a key NPF objective.
- **Sustainable Practices:** The RSES encourages the use of alternative sustainable materials, such as construction and demolition waste, to promote the circular economy.
- **Restoration and Rehabilitation:** The RSES encourages and promotes the rehabilitation of disused quarries for potential alternative uses, including habitat restoration, agriculture, recreation, or future commercial/industrial use, subject to planning and environmental considerations.
- **Compliance and Enforcement:** There is an emphasis on ensuring all quarries are authorized, operate to best environmental practice standards, and comply with planning and environmental legislation, including requirements for Environmental Impact Assessments and Habitats Directive compliance (including substitute consent applications for certain, older quarries).

### 5.3 Quarries and Ancillary Activities Guidelines for Planning Authorities (2004)

The 2004 Quarry Guidelines provides guidance to planning authorities and developers on the management of the environmental and land-use impacts of quarries, balancing their economic importance with environmental protection.

The guidelines are structured into two main parts<sup>18</sup> and cover several key areas:

- **Part A: Development Plans/Management**
  - **Development Plans/Policies:** Recommends that development plans should acknowledge the economic value of aggregates and include objectives to safeguard valuable deposits while protecting residential and natural amenities.
  - **Development Management:** The Guidelines provide advice in relation to the assessment of applications, the requirements for Environmental Impact Assessment and on the specific conditions planning authorities can attach to permissions, covering aspects like operating hours, noise limits, blasting controls, water pollution prevention, and waste management and contributions/bonds for road network improvements and site reinstatement.
- **Part B: Implementation of Section 261 of the Act**
  - **Registration:** Details the process for existing quarry owners/operators to register their operations with the local authority, to regulate quarrying activities and where necessary, impose new or modified conditions or require certain quarries (especially older, larger quarries) to apply for planning permission and undertake Environmental Impact Assessment.

The Guidelines note that by their nature, aggregates can only be worked where they occur and are a significant natural resource and that the extraction industry makes a very important contribution to economic development in Ireland, especially in rural areas. The Guidelines also state that the planning system should ensure an adequate supply of aggregates/quarried material to meet construction demands.

The Guidelines also support the extension/intensification of existing quarries and recognise the environmental advantages that the extension of existing quarries have compared to establishing new quarries on greenfield sites.

<sup>18</sup> To offer guidance to planning authorities on planning for the quarrying industry through the development plan and determining applications for planning permission for quarrying and ancillary activities (**Part A**); To be a practical guide to the implementation of section 261 of the Planning and Development Act, 2000 (**Part B**).

The Guidelines also outline best practice/possible mitigation measures in relation to the method of extraction and restoration schemes, to minimise potential adverse impacts and so that worked-out quarries can be used or adapted for amenity, recreation, biodiversity etc.

#### **5.4 Quarries and the Local Authority Development Plan (May 2025)**

In May 2025, the Office of the Planning Regulator (OPR) published a Case Study Paper (CSP07): *Quarries and the Local Authority Development Plan*, in accordance with the OPR's Strategic Planning Research Programme 2023 – 2025.

While the Case Study is not Planning Policy, it does provide a useful overview of how planning authorities have implemented the 2004 Quarry Guidelines and managed the extractive industry sector in general. The key findings from the OPR include:

- Need to revise and update the Ministerial Guidelines for Planning Authorities on Quarries and Ancillary Activities to reflect the significant evolution of planning and environmental policy and legislation since the publication of the original guidelines in 2004.
- Need for revised Ministerial Guidelines to align with the new National Planning Statement approach provided for under the Planning and Development Act 2024. Key areas to include:
  - Enhanced focus on Appropriate Assessment (AA) and Environmental Impact Assessment (EIA);
  - Promotion of the circular economy principles, particularly the recycling of aggregates;
  - Greater emphasis on climate action;
  - Strengthened provisions for public participation and community engagement; and
  - Further advice on the reinstatement and/or future use of quarry sites post-extraction, having regard to local biodiversity.
- Consideration of the location of aggregate reserves/existing quarries in the review of Ministerial Guidelines on Rural Housing (i.e. so that the proliferation of one-off housing does not compromise quarries/resource availability).
- Establishment of a national register of extractive industries in Ireland.
- Development of a national prediction system for aggregate supply and demand.
- An enhanced role for regional assemblies in the extractive industry.

- Implementation of Section 356 of the Planning and Development Act 2024 to establish designated regional enforcement authorities.
- The inclusion of quarry data in development plans.

A key consideration therefore in any new Guidelines/Planning Statement(s) will be the protection and exploitation of quarries and aggregate resources.

## 5.5 Cork County Development Plan 2022-2028

The Cork County Development Plan (CCDP) 2022-2028 which came into effect on 6 June 2022, serves as a strategic framework to guide the sustainable development of County Cork until 2028, with a focus on balancing economic growth, environmental protection, and community well-being.

Under the CCDP, the site in Ardcahan is partially situated on lands designated as a greenbelt ('Greenbelt 1') surrounding Dunmanway, and is subject to the objectives outlined below:

### **CDP Objective RP 5-16: Long Established Uses**

*Recognise the requirements of long established commercial or institutional uses located entirely within the Greenbelt which may make proposals for expansion / intensification of existing uses. Such expansion proposals of an appropriate scale will be considered on their merits having regard to the overall function and open character of the Greenbelt and where development would be in accordance with normal proper planning and sustainable development considerations.*

### **CDP Objective RP 5-19: Greenbelts around Settlements**

- Retain the identity of towns, to prevent sprawl, and to ensure a distinction in character between built up areas and the open countryside by maintaining a Greenbelt around all individual towns.*
- Reserve generally for use as agriculture, open space or recreation uses those lands that lie in the immediate surroundings of towns. Where Natura 2000 sites, Natural Heritage Areas, proposed Natural Heritage Areas and other areas of biodiversity value occur within Greenbelts, these shall be reserved for uses compatible with their nature conservation designation and biodiversity value.*
- Prevent linear roadside frontage development on the roads leading out of towns and villages.*

Section 8.17 of the CCDP addresses Mineral Extraction, acknowledging the economic importance of extractive industries as a source of raw materials for the construction sector and infrastructure development.

The Plan provides policy support for the protection of existing quarries and proven aggregate resources and the continued viability of extractive industries in the County, as set out below:

#### *8.17 Mineral Extraction*

8.17.1 *It is important to protect important reserves of aggregates and minerals from development that might prejudice their utilisation. In line with this Cork County Council recognises the economic value and significance of the aggregate and mineral sector to the local, regional and national economy in terms of employment generation and providing raw materials for the construction industry. The Council therefore aims to protect and safeguard the operations of working quarries and proven aggregate resources from incompatible developments to ensure the continued viability of the extractive industry, whilst also ensuring that environmental, rural, scenic and residential amenities are protected.*

8.17.2 *In 2020 the ICF [Irish Concrete Federation] published a document 'Essential Aggregates: Providing for Ireland's Needs to 2040' which is an industry led call for Government to ensure that Ireland's future supply of aggregates (crushed rock, sand and gravel) is planned, monitored and managed in a sustainable manner, to provide for Ireland's future infrastructure development. The document calls for a National Planning Policy for Aggregates which will underpin local and regional planning policy. The Planning Authority recognises the essential role of Aggregates and the need for the preparation of a County Minerals Strategy which will support a sustainable extractive industry during the lifetime of the County Development Plan.*

8.17.3 *There are 230 quarries registered under Section 261 of the Planning and Development Act 2000, as amended, operating within the County, primarily engaged in Sand and Gravel and stone quarrying. There are distinct clusters at locations near Carrigtwohill, Midleton, Ovens, along the Bandon River from Dunmanway to Innishannon and to the east of Kanturk around Cecilstown.*

**County Development Plan Objective EC: 8-16 Safeguarding Mineral Reserves**

- a) *Protect and safeguard the county's natural mineral resources from inappropriate development, by seeking to prevent incompatible land uses that could be located elsewhere, from being located in the vicinity of the resource, since the extraction of minerals and aggregates is resource based.*
- b) *Prepare a Minerals Strategy Plan to support a sustainable extractive industry during the lifetime of the plan. This strategy will be prepared taking account of environmental, nature, conservation, heritage, landscape, and other planning considerations.*

The CCDP therefore includes clear objectives for managing and supporting quarries and aggregate extraction and recognises that previous or long-established commercial uses within Greenbelts may be permitted to expand, where appropriate.

The plan also recognises the economic importance of aggregate extraction and safeguarding working quarries and aggregate resources from

incompatible development. The Plan also commits to the preparation of a Strategy to support a sustainable extractive industry.

## 6. Assessment

The proposed quarry development at Ardcahan is considered under the following headings:

1. Compliance with National and Local Planning Policy
2. Site Suitability
3. Project Need/Demand for Aggregates
4. Potential Economic Contribution
5. Environmental Assessment/Mitigation
6. Proposed Regeneration
7. Development Contributions
8. Duration of Planning Permission

### 6.1 Compliance with National and Local Planning Policy

The important contribution that quarries make in relation to local, regional and national economies, construction and infrastructure projects is recognised in National and Local Planning Policy.

Under the National Planning Framework (NPF) the essential contribution of quarries in delivering housing and infrastructure was recognized and this contribution has been elevated even more under the revised NPF (April 2025) which focuses on accelerated housing, construction and infrastructure provision.

Section 9.2 of the NPF highlights the strategic importance of extractive industries in supplying essential materials for construction and supports the identification and protection of key mineral reserves from conflicting land uses (e.g. one-off rural housing) to ensure their sustainable use while Objective 23 (NPO 23) highlights the particular importance of quarries/extractive industries in the development of local/rural economies:

*“Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and **extractive industries**, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism” (emphasis added).<sup>19</sup>*

The Revised NPF places particular emphasis on strengthening regional cores such as Cork and its hinterland, recognising its potential to act as a counterbalance and key driver of economic growth and innovation outside of Dublin. The provision of housing and infrastructure is key to meeting this objective and therefore quarries and the supply of aggregates, will form a critical pillar to this objective.

<sup>19</sup> National Planning Framework, p.78.

Equally the Regional Spatial and Economic Strategy (RSES) for the Southern Region supports the critical role of quarries in providing essential materials for construction and infrastructure provision and highlights the importance of protecting aggregate/mineral reserves from encroaching developments that might compromise or prevent their future use.

The RSES also encourages the rehabilitation of disused quarries for potential alternative uses, including habitat restoration, future commercial/industrial uses etc, subject to planning and environmental considerations.

This aligns with the applicants' regeneration plan which will include the cultivation of two native woodland pockets in the east and west of the proposed extraction area and the conversion of the settlement ponds on the southwest of the site to form a seasonal lagoon/wetland, which will be planted in its margins with native wetland planting.

In relation to the local planning policy in the 2022 CCDP, the application site is partially situated on lands designated as a greenbelt surrounding Dunmanway, where the principal objective is to retain the identity of towns and to prevent sprawl.

CCDP Objective RP 5-16 (long established uses within greenbelt areas) recognises the requirements of long established commercial uses located within greenbelt areas and allows for the expansion / intensification of these existing uses as long as it has regard to the overall function and open character of the Greenbelt.

Section 8.17 of the CCDP acknowledges the economic importance of extractive industries as a source of raw materials for the construction sector and infrastructure development and provides policy support (Objective EC: 8-16) for the protection of existing quarries and proven aggregate resources and the continued viability of extractive industries.

The quarry in Ardcahan is a proven resource of high-quality (quartzitic sandstone) aggregate and the resumption of quarrying activity has significant environmental advantages over quarrying on a greenfield site i.e. the resumption of quarrying on the site of a former quarried area and feeding the existing, adjoining macadam plant, is a far more sustainable and environmentally sensitive than creating a new quarry on a greenfield site.

It is submitted that the resumption of quarrying on the site at Ardcahan is fully in accordance with national and local planning policy in that it will:

- Realise the potential of an existing quarry with a proven high-quality resource.
- Help supply aggregates to housing and infrastructure projects in the Cork area in line with NPF/RSES objectives.
- Make a positive economic contribution in a rural area.
- CCDP Objectives (RP 5-16) support the expansion / intensification of pre-existing use(s).
- Planning policy also favours the re-use and resumption of quarrying on an established site(s), rather than opening up new or greenfield sites, which are less sustainable and less environmentally sensitive.

- On cessation of quarrying, regeneration will include the cultivation of two native woodland pockets and a lagoon with native wetland planting in line with best practice and NPF, RSES and CCDP objectives.

It is submitted that the proposed resumption of quarrying activity in Ardcahan is fully in accordance with national, regional and local (development plan) policy.

## 6.2 Site Suitability

The location of the quarry in Ardcahan was primarily identified (by Cork County Council in the first instance) due to the existence of high quality resource (quartzitic sandstone), but the site also has multiple other attributes which make the quarry a suitable location for further development, including:

- **Environmental (Resumption of Established Quarry):** There is a long history (pre-1963) of quarrying at the Ardcahan site and there is also an existing macadam plant. The re-use of this site for quarrying is more sustainable and environmentally sensitive than a greenfield site remote from the macadam plant.
- **Resource Availability:** the quarry in Ardcahan provides a large volume (c.3.7 million tonnes) of very high quality quartzitic sandstone resource.
- **Accessibility:** The central location within a wide catchment and proximity to existing road networks reduces transportation costs and noise impact.
- **Market Proximity:** Because aggregates are generally considered "low-value" with high transport costs, sites must be near demand centres to remain economically viable. The central location of the quarry to a wide catchment, means that it is ideally located to serve existing markets.
- **Visual Screening:** The sites natural topography means that it is naturally screened, in turn minimizing visual impact.
- **Low Population Density:** the immediate area surrounding the quarry has a relatively lower population density – these areas are generally more suitable for quarrying (i.e. to minimize impact on residents/sensitive receptors).
- **Zoning/Policy:** The Council's greenbelt policy protects quarries/aggregates, by restricting one-off housing and encouraging housing/population within the development boundary for Dunmanway, which in turn minimises conflicts with other uses e.g. quarrying, agriculture.
- **Buffers/Separation Distances:** there are good separation distances to the nearest "sensitive receptors" such as houses, residential settlements, schools, and hospitals. The nearest dwellings to the quarry site are located approximately 300m away. There are no

commercial premises or community facilities in the immediate environs.

- **Sustainability:** The existence of a macadam/asphalt production plant within the quarry, makes it the most sustainable source of aggregates for the macadam/asphalt production plant. Without an operating quarry in Ardcahan this material has to be imported from remote quarries/sources.

Ardcahan Quarry is located approximately 3.5km north-east of Dunmanway in West Cork just off the L4621-9 local road ('Hospital Road'), approximately 300m east of its junction with the R587 regional road, which links Dunmanway and Macroom. This makes it located close to a large town for employment/commuting purposes but with enough of a separation distance, not to have an adverse impact on the town.

There are good separation distances to the nearest "sensitive receptors" (residential, schools, hospitals). The nearest dwellings to the quarry site are located approximately 300m south; 275m west; 450m north and 400m east of the site and there are no other community/sensitive uses in the immediate environs that would limit the development potential of the quarry.

The site is also located in a rural setting with undulating topography and is naturally very well screened and has a relatively low visual impact on the wider area.

The suitability of the site for quarrying development was also acknowledged during previous planning assessment e.g. under CCC Ref. 98/284 (for the macadam / asphalt manufacturing plant), where the locational strengths of the quarry were identified in the planner's report as follows:

*"Site is located in a rural area about 3 miles north of Dunmanway and the macadam plant is located on the floor of a large quarry. The site is well screened ... access is very good with a short stretch of Council road leading to the Coppeen-Dunmanway Regional Route" (see Appendix 1).*

The location of the macadam/asphalt production plant on the applicants landholding makes the quarry site even more relevant/suitable and the provision of aggregates even more important to avoid the unsustainable transport of aggregates over long distances to feed the macadam plant in Ardcahan.

The quarry is also centrally located within a large, regional market area, which makes it ideally placed to conveniently serve a large market/catchment area and meet the aggregate demands of various industries, including construction, infrastructure and agriculture.

### 6.3 Project Need/Demand for Aggregates

Reserves at the quarry are estimated to be in the region of 3.7 million tonnes of aggregate, so there is ample availability of high quality quartzitic sandstone resource to meet the demand at this location.

Aggregates are an essential building material for the construction industry. The supply of aggregates not only facilitates construction, infrastructure and housing delivery (which are all vital for sustaining economic growth), ease of access to construction materials plays a big part in the deliverability and affordability of construction, housing and infrastructure projects.

This is particularly relevant to the Cork area, which along with Dublin, is identified in the NPF as the main area of growth/development (with Cork being the primary counterbalance to Dublin), targeting a population increase of 50–60% by 2040 i.e. an additional 125,000 people by 2040 and an accelerated housing target of 10,000 new homes per annum.

This significant increase in population requires a commensurate increase in housing and infrastructure output, and this can only be achieved if there is an increase in the availability of building materials (including aggregates) and a security of supply of these materials/aggregates.

NPF/economic growth is also hugely dependant on infrastructure provision and the road network to move goods efficiently, and people depend on roads to get around by car, public transport and active travel modes such as walking and cycling.

Roads and infrastructure also play a critical role in economic competitiveness and is a significant factor influencing the decisions of foreign multinational companies about where to locate their operations.

The quarry in Ardcahan will contribute to meeting the needs of the construction sector, by supplying aggregates to housing, infrastructure and road projects in Cork, in line with NPF/RSES objectives.

Depending on demand and market conditions, it is anticipated that the proposed quarrying activities will generally produce between 175,000 to 200,000 tonnes of aggregate per annum, with an anticipated upper annual output of 225,000 tonnes over a 20-year timeframe.

The NPF timeframe aligns with the 20-year timeframe/permission sought in this planning application and will ensure a supply of aggregates that compliments the NPF and RSES timeframes.

## 6.4 Potential Economic Contribution

The importance of quarries to the national and regional economy and to housing, construction and infrastructure projects has already been outlined in this report.

It is equally important to highlight the significant contribution that the quarry in Ardcahan can make to the local economy and construction/infrastructure projects in the area, particularly in relation to:

- **Job Creation:** The quarry will provide employment for the local workforce, including transport and specialized equipment operators.
- **Support for Infrastructure/Construction:** The extractive industry is critical for supplying aggregates, stone, sand, and gravel, required for

housing, agriculture and infrastructure projects e.g. a single average house requires over 300 tonnes of aggregates.

- **Downstream Industries:** The quarry in Ardcahan will support downstream and ancillary businesses in the West Cork and wider Cork region, including in particular the adjoining macadam/asphalt production, and haulage companies that transport materials to/from construction sites.
- **Agricultural Support:** Aggregates from the quarry are also essential for local agriculture to improve the quality of farms and their infrastructure.

When the quarry in Ardcahan was previously active (before 2014), a proportion of the quarried aggregate/material was used to supply the macadam plant on site (permitted under Council Ref. 98/284) and the remaining aggregate was primarily used for road, infrastructure and other construction projects in the area.

This made a significant contribution to the local economy and employment in a rural area where there is generally a low level of indigenous industry and a high level of commuting to larger urban areas (such as Cork City) for employment.

The quarry at Ardcahan has significant potential therefore, to again contribute to the local rural economy, employment and construction/infrastructure projects in the area, particularly in relation to housing, roads/infrastructure and agricultural development.

## 6.5 Environmental Assessment and Mitigation

This application is accompanied by a comprehensive EIAR which has been prepared in accordance with the requirements set out in the PDA 2001 (as amended) and Council Directive 2011/92/EU as amended by Directive 2014/52/EU (the EIA Directive) and based on the guidance presented in Guidelines on the information to be contained in Environmental Impact Assessment Reports, (EPA 2022).

The EIAR includes a comprehensive assessment of the potential impacts (for each discipline) and is described using the terms provided in the EPA Guidelines with a statement of the significant effects on the environment provided by each discipline and a comprehensive suite of measures to mitigate these effects.

The mitigation measures included in the EIAR include the following:

- The proposed works include a carefully designed and sized, surface water management system with buffers to watercourses, and the provision of an attenuation pond system (in the southwest of the site) early in the programme to include raise berms, interceptor and weir/slucice control, to prevent direct runoff to the watercourse and to carefully manage flows/water quality;

- Maintain attenuation pond controls and interceptors in line with best practice/guidance, including cleaning and upkeep of weirs/slucices and interceptors.
- Stormwater discharge limits will adhere to typical Environmental Limit Values (ELVs) issued for Section 4 Discharge Licenses by Cork County Council and annual biological monitoring will be completed by an aquatic ecologist up and down-stream locations on the small water course.
- Very regular, (daily) visual inspections and regular (monthly to quarterly) sampling and chemical monitoring will be completed at the sites discharge point as well as locations up gradient and down gradient of the site.
- Monthly groundwater levels will be recorded from the monitoring boreholes, established around the site and bi-annual monitoring of the groundwater quality will be completed for a range of water quality indicator parameters, including hydrocarbons from the down gradient borehole, mid-borehole and one of the upgradient boreholes.
- The environmental monitoring requirements will be included in the sites Environmental Management Plan and results will be reported to Cork County Council in the form of an Annual Environmental Report.
- Crushing/washing/stockpiling will take place >80 m from the attenuation pond system and cleared soils/ silts  $\geq 15$  m from any watercourse;
- Hydrocarbon controls include dedicated refuelling areas; dip trays under temporary fuel bowsers/crushers; and bunding around tanks/storage areas to contain spills.
- Design buffers / avoidance is built into the scheme including 25m buffer to Annex I heath and oak-birch-holly woodland and a 50 m buffer to the peregrine nesting quarry edge.
- Quarry faces used historically/currently for peregrines to be surveyed annually during breeding season and implement artificial nesting ledges/boxes, if required. Extraction timing will also avoid peak breeding and annual breeding bird monitoring with results will be submitted to Cork County Council.
- Vegetation removal outside nesting bird season and Install security fencing to protect retained woodland/trees near extraction (fencing to remain for the lifetime of the development.
- Provision of new/re-created wetland areas including the transplantation of Irish marsh orchids.
- Artificial bat boxes to be installed on suitable mature trees and a dedicated lesser horseshoe bat roost structure to be provided.
- Implement an Invasive Species Management Plan (appendixed to the EIAR) including remediation of Japanese knotweed and rhododendron.
- Implement a Regeneration Plan which will include the creation of two native woodland pockets (east and west) and a seasonal lagoon planted with native wetland plugs.

- Strict control of sediment/dust generation and other pollutants will be enforced.
- Deposited soils and materials to be kept at least 15m away from watercourses and stockpiled soils to be vegetated (as soon as possible) to reduce sediment erosion.
- Perimeter vegetation to be maintained/enhanced for natural screening of dust.
- Screening vegetation and raised berms along the southern and south-western boundaries to be retained and enhanced to restrict views.

As can be seen from the above list (which is not exhaustive), the proposed mitigation measures are thorough, comprehensive and will ensure that there are no adverse environmental impacts from the proposed development.

Given the proximity to the Bandon River SAC, the mitigation measures in relation to water management/discharge have been very carefully conceived and the applicant is happy that the water quality monitoring parameters/mitigation included in the Hydrology and Hydrogeology chapter (and all other mitigation measures) are expressly conditioned in any grant of permission by ACP.

In addition to the EIAR, an NIS has also been prepared by Malone O'Regan Environmental Consultants as part of this application. The NIS identified that the study site is neither part of nor encroaches on any Natura 2000 site, nor does it require resources from any Natura site, thereby ruling out any direct habitat loss at such conservation sites.

As the quarry is in close proximity to the Bandon River SAC, the NIS includes specific mitigation measures to ensure that no significant adverse effects will arise from the proposed quarry development on the Bandon River SAC.

Avoidance, design requirements and mitigation measures are detailed within this NIS which will ensure that any impacts on the Bandon River SAC or any other European site, having regard to their conservation objectives, will be avoided during all phases of the proposed development, such that there will be no adverse effects on the integrity of any European sites.

Given the proximity to the Bandon River SAC the proposed quarry development will be subject to ongoing monitoring to ensure that the mitigation measures are fully implemented and (as with the EIAR mitigation measures) the applicant is happy that the NIS mitigation measures are expressly conditioned in any grant of permission by ACP.

Following a detailed examination, analysis and evaluation of the relevant information, including the nature of the predicted impacts from the proposed development and all associated works, it has been objectively concluded that with the implementation of the proposed mitigation measures, the proposed development will not, either alone or in combination with other plans or projects, adversely affect the integrity or conservation

status of any of the qualifying interests of the Bandon River SAC or any other European site in light of best scientific knowledge -- refer to NIS by Malone O'Regan Environmental Consultants.

### 6.6 Proposed Regeneration Plan

As part of this planning application submission, a Regeneration Plan has been prepared by Cathal O'Meara Landscape Consultants.

The proposed regeneration plan does not include the reinstatement of previous ground levels, with the quarry void to be left open. As part of the decommissioning phase all stockpiles, plant and equipment will be removed and regeneration will include the cultivation of two native woodland pockets in the east and west of the proposed extraction area (see Figure 3: Proposed Regeneration Plan).

In addition, the lagoons and wetland area proposed as part of the quarry's water management system, will become permanent features of the site and will be planted in its margins with native wetland plugs (e.g. native Bulrush and Flag Iris) to provide a high quality habitat and improve the biodiversity of the site - refer to Regeneration Plan 2009\_LA00213 by Cathal O'Meara Landscape Consultant in Figure 3 below.

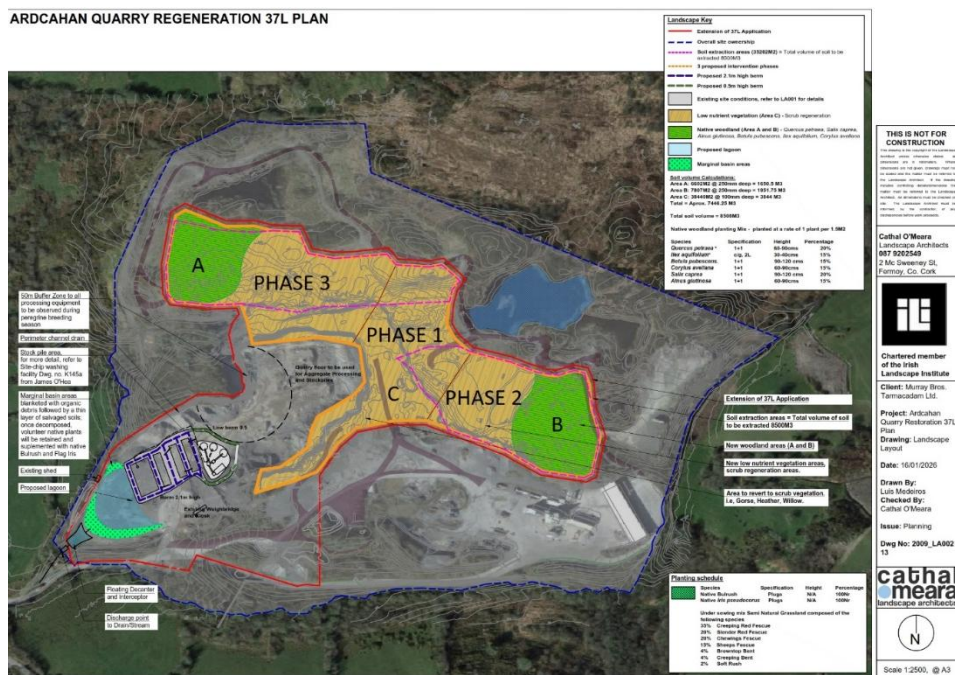


Figure 3: Proposed Regeneration Plan by Cathal O'Meara Landscape Consultant

## 6.7 Development Contributions

Section 48 and 49 of the PDA relates to the preparation of Development Contributions Schemes (DCS) whereby *"a planning authority may, when granting a permission under Section 34, include conditions for requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that it is intended will be provided, by or on behalf of a local authority"*.

The DCS prepared by CCC makes provision for General (Section 48 - non-refundable), Supplementary (Section 49) and Special (Section 48(2)(c)) Development Contributions.

Under the Council's DCS, it is stated that quarries are not specifically included in the General Contribution Scheme, and will therefore be levied by way of special development contribution:

*"Car parking spaces will be charged on a space deficiency basis through a special contribution. Development contributions for windfarms, golf courses, **quarries**, gravel pits and other non-agricultural developments, which are not specifically allowed for in the General Scheme, will be levied as special contributions (however, buildings provided as part of quarries/gravel pits, golf courses and other leisure facilities, etc. will also be levied in accordance with the General Scheme on the gross floor area)."*

In accordance with the provisions of Section 48(2)(c) of the PDA, any special contribution levied must be linked to 'specific exceptional costs' and must 'benefit the proposed development'.

MBTL are happy to make a (special) development contribution to cover the specific exceptional costs that benefit the quarry development in Ardcahan and to make a proportionate contribution to these costs commensurate with the scale of development included in this application.

## 6.8 Duration of Planning Permission

A 20-year planning permission is considered an appropriate timeframe to facilitate the extraction of the potential reserves in the quarry in Ardcahan, which is conservatively estimated at being 3.7 million tonnes. This timeframe would also allow for fluctuations in quarrying and economic activity over that period.

The 20-year timeframe proposed in this application, is in line with the *Quarries and Ancillary Activities Guidelines for Planning Authorities* (2004) which notes that in deciding the length of planning permission for quarries, planning authorities should have regard to the expected life of the reserves within the site.

The 20-year permission sought in this planning application also compliments the NPF/RSES timeframe to provide significant housing, construction and infrastructure projects in Cork and to establish Cork as a major growth centre.

This timeframe would also provide sufficient time to implement the proposed regeneration plan at the end life of the quarry.

We would urge ACP therefore, to grant a 20-year permission for the proposed quarry development.

## 7. Conclusion

Our client's quarry at Ardcahan has long been recognised as being of significant value containing a high quality quarzitic sandstone resource and up until it ceased operations (in 2014), it provided high quality aggregate material to a significant number of clients (including Cork County Council) and construction/infrastructure/agriculture projects in the Cork and Kerry areas.

The resumption of quarrying activity on this site in Ardcahan is consistent with national guidelines for the provision of aggregates to meet regional and local construction requirements and local development plan policy for the area including the provision of sustainable locally sourced aggregates.

In 1999, our client's quarry was supplemented by the addition of a macadam / asphalt manufacturing plant permitted under Council Ref. 98/294. The macadam/asphalt manufacturing plant continues in operation today but is required to import material from external sources/suppliers, rather than the more sustainable option of sourcing material from the adjoining quarry.

It is submitted that the resumption of quarrying at this site, which has already been extensively worked and would feed the existing macadam plant, is a significantly more sustainable and environmentally sensitive proposition than quarrying on a greenfield site and we would ask ACP to support the proposal and grant a 20-year permission for the proposed development.

## **Appendices:**

- 1. Permission granted under 98/284 (including Planners Report).**
- 2. Section 261A notice and reports from the Council's Executive, Senior Planner and Heritage Officer reports prepared under the Section 261A review process.**
- 3. Correspondence from Cork County Council dated 17<sup>th</sup> October 2014, stating that the SKBE/13/7 enforcement case was closed.**

**Appendix 1: Permission granted under 98/284 (including Planners Report).**

CORK COUNTY COUNCIL  
LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) ACTS, 1963-1993  
NOTIFICATION OF DECISION TO GRANT PERMISSION (with conditions)

25

Reference No. in Planning Register  
W/98/0294

MURRAY BROS. TARMACADAM LTD  
c/o P.D. Lane Associates,  
1 Church Road,  
Greystones,  
Co. Wicklow

In pursuance of the powers conferred upon them by the above mentioned Acts the Council of the County of Cork have by Order dated **- 2 APR 1998** decided to GRANT PERMISSION for the development of land namely;

Tarmacadam/asphalt manufacturing plant, ancillary buildings & works, storage bays, weighbridge and septic tank

AT: ARDCAHAN, DUNMANWAY

in accordance with the plans and particulars submitted by the applicant

On: 04/02/98

And as amended by revised documentation on 12/02/98

and subject to the conditions ( 15 No.) set out in column 1 of the Schedule attached hereto. The reasons for the imposition of the said conditions are set out in column 2 of the Schedule.

An appeal against a decision of the Planning Authority may be made to An Bord Pleanala by any person before the EXPIRATION of the period of ONE MONTH beginning on the day of the giving (i.e. Date of Order) of the decision of the Planning Authority. (SEE NOTES ATTACHED)

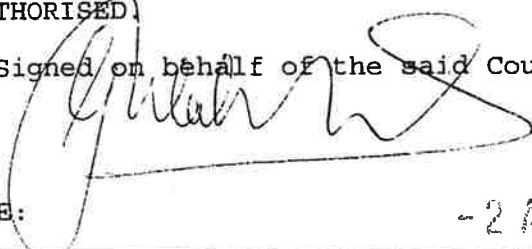
If there is no appeal against the said decision, a grant of PERMISSION in accordance with the decision will be issued after the expiration of the period within which an appeal may be made to An Bord Pleanala.

It should be noted that until a grant of PERMISSION has been issued, the development in question is NOT AUTHORISED.

Planning Department,  
County Hall,  
Cork.

Signed on behalf of the said Council

DATE:

  
- 2 APR 1998

SEE NOTES ATTACHED

SCHEDULE

19

Reference No. in Planning Register: 98/0294

Column 1 - Conditions

Column 2 - Reason

(1)

Percolation tests and Watertable tests shall be carried out in accordance with the provisions of S.R.6 (1991) NSAI Standard Recommendation for Septic Tank Systems to establish the suitability of the site for septic tank drainage and the length of distribution piping required for percolation area.

These tests shall be carried out by a suitably qualified person. The certified results together with site location map showing locations of each of the four percolation test holes and watertable test hole and certification that the site is suitable for septic tank drainage shall be submitted to the Planning Authority for examination before development commences.

To determine the extent of the percolation area required.

(2)

The proposed septic tank drainage system shall be designed, constructed, laid out and maintained in accordance with the provisions of S.R.6 (1991) NSAI Standard Recommendation for Septic Tank Systems of which the following are some of the principle requirements:-

- [a] The septic tank shall be located not nearer than 7m from the dwelling served and shall not be nearer than 20m from the nearest point of any other dwelling.
- [b] Effluent from the septic tank shall be disposed of by means of distribution pipes from a percolation area and not by means of a soakpit. The effluent

To ensure satisfactory design, construction and maintenance of the septic tank drainage system.

SCHEDULE

20

Reference No. in Planning Register: 98/0294

Column 1 - Conditions

Column 2 - Reason

distribution system shall have piping of a minimum length which shall be determined by percolation tests results.

[c] No part of the percolation area shall be closer than 20m to the nearest point of the nearest habitable building.

[d] No part of the percolation area shall be within 10m of the nearest road boundary, stream or ditch, nor within 3m of the boundary of the adjoining sites.

[e] No part of the septic tank or percolation area shall be located within an area that would affect any water source, e.g., a well, spring, borehole etc. The required distances are outlined in detail in S.R.6 (1991) and depend on the type of soil. The distance shall be greater where ground water is used as the source of water for Public supply or for Group Schemes.

(3)  
The developer shall ensure the provision of an adequate supply of potable water to serve the development.

In the absence of a public supply it is the developer's responsibility to provide an adequate water supply.

(4)  
The site shall be landscaped and planted in accordance with a comprehensive scheme to comprise predominantly native species and varieties and to include:

In the interests of visual amenity.

[a] details of screen bund wall including height and species to be planted. A mix of coniferous and deciduous trees are to be

SCHEDULE

21

Reference No. in Planning  
Register: 98/0294

-----  
Column 1 - Conditions  
-----

-----  
Column 2 - Reason  
-----

provided.

[b] species, variety, number  
and locations of trees  
and shrubs

[c] programme for  
implementation of the  
scheme.

Full details shall be  
submitted to and agreed with  
the Planning Authority prior  
to commencement of  
development.

(5)

Upon cessation of operations  
the developer shall remove all  
equipment and landscape the  
site to the satisfaction of  
the Planning Authority within  
12 month of said cessation.

In the interest of visual  
amenity.

(6)

All solid wastes arising on  
the site SHALL BE RECYCLED as  
far as possible. Materials  
exported from the site for  
recovery, recycling or  
disposal shall be managed at  
an approved facility and in  
such a manner as is agreed  
with the Planning Authority.  
In any case no such wastes  
shall be stored on the site  
except within the confines of  
the buildings on site.

To safeguard the amenities of  
the area.

(7)

Noise levels emanating from  
the proposed development when  
measured at the site  
boundaries shall not exceed 55  
dBa (15 minute Leq) between  
08.00 hours and 20.00 hours  
Monday to Saturday inclusive  
and shall not exceed 45 dBa  
(15 minute Leq) at any other  
time. Measurements shall be  
made in accordance with I.S.O.  
Recommendations R.1996/1  
"Acoustics - Description and

To safeguard the amenities of  
the area.

SCHEDULE

22

Reference No. in Planning Register: 98/0294

Column 1 - Conditions

Column 2 - Reason

Measurement of Environmental Noise, Part 1: Basic quantities and procedures".

If the noise contains a discrete, continuous note (whine, hiss, screech, hum, etc.), or if there are distinct impulses in the noise (bangs, clicks, clatters or thumps), or if the noise is irregular enough in character to attract attention, a penalty of +5 dBA should be applied to the measured noise level and this increased level shall be used in assessing compliance with the specified levels. (Ref. BS 4142 Section 7.2)

(8)

All operations on-site shall be carried out in such a manner as to ensure that no odour or dust nuisance occurs beyond the site boundary because of such operations.

To safeguard the amenities of the area.

(9)

Production shall not commence on site unless a licence under the Air Pollution Act has been issued by the Local Authority in respect of the operations.

To safeguard the amenities of the area.

(10)

Blasting operations for the removal of rock shall be carried out in such a manner as to restrict peak particle velocity below 12 mm/sec measured in any three mutually orthogonal directions at any point on the site boundary.

To safeguard the amenities of the area.

The air overpressure arising from any blast carried out on site shall, when measured at the nearest residence, not exceed 125 dB(linear).

SCHEDULE

23

Reference No. in Planning Register: 98/0294

Column 1 - Conditions

Column 2 - Reason

In advance of blasting operations, the developer shall inform all householders within 300 metres of the site that blasting will take place and for what period of time it is likely to continue. Such notification shall take place within one week of commencement of blasting activities.

Blasting operations shall only take place between the hours of 09.00 and 18.00, Monday to Friday inclusive. Monitoring of noise and vibration arising out of blasting activities shall be carried out by the developer at the request of the Planning Authority. This monitoring shall be carried out by an approved independent specialist contractor.

(11)

All fuel and bitumen storage tank areas and drum storage areas shall be rendered impervious to the materials stored therein. In addition, storage tank areas shall be bunded, either locally or remotely, to a volume of 110% of the largest tank within each individual bunded area. Drum storage areas shall be bunded to a volume equal to 110% of the sum of the volumes of the largest five drums likely to be stored therein. The height of the bund for any drum storage area shall be not less than 300 millimetres.

To safeguard the amenities of the area.

(12)

All water contaminated with hydrocarbons discharging to the stream shall discharge via a grit trap and hydrocarbon interceptor. An inspection

To safeguard the amenities of the area.

SCHEDULE

24

Reference No. in Planning Register: 98/0294

Column 1 - Conditions

Column 2 - Reason

chamber with a sump shall be constructed between the interceptor and the stream. The sump shall be of a minimum size of 500mm square and 400mm deep. The interceptor and sump shall be installed and operated to the satisfaction of the Planning Authority.

(13)

All inflammable substances to be stored in accordance with Fire Officer's requirements.

In the interests of fire safety.

(14)

Soiling levels arising out of activities on the site shall be such that the soiling level of standardised sticky pads shall not exceed 3% EAC/day at the site boundaries. The method of measurement and interpretation shall be as specified by the Planning Authority.

To safeguard the amenities of the area.

(15)

The applicant shall arrange for a baseline macrophyte and macroinvertebrate survey of the stream flowing adjacent to the site of the proposed development. This survey shall be carried out by a suitably qualified person before the development commences and at subsequent times to be agreed in advance with the Planning Authority. This survey shall extend a minimum of 80 metres upstream and 50 metres downstream of the proposed development and any discharges from same.

To safeguard the amenities of the area.

Results of the survey should be submitted to the Planning Authority within 14 days of the survey being carried out.

Name: MURRAY BROS. TARMACADAM LTD

Development: Tarmacadam/asphalt manufacturing plant, ancillary buildings & works, storage bays, weighbridge and oil tank

21

Location: ARDCAHAN, DUNMANWAY

Skib 28447

Site is located in rural area about 3 miles north of Dunmanway and the tarmacadam plant is located on the floor of a large quarry. While the site is reasonably well screened it is visible from 3 dwellings to the south which are located on a higher level.

A 8 metre high screening bund wall will be constructed to the south of the plant and will be planted with evergreen trees. It is suggested to intersperse this with broadleaved trees in keeping with the existing woodland to the west.

Applicants operate a similar type of plant to the west of Dunmanway and a relocation of all or some of this activity will reduce the number of truck movements within the town of Dunmanway.

Access is very good with a short stretch of Co. Rd. leading to the Coppeen-Dunmanway Regional Route. Given the adequacy of the road network I do not consider a contribution to be appropriate.

Recommend permission subject to the conditions of CEO and attached schedule.

Bob Gunkel

Bob Gunkel  
1/4/98

1 rec. per. es. em

Bob Gunkel's  
report

MFC Sullivan

2.4.98

**Appendix 2: Section 261A notice and reports from the Council’s Executive, Senior Planner and Heritage Officer reports prepared under the Section 261A review process.**

# Comhairle Contae Chorcaí Cork County Council

McCutcheon Mulcahy,  
6 Joyce House,  
Barrack Square,  
Ballincollig,  
Co. Cork.

An Rannóg Pleanála,  
Halla an Chontae,  
Bóthar Charraig Ruacháin, Corcaigh.  
Fón: (021) 4276891 • Faics: (021) 4867007  
R-phost: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)  
Suíomh Gréasáin: [www.corkcoco.ie](http://www.corkcoco.ie)  
Planning Department,  
County Hall,  
Carrigrohane Road, Cork.  
Tel (021) 4276891 • Fax (021) 4867007  
Email: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)  
Web: [www.corkcoco.ie](http://www.corkcoco.ie)



Our Ref: CKQY0118

23<sup>rd</sup> August, 2012.

*TOM*

<b>McCutcheon Halley Walsh Received</b>	
Date:	<b>24 AUG 2012</b>
Project:	<i>2546</i>
Action:	

Re: **Quarry Development operated by Murray Bros. Tarmacadam Ltd.,  
at Ardcahan, Dunmanway. Reference CKQY0118**

A Chara,

I refer to your submission of 27<sup>th</sup> January 2012 in relation to the quarry at Ardcahan, Dunmanway, Co. Cork and attach Notice issued by Cork County Council on 23<sup>rd</sup> August 2012.

You may apply to An Bord Pleanála, 64 Marlborough Street, Dublin 1 not later than 21 days after the date of this Notice, for a review of the subject determination of the Planning Authority under Section 261A Subsection (2)(a) or the subject decision of the Planning Authority under Section 261A (4)(a) and that no fee in relation to either application for a review shall be payable.

Mise, le meas,

**Noel Cooke,  
Staff Officer,  
Planning Department.**

**CORK COUNTY COUNCIL**

**PLANNING AND DEVELOPMENT ACTS 2000-2010, AS AMENDED**

**NOTICE PURSUANT TO SECTION 261 A (4) OF THE PLANNING & DEVELOPMENT ACT  
2000 AS INSERTED BY SECTION 75 OF THE PLANNING AND DEVELOPMENT  
(AMENDMENT) ACT 2010, AS AMENDED**

Our Ref: CKQY0118

Murray Bros. (Tarmacadam) Limited,  
Droumleena,  
Dunmanway,  
Co. Cork.

RE: Quarry Development at Ardcahan, Dunmanway, Co. Cork

**PLANNING AUTHORITY HAS DETERMINED PURSUANT TO SECTION 261A SUBSECTION (2) OF THE PLANNING & DEVELOPMENT ACT 2000, AS INSERTED BY SECTION 75 OF THE PLANNING AND DEVELOPMENT (AMENDMENT) ACT 2010, AS AMENDED, THAT :**

1. Quarry development was undertaken post 1 February 1990 that would have required, having regard to the Environmental Impact Assessment Directive, an environmental impact assessment but that such an assessment was not carried out or made.

and

2. Development was carried out after 26 February 1997, which development would have required, having regard to the Habitats Directive, an appropriate assessment, but that such an assessment was not carried out.

**REASONS FOR DETERMINATION:**

1. Extension of the quarry since 1<sup>st</sup> February 1990 expanded the total quarry to over 5ha and exceeded 2.5 ha in itself. The quarry development expanded by 2 ha approx. post 1999. This expansion results in the quarry being greater than 5ha in surface area and therefore results in the quarry being of a Class listed in Part 2 of Schedule 5. The extension has resulted in an increase in size greater than 25% of the quarry area and greater than 50% of

the appropriate 5ha threshold. Accordingly EIA is required under Class 13 of Part 2, Schedule 5 of the Planning & Development Regulations 2001, as amended.

2. Development was carried out after 1st July 1999, which development would have required, having regard to the Habitats Directive, an appropriate assessment, but that such an assessment was not carried out.

**THE PLANNING AUTHORITY HAS DECIDED PURSUANT TO SECTION 261A SUBSECTION (4) OF THE PLANNING & DEVELOPMENT ACT 2000, AS INSERTED BY SECTION 75 OF THE PLANNING AND DEVELOPMENT (AMENDMENT) ACT 2010, AS AMENDED, THAT:**

A pre 1964 use existed at the quarry.

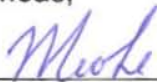
**REASONS FOR DECISION:**

1. The quarry has been subject to unauthorised extension that has given rise to the requirement for EIA.
2. An Appropriate Assessment is required having regard to the Habitats Directive.

**THEREFORE THE PLANNING AUTHORITY INTENDS TO ISSUE AN ENFORCEMENT NOTICE IN RELATION TO THE QUARRY UNDER SECTION 154 OF THE PLANNING & DEVELOPMENT ACTS 2000-2010, AS AMENDED, REQUIRING THE CESSATION OF THE UNAUTHORISED QUARRYING AND THE TAKING OF SUCH STEPS AS THE AUTHORITY CONSIDERS APPROPRIATE.**

**NOTE: YOU MAY APPLY TO AN BORD PLEANALA, 64 MARLBOROUGH STREET, DUBLIN 1 NOT LATER THAN 21 DAYS AFTER THE DATE OF THIS NOTICE, FOR A REVIEW OF THE SUBJECT DETERMINATION OF THE PLANNING AUTHORITY UNDER SECTION 261A SUBSECTION (2)(a) OR THE SUBJECT DECISION OF THE PLANNING AUTHORITY UNDER SECTION 261A (4)(a) AND THAT NO FEE IN RELATION TO EITHER APPLICATION FOR A REVIEW SHALL BE PAYABLE.**

Mise, le meas,



**Noel Cooke,  
Staff Officer,  
Planning Department.**

Date: 23rd August 2012

**Quarry Reference: CKQY0118**

**Location: Ardcahan, Dunmanway**

**Quarry Operator: Murray Bros Tarmacadam Ltd**

**Total Site Area: c. 8.1ha (measured on 2005 aerial photograph)**

**Case Planner: Annie O'Keeffe**

**Date of Site Inspection: 25/03/2012**

### **Introduction**

This report is carried out in accordance with the requirements of S.261A of the Planning and Development Act, 2000 (as amended) in order to determine whether development was carried out on this site which would have required:

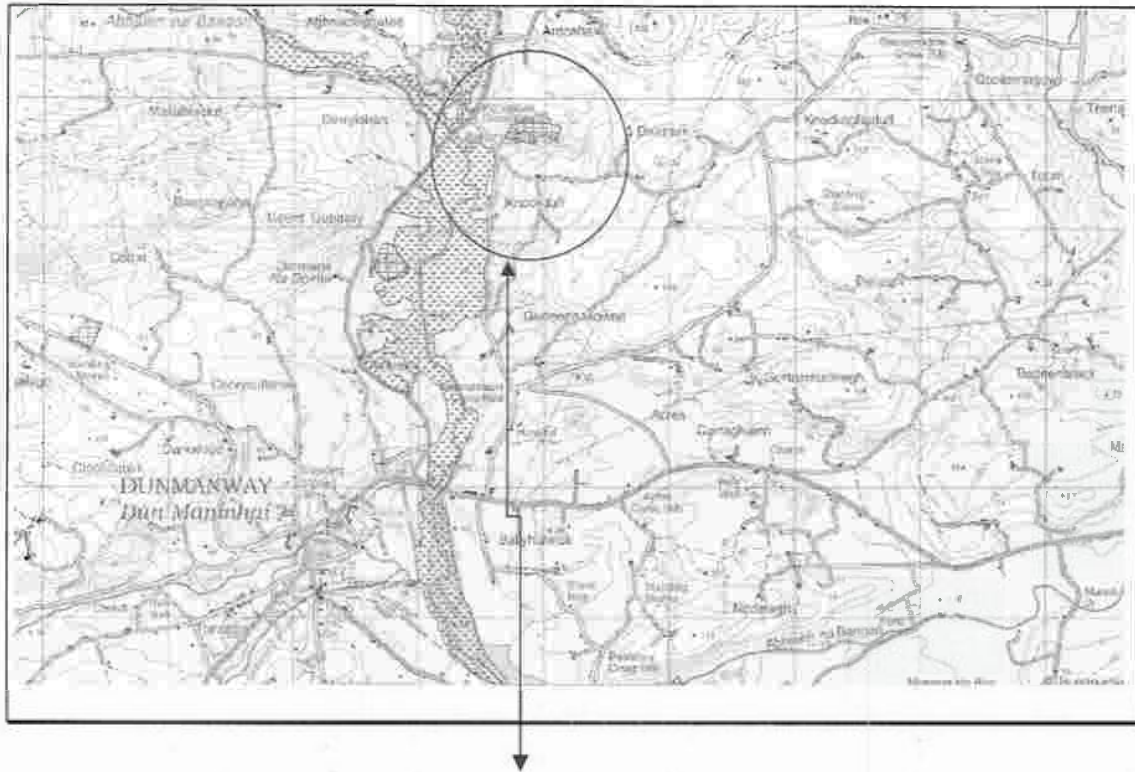
- Environmental Impact Assessment (EIA), or a determination as to whether EIA would have been required (having regard to EIA Directive 97/11/EC), or
- An Appropriate Assessment (AA) under the Habitats Directive

### **Policy Context**

The site is located within the green belt for Dunmanway as designated in the Skibbereen EA LAP 2011 in an area where the predominant use is agriculture. The site is located within the potential zone of impact of the Bandon River SAC, a Natura 2000 site. There are no scenic designations applying to the site.

### **Site Description**

The site is located at Ardcahan, Dunmanway circa 3km north east of Dunmanway town and c. 0.5km east of the Regional Road R587 and is accessed via a local tertiary road L4621-9. The Bandon/Carraha rivers are located to the west of the site. There are views of the quarry from the west and south.



*Site outlined in black on Planning Enquiry map extract*

The overall landholding comprises 3 elements:

- a) existing quarry (approx 8.1ha)
- b) tarmacadam/asphalt manufacturing plant, ancillary buildings and works, storage bays, weighbridge and septic tank permitted under 98/294 (2.4ha)
- c) undeveloped land which on which permission for stone extraction was refused under 11/317 (4.85ha)

**This report deals only with S261 as it applies to the actual quarry on site i.e a) above.**

It is considered that the tarmacadam/asphalt manufacturing plant is not a 'quarry' as defined in the European Union (Environmental Impact Assessment and Habitats) (No.2) Regulations, 2011 (SI 584 of 2011), which came into operation on 15 November 2011, amended section 2 of the principal Act. A quarry is defined in these regulations as:

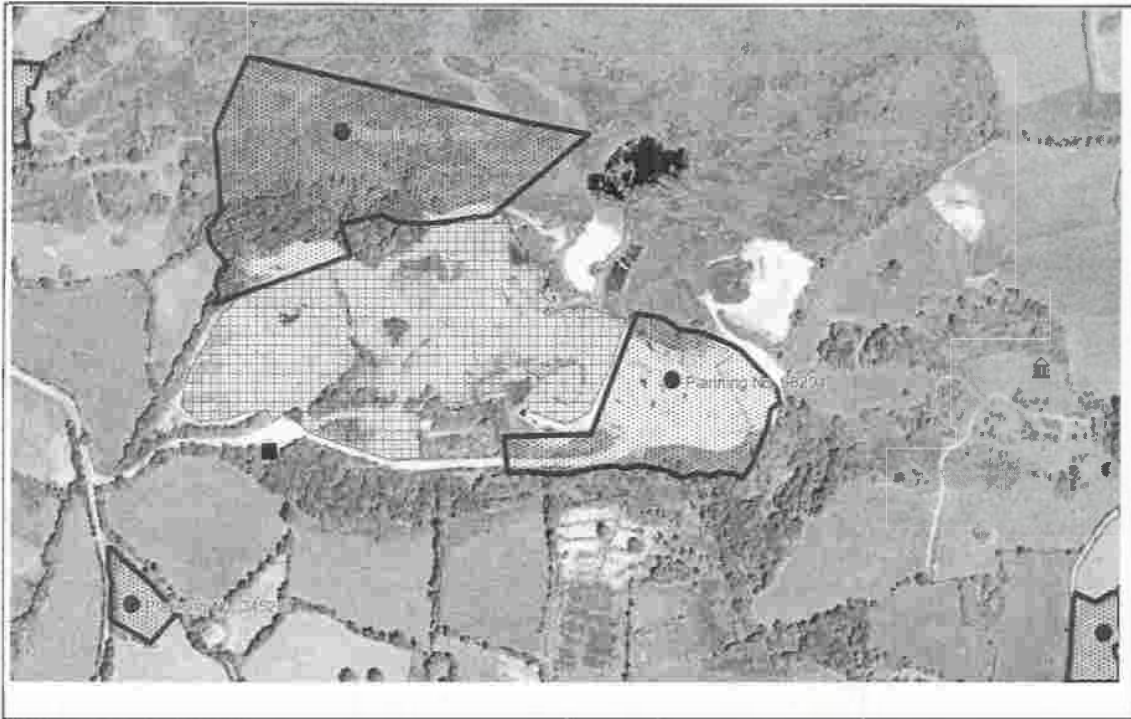
*quarry" means an excavation or system of excavations made for the purpose of, or in connection with, the getting of minerals (whether in their natural state or in solution or suspension) or products of minerals, being neither a mine nor merely a well or bore-hole or a well and bore hole combined, and shall be deemed to include—*

*(i) any place on the surface surrounding or adjacent to the quarry occupied together with the quarry for the storage or removal of the minerals or for the purposes of a process ancillary to the getting of minerals, including the breaking, crushing, grinding, screening, washing or dressing of such minerals but, subject thereto, does not include any place at which any manufacturing process is carried on;*

*(ii) any place occupied by the owner of a quarry and used for depositing refuse from it but any place so used in connection with two or more quarries, and occupied by the owner of one of them, or by the owners of any two or more in common, shall be deemed to form part of such one of those quarries as the Minister may direct;*

*(iii) any line or siding (not being part of a railway) serving a quarry but, if serving two or more quarries shall be deemed to form part of such one of them as the Minister may direct;*

*(iv) a conveyor or aerial ropeway provided for the removal from a quarry of minerals or refuse."*



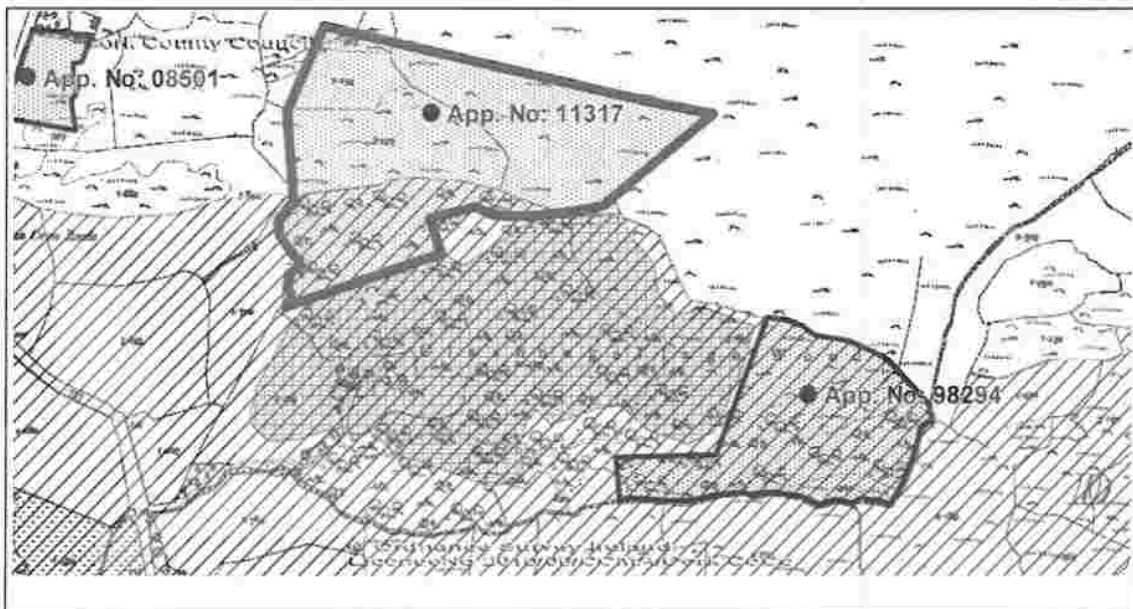
### Planning History

This quarry is a pre-1964 quarry which was sold by Cork County Council in 1999 to Murray Bros. Tarmacadam Ltd.

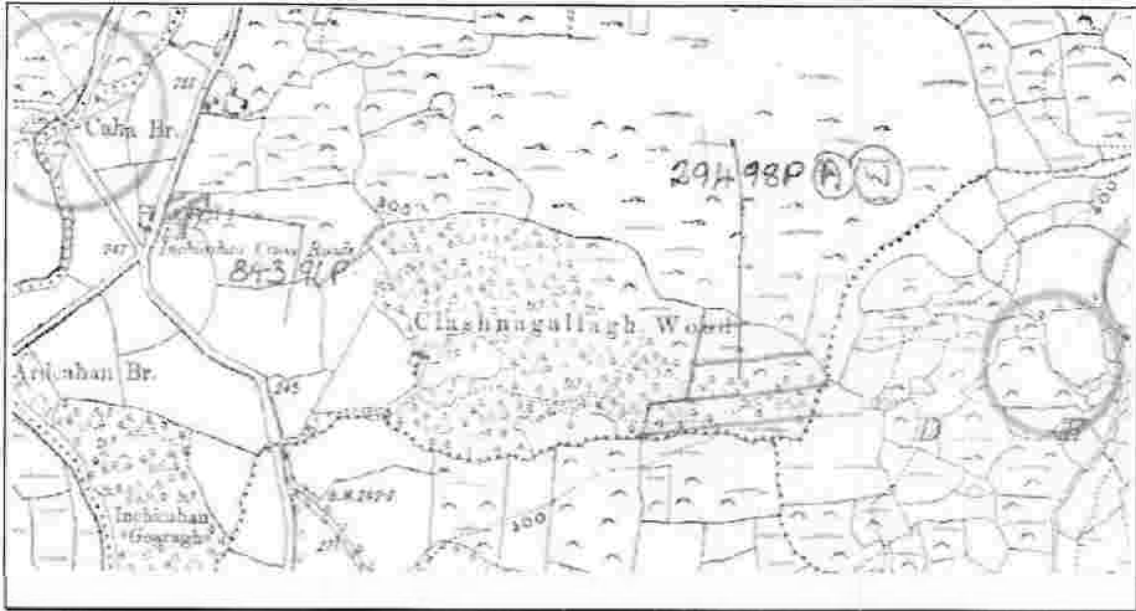
Permission was granted on the lands to the east for a tarmacadam/asphalt manufacturing plant under **98/294** to Murray Bros. Tarmacadam Ltd (the applicant had a contract to purchase the site from Cork County Council at the time of the application).

Permission was refused on lands to the north to Murray Bros. Tarmacadam Ltd for permission for the extraction of stone, to a depth of 77.2m.o.d. (development comprising an overall area of 4.85ha) and all associated site works under **11/317** for the following reasons:

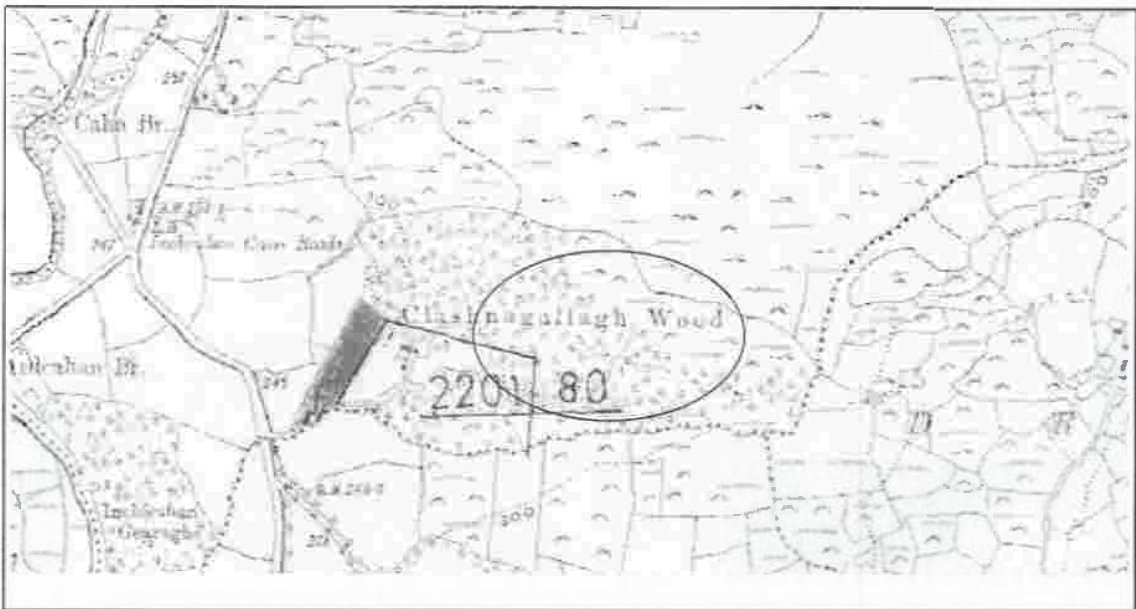
1	<p>On the basis of the documentation submitted with the application, the planning history of the landholding, the site inspection carried out and the requirements of S.261 of the Planning and Development Act 2000 (as amended), the Planning Authority is not satisfied that the proposed development would not form an extension to an existing unauthorised quarry and is therefore precluded from considering a grant of permission for the proposed development in such circumstances.</p>
2	<p>Having regard to the provisions of Schedule 7 of the Planning and Development Regulations 2001 (as amended) and the nature, scale, location and extent of activities associated with the proposed development in combination with those of the existing adjoining quarry, the Planning Authority considers that an Environmental Impact Statement for sub-threshold development would be required in accordance with the requirements of EU Directive 85/337/EEC (as amended) which has not been submitted with the application, therefore the Planning Authority is not satisfied that the proposed development would not be seriously injurious to the environment and amenities of the area and would be contrary to the proper planning and sustainable development of the area.</p>
3	<p>It is an objective of the Planning Authority as set out in OBJ ENV 1-5, of the Cork County Development Plan 2009, to provide protection to all Natural Heritage sites designated in accordance with European Legislation.</p> <p>On the basis of the lack of information submitted with the application for which no Appropriate Assessment has been carried out, the Planning Authority cannot determine that the proposed development would not have a significant impact on the Natura 2000 Site (Bandon River SAC). The proposed development would be in conflict with Objective ENV 1-5 and would therefore be contrary to the proper planning and sustainable development of the area.</p>



Current Register Map Extract



*Post 1990 Register Map Extract*



*Pre 1990 Register Map Extract*

### **Registration History**

This quarry did not register under S. 261 of the Planning and Development Act 2000, as amended.

### **Enforcement History**

An enforcement file has been opened on foot of a complaint received on 13<sup>th</sup> July 2012 stating that blasting has taken place on 2 recent occasions at the quarry – SKB120022.

The existing pre-1964 quarry is unauthorised on the grounds that it was not exempt from registration under S.261 of the Planning and Development Act 2000, as amended, and did not meet the requirements to register.

### Site Inspection

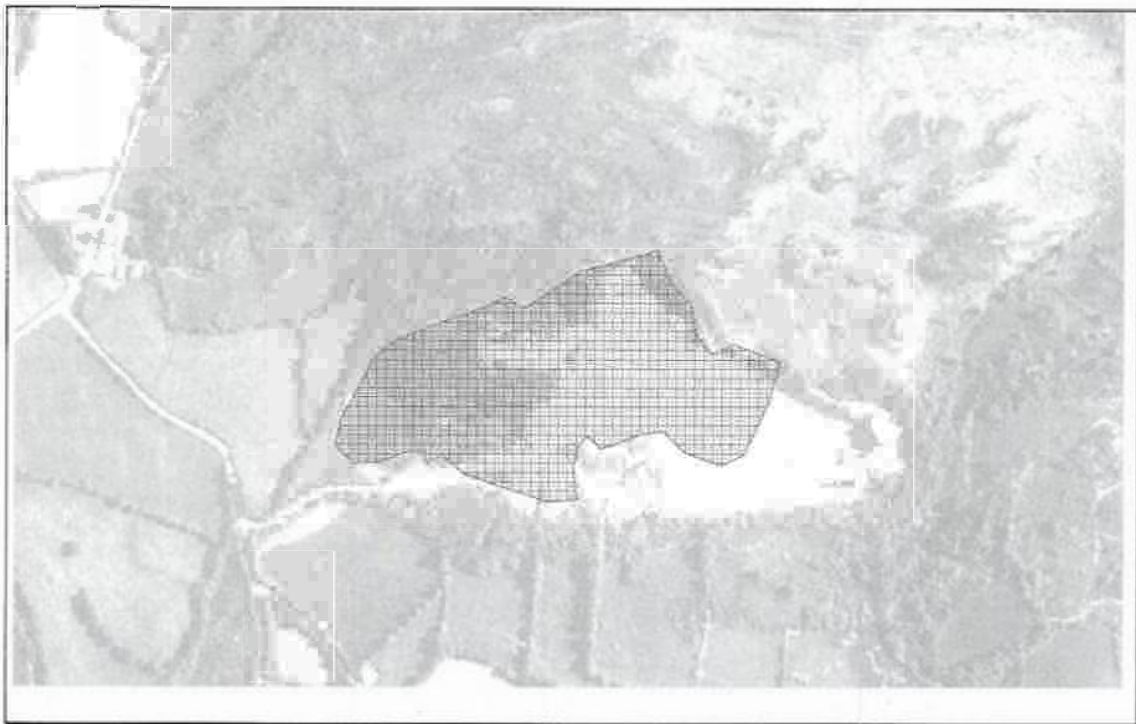
I inspected this site on 25/03/2012. This is an active quarry with associated permitted tarmacadam/asphalt manufacturing plant to the east of the site.

### Submissions

A submission has been received on behalf of the quarry owner. The main emphasis of the submission is on the local importance of the quarry and the need to regularise the current status of the quarry.

### Mapping

Below are extracts from the OSI aerial photos:



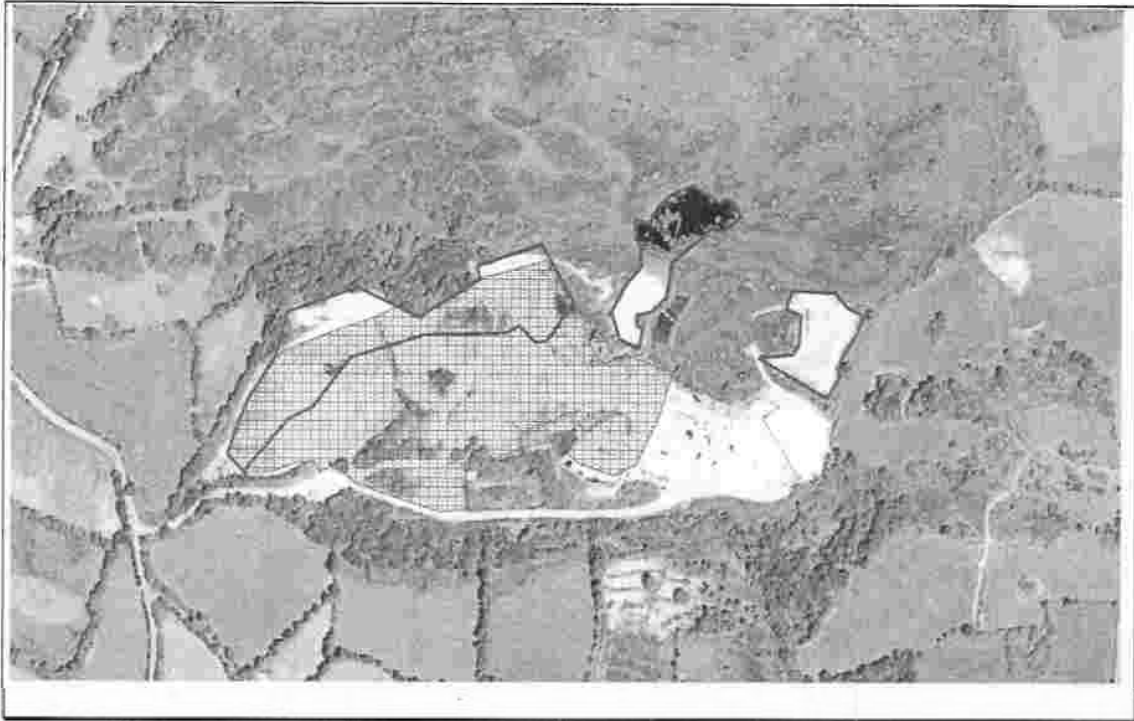
*1995 OSI Aerial Photo Extract*



*OSI Aerial Photo Extract 2000*



*2005 OSI Aerial Photo Extract*



*Areas with heavy red outline show expansion of quarry between 2000 and 2005*

### **Assessment**

#### **a) EIA (applicable after 1<sup>st</sup> February 1990)**

The quarry operating on this site commenced prior to the enactment of the 1963 Planning and Development Act. The site has been incrementally excavated since that time and quarrying activity on these lands has taken place without any grant of permission or registration under S.261 for such activity.

The site area of the quarry is measured at 8.1ha on the 2005 aerial photograph available to me on the quarry digitiser maps (this figure excludes settlement lagoons associated with the quarry). The quarry area is above the threshold 5ha at which point the carrying out of an EIS is a mandatory requirement.

Based on the aerial photos available to me, taken in 1995, 2000 and 2005, I have estimated the following site areas:

1995 – c.3.4ha

2000 – c.6.1ha

2005 – c.8.1ha

By 2000 the site area had increased to more than 5ha and thus the mandatory EIA threshold was breached sometime between 1995 and 2000.

This is a Category 1 quarry where it is considered that EIA would have been required due to breaching the thresholds for mandatory EIA and where an EIA was not carried out.

b) Appropriate Assessment (applicable from 26<sup>th</sup> February 1997)

The subject site is within the potential impact zone of a Natura 2000 site, Bandon River SAC – Site Code 002171. There is evidence of an existing watercourse bounding the quarry and flowing downstream to the nearby SAC.

In this regard it is noted that the Screening Assessment under 11/317 (which sought permission for an extension to the existing quarry) concluded that a Habitats Screening Statement would be required. Reason 3 attached to the decision to refuse permission under 11/317 stated:

*"It is an objective of the Planning Authority as set out in OBJ ENV 1-5, of the Cork County Development Plan 2009, to provide protection to all Natural Heritage sites designated in accordance with European Legislation. On the basis of the lack of information submitted with the application for which no Appropriate Assessment has been carried out, the Planning Authority cannot determine that the proposed development would not have a significant impact on the Natura 2000 Site (Bandon River SAC). The proposed development would be in conflict with Objective ENV 1-5 and would therefore be contrary to the proper planning and sustainable development of the area."*

I recommend that this file is referred to the Heritage Unit to determine whether development which occurred after 26<sup>th</sup> February 1997 would have required Appropriate Assessment. As stated above the closest estimate I can give regarding the level of development is that at least 1.5ha have been excavated since 2000. It is noted that the measurement of site area only does not give any indication of the volume of stone extracted from this quarry since February 1997 however it is reasonable to assume that excavation levels must have increased dramatically during the economic boom between c. 2002 and 2008.

c) ECJ Ruling Retention Permission (applicable from 3<sup>rd</sup> July 2008)

There are no aerial images available to me to determine the level of quarrying activity that has taken place on site since 3<sup>rd</sup> July 2008. However this is an active quarry and the associated tarmacadam/asphalt manufacturing plant uses stone quarried on the site. It is therefore concluded that quarrying has taken place and is taking place since 3<sup>rd</sup> July 2008. In this regard the enforcement representation alleging recent blasting at the site is also noted.

As stated under a) it is also considered that a EIA (and possibly AA) would have been required for such development.

Conclusion

On the basis of the above it is concluded that:

- a) This is a quarry as defined in the European Union (Environmental Impact Assessment and Habitats) (No 2) Regulations, 2011. As such, this site comes within the scope of S.261A of the Planning and Development Act, 2000 (as amended).
- b) This quarry is unauthorised

- c) The quarry area exceeded 5ha post-1990 and mandatory EIA would have been required and was not carried out
- d) There is no evidence to suggest that quarrying has not taken place on these lands since 3<sup>rd</sup> July 2008
- e) Substitute Consent is not an option available to the developer as the requirement to register under 5.261 was not complied with

The issue of whether development was carried out which would have required Appropriate Assessment is being referred to the Heritage Unit.

### Recommendation

It is recommended that this file is referred to the Heritage Unit to determine whether development was carried out which would have required Appropriate Assessment.

On receipt of the report from the Heritage Unit it will be necessary to issue an enforcement notice under S. 261A of the Planning and Development Act 2000 (as amended) as this quarry did not fulfil the requirement to register under S. 261 of that Act.

Annie O'Keeffe

Executive Planner

20/07/201

## Appendix 1 – Photographs





**Quarry Reference: CKQY0118**

**Location: Ardcahan, Dunmanway**

**Quarry Operator: Murray Bros Tarmacadam Ltd**

**Total Site Area: c. 8.1ha (measured on 2005 aerial photograph)**

**Case Planner: Annie O'Keeffe**

I note the detailed report of, Annie O'Keeffe, Executive Planner, and the AA assessment by the Heritage Officer, Sharon Casey.

The quarry satisfies definition for a quarry as set out in E.U. EIA & Habitats (No.2) Regulations 2011 (S.I. S84-2011).

The quarry does not have the benefit of planning permission.

The quarry exceeds the 5 hectare threshold above which a mandatory EIS is required.

The quarry was not registered under S261.

The quarry is unauthorised.

AA screening would have been required.

I note assessment by Heritage Officer, Sharon Casey:

**CONSIDERATION AS TO WHETHER THE REQUIREMENTS OF APPROPRIATE ASSESSMENT APPLY TO QY118 FOR THE BANDON RIVER SPECIAL AREA OF CONSERVATION**

The Habitats Directive was introduced into Irish law on the 26/02/1997, and legal protection has applied to the Bandon River Special Area of Conservation since 01/07/1999. An examination of the aerial photographs that the quarry has been operating since this date. The planner has estimated that the quarry extended by 2.7ha approx between 1995 and 2000 and by approx. 2.0ha between 2000 and 2005. Further expansion of the quarry is evident on Google satellite imagery dating from June 2010, however it was not possible to measure the extent of this expansion. All quarrying activity has continued at the site after the date from whence legal protection applied to the Bandon River SAC to the present date must be assessed to determine whether it would be likely to give rise to impacts on the SAC. This includes at a minimum, all new areas that can be seen to have been opened up on the 2005 aerial photograph (2.0ha), and all new areas that can be seen to have been opened up between 2005 and 2010 as evidenced on the 2010 aerial imagery (area subject to 11/317 planning application, and further areas east of this site - approx. 5ha-7ha).

**Potential Impacts On Bandon River Special Area of Conservation**

The key potential impacts of concern relate to the potential for the quarry to give rise to impacts on habitats or species which require the maintenance of a high standard of water quality. The SAC is designated for two species (Freshwater Pearl Mussel and Brook Lamprey) and for one riverine habitat type (Water courses of

plain to montane levels with the *Ranunculus fluitans* and *Callitriche-Batrachion* vegetation), all of which require the maintenance of a high standard of water quality and all of which could be affected by activities at this quarry site. Consideration of the potential for the quarry to give rise to each of these receptors is set out below. The water quality of this catchment has been assigned moderate status. Key pressures in the catchment which may be affecting water quality include agriculture and forestry. This quarry is one of four which is identified in the Bandon River Sub-catchment Plan as having the potential to be contributing to impacts on the Freshwater Pearl Mussel.

Freshwater Pearl Mussel is very susceptible to elevated levels of silt in watercourses where they occur and to contamination of water caused by the introduction of hydrocarbons or chemicals. These impacts could be caused by activities at the quarry site. The conservation status of this species has been assessed to be bad nationally. Increased levels of surface water run off could also affect the hydrology of the river, and could have impacts on this species. As populations of this species occur in the Bandon River immediately downstream from the quarry, and having regard to the direct hydrological connection between this quarry and the SAC, it is concluded that there is a high potential that activities at this quarry could give rise to impacts on this species.

Brook Lamprey is a widely distributed species in Ireland. It requires good water quality, clean sediments at spawning grounds and the presence of stable sandy silt beds to maintain healthy populations. The conservation status of this species has been assessed to be good nationally, however there is limited information available regarding the status of the Brook Lamprey population in the Bandon River. Having regard to the direct hydrological connection between the quarry and the SAC, I consider that the potential for the quarry to give rise to impacts on this species which could be significant cannot be screened out.

Floating River Vegetation is a widely distributed habitat which occurs in freshwater ecosystems around the country. It is stated that this SAC supports good examples of this habitat type throughout the site. The primary pressures on this habitat type arise from eutrophication of freshwater systems, excessive fertilisation, afforestation and the introduction of invasive alien species. The conservation status of the habitat has been assessed to be bad nationally. Having regard to the direct hydrological connection between the quarry and the SAC, I consider that the potential for the quarry to give rise to impacts on this species which could be significant cannot be screened out.

#### Assessment Of Significance Of Impacts Identified During Screening

I consider that that activity at this quarry has the potential to give rise to significant impacts on the Bandon River Special Area of Conservation.

#### Determination as to whether AA was required

I consider that all post 01/07/1999 activities at this site are subject to Appropriate Assessment in respect of the potential for such activities to give rise to impacts on the Bandon River SAC, and in particular to give rise to impacts on Freshwater Pearl Mussel and Brook Lamprey, two species for which the SAC is designated and on the Annex I habitat type Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachian* vegetation for which this SAC is designated. No such assessment has previously been completed.

Completed By	Sharon Casey, 25/07/2012
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Accordingly, as the quarry does not have planning permission; was not registered under S261; is unauthorised; but would have required both a mandatory EIS and Appropriate Assessment, I recommend enforcement action under S261A.

Kevin Irwin,

Senior Planner,

08.08.2012.

**Review of under Section 261 (2) of the Planning and Development Act 2010, to determine whether Appropriate Assessment was required for Quarry CK QY118, and to determine, where it is concluded that AA was required, whether this was completed as part of the planning process.**

BASELINE INFORMATION	
Quarry Ref	CKQY118
Quarry Location	Ardcahan (aultagh ded)
Quarry Type	<p>No information available</p> <p>8.1ha (2005 aerial), but additional expansion of the quarry is evident on 2010 Google Aerial Imagery.</p>
Quarry Status as per planners report	<p><b>Current Activity</b> The quarry was operating at the time of the site visit.</p> <p><b>Planning History</b> There is no planning permission for quarrying activity relating to this site.</p> <p><b>Quarry Registration Process</b> The quarry is not registered.</p> <p><b>Enforcement</b> There is an enforcement file open on foot of a complaint received on 13<sup>th</sup> July 2012 relating to blasting at the site.</p> <p><b>Pre-64 Activity</b> It is stated in the planners report that there was an active quarry at this site prior to 1964.</p>
Natura 2000 sites within 15km of the quarry	<p>The quarry is located approximately 130m to the east of the <b>Bandon River SAC</b>. This site is designated for the following habitats: Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation; Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae);</p> <p>and for the following species:</p> <p>Freshwater pearl mussel (<i>Margaritifera margaritifera</i>); Brook lamprey (<i>Lampetra planeri</i>).</p> <p>Potential for impacts on this SAC are considered further below.</p> <p>There are two other Natura sites located within 15km of this quarry.</p> <p>These are the <b>Gearagh SPA (4109)</b>, which is located 14.56km north-east of the quarry site and the <b>Gearagh SAC (0108)</b> which is located 12.67km north-east of the quarry site.</p> <p>The potential for the quarry to have an impact on the <b>Gearagh SPA (4109)</b>, is screened out, having regard to the qualifying interests of</p>

	<p>the SPA, the distance from the SPA, and there is no direct hydrological pathway between the quarry and the SPA.</p> <p>The potential for the quarry to have an impacts on the Gearagh SAC (0108) is screened out, having regard to the qualifying interests of the SAC, the distance from the sites, and there is no direct hydrological pathway between the quarry and the SAC.</p>
<p>Proximity of quarry to designated sites and watercourses</p>	<p>The quarry is located 345m from the main channel of the Bandon River which forms part of the Bandon River Special Area of Conservation. An unnamed stream runs from the south west corner of the site and joins the main channel of the Bandon River. This stream forms part of the Bandon River SAC 150m downstream from the quarry.</p> <p><b>Proximity to Freshwater Pearl Mussel Populations:</b> The quarry is located within Bandon/Caha Freshwater Pearl Mussel Catchment. A population of this species has been recorded along the adjacent stretch of the Bandon River downstream from this quarry.</p> <p>The quarry is partially located within an area that has been identified to be at risk of flooding.</p>
<p><b>CONSIDERATION AS TO WHETHER THE REQUIREMENTS OF APPROPRIATE ASSESSMENT APPLY TO QY118 FOR THE BANDON RIVER SPECIAL AREA OF CONSERVATION</b></p>	
<p>The Habitats Directive was introduced into Irish law on the 26/02/1997, and legal protection has applied to the Bandon River Special Area of Conservation since 01/07/1999. An examination of the aerial photographs that the quarry has been operating since this date. The planner has estimated that the quarry extended by 2.7ha approx between 1995 and 2000 and by approx. 2.0ha between 2000 and 2005. Further expansion of the quarry is evident on Google satellite imagery dating from June 2010, however it was not possible to measure the extent of this expansion. All quarrying activity has continued at the site after the date from whence legal protection applied to the Bandon River SAC to the present date must be assessed to determine whether it would be likely to give rise to impacts on the SAC. This includes at a minimum, all new areas that can be seen to have been opened up on the 2005 aerial photograph (2.0ha), and all new areas that can be seen to have been opened up between 2005 and 2010 as evidenced on the 2010 aerial imagery (area subject to 11/317 planning application, and further areas east of this site - approx. Sha-7ha).</p>	
<p><b>Potential Impacts On Bandon River Special Area of Conservation</b></p>	
<p>The key potential impacts of concern relate to the potential for the quarry to give rise to impacts on habitats or species which require the maintenance of a high standard of water quality. The SAC is designated for two species (Freshwater Pearl Mussel and Brook Lamprey) and for one riverine habitat type (Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation), all of which require the maintenance of a high standard of water quality and all of which could be affected by activities at this quarry site. Consideration of the potential for the quarry to give rise to each of these receptors is set out below. The water quality of this catchment has been assigned moderate status. Key pressures in the catchment which may be affecting water quality include agriculture and forestry. This quarry is one of four which is identified in the Bandon River Sub-catchment Plan as having the potential to be contributing to impacts on the Freshwater Pearl Mussel.</p> <p>Freshwater Pearl Mussel is very susceptible to elevated levels of silt in watercourses where they occur and to contamination of water caused by the introduction of hydrocarbons or chemicals. These impacts could be caused by activities at the quarry site. The conservation status of this species has been assessed to be bad nationally. Increased levels of surface water run off could also affect the hydrology of the river, and could have impacts on this species. As populations of this species</p>	

occur in the Bandon River immediately downstream from the quarry, and having regard to the direct hydrological connection between this quarry and the SAC, it is concluded that there is a high potential that activities at this quarry could give rise to impacts on this species.

Brook Lamprey is a widely distributed species in Ireland. It requires good water quality, clean sediments at spawning grounds and the presence of stable sandy silt beds to maintain healthy populations. The conservation status of this species has been assessed to be good nationally, however there is limited information available regarding the status of the Brook Lamprey population in the Bandon River. Having regard to the direct hydrological connection between the quarry and the SAC, I consider that the potential for the quarry to give rise to impacts on this species which could be significant cannot be screened out.

Floating River Vegetation is a widely distributed habitat which occurs in freshwater ecosystems around the country. It is stated that this SAC supports good examples of this habitat type throughout the site. The primary pressures on this habitat type arise from eutrophication of freshwater systems, excessive fertilisation, afforestation and the introduction of invasive alien species. The conservation status of the habitat has been assessed to be bad nationally. Having regard to the direct hydrological connection between the quarry and the SAC, I consider that the potential for the quarry to give rise to impacts on this species which could be significant cannot be screened out.

#### Assessment Of Significance Of Impacts Identified During Screening

I consider that that activity at this quarry has the potential to give rise to significant impacts on the Bandon River Special Area of Conservation.

#### Determination as to whether AA was required

I consider that all post 01/07/1999 activities at this site are subject to Appropriate Assessment in respect of the potential for such activities to give rise to impacts on the Bandon River SAC, and in particular to give rise to impacts on Freshwater Pearl Mussel and Brook Lamprey, two species for which the SAC is designated and on the Annex I habitat type Water courses of plain to montane levels with the *Ranunculus fluitantis* and *Callitricha-Batrachion* vegetation for which this SAC is designated. No such assessment has previously been completed.

Completed By | Sharon Casey, 25/07/2012

**Appendix 3: Correspondence from Cork County Council dated 17<sup>th</sup> October 2014, stating that the SKBE/13/7 enforcement case was closed.**

# Comhairle Contae Chorcaí Cork County Council

Rannóg Pleanála, Teach Norton,  
Bóthar Chorcaí, An Sciobairín,  
Co. Chorcaí.  
Fón: (028) 40340 • Faics (028) 21660  
Suíomh Greasain: www.corkcoco.ie  
Planning Section, Norton House,  
Cork Road, Skibbereen,  
Co. Cork.  
Tel: (028) 40340 • Fax: (028) 21660  
Web: www.corkcoco.ie



Tom Halley,  
McCutcheon Halley Walsh  
Chartered Planning Consultants,  
6 Joyce House,  
Barrack Square,  
Ballincollig,  
Cork

<b>McCUTCHEON HALLEY WALSH</b> <b>Received</b>	
Date:	21 OCT 2014
Project:	2546
Action:	SdRive + client

Date: 17<sup>th</sup> October 2014

Ref: SKB120022

**Re: Murray Bros Tarmacadam Ltd**  
**Enforcement Notice - Register No. SKBE/13/7**

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Dear Sir,

With reference to the above and previous correspondence thereon in particular your letter dated 12<sup>th</sup> May 2014, I am in receipt of the Senior Planner's report he confirms that the requirements of Enforcement Notice above that issued on 25<sup>th</sup> November 2013 have been complied with, and that no further enforcement action is necessary. Accordingly I am closing my file on the matter.

I am enclosing official receipt no WCP0002243 in respect of cheque in the amount of €776.00 received at this office in respect of requirement b) of the enforcement notice.

Please quote Ref. No. SKB120022 in any correspondence or direct contact with the Enforcement Section.

Yours faithfully,

Bernadette Collins  
Enforcement Section  
Planning Department

Murray Bros. Tarmacadam Ltd.  
c/o McCutcheon Halley Walsh  
Planning Consultants,  
6, Joyce House,  
Barrack Square,  
Ballincollig, Co. Cork.

**Cork County Council**  
**County Hall**  
**Cork**  
**Tel - 021 427 6891**  
**VAT Registration No - 0007458M**



14-MAY-2014  
14:58:22

**Receipt : WCP0002243**

**Header Details**

Receipt Reference: WCP0002243  
Received From: Murray Bros. Tarmacadam Ltd.  
Billing Address: c/o McCutcheon Halley Walsh  
Planning Consultants,  
6, Joyce House,  
Barrack Square,  
Ballincollig, Co. Cork.  
Account No.: POS  
7000001  
Amount Paid (EUR): 776.00  
Type: CHEQUE  
Comments: SKB/12/0022- Enforcement Exp.  
Receipt Issued By: ALORDAN  
Receipt Date: 14-May-2014  
Site: 0262 : West Cork Planning Department  
D/N/U: D  
Invoice Reference: 9000046980 : CHEQUE

**Line Details**

From Reference	To Reference	Transaction Date	Remarks	Amount
WCP0002243	9000046980	14-May-2014	SKB/12/0022 -	776.00

RECEIPT IS ISSUED SUBJECT TO CLEARANCE OF CHEQUE/CREDIT CARD  
ISSUED ON BEHALF OF  
West Cork Planning Department,  
Norton House,  
Skibbereen,  
Co. Cork028-40340