

Niamh Thornton

From: Kevin O'Regan <kevin.oregan@CorkCoCo.ie>
Sent: Tuesday 27 October 2020 11:17
To: Niamh Thornton
Subject: Ummerra - Substitute Consent
Attachments: Substitute Consent DM opinion to ABP.pdf

Dear Niamh,

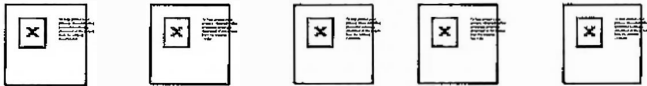
2nd signed opinion.

Regards,

Kevin

Caoimhín O Riagáin Oifigeach Feidhmiúcháin Sinsearach Pleanáil agus Fobairt
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a: Application for Substitute Consent for Further Development Ref. No. ABP-308194-20
Section 37(L)(12)(a) of the Planning and Development Acts 2000 as amended:

The development consists of the further development of Ummara Gravel Pit covering a total area of 15.5 hectares, consisting of current active extraction areas, yard area and approximately 2 hectares new extraction areas (to the south and eastern margin of current extraction areas); construction of perimeter earthen screening berms; pavement of existing site access road; construction of a bunded fuel storage shed and concrete refuelling pad; replacement of the septic tank and percolation area with a sealed wastewater collection tank; continuation of use of existing site infrastructure, including site entrance, washing plant, pump house, settlement ponds, site office, stores, storage of aggregate, all associated ancillary infrastructure and restoration of the site to agricultural use. A fifteen year lifespan is sought.

An Bord Pleanála has requested a report as per Section 37L (12)(a) of the Planning and Development Acts 2000 as amended, setting out the views of the authority on the effects of the proposed development on the environment and the proper planning and sustainable development of the functional area of the authority having particular regard to the matter specified in Section 34(2) to which a planning authority is to have regard.

Opinion of the Divisional Manger (South), Cork County Council in accordance with Section 37L(12)(a), having particular regard to Section 34(2) to consider the proper planning and sustainable development of the area.

The broad principle of this quarry at this location is generally acceptable but as highlighted in the Planners report, there are areas where the information submitted lacks sufficient detail. This prohibits a comprehensive and reasoned assessment of potential effects on the environment, and therefore in the absence of this information, the Planning Authority cannot support the granting of substitute consent. Having regard to the above, it is considered that following further information should be requested from the applicant.

Further Information:

1. A suitably scaled map should be submitted showing the location of all dust sensitive receptors relative to the proposed further development boundary. The locations where all dust monitoring have been conducted relative to same should also be included.
2. A comprehensive dust monitoring and management plan should be put in place to assess and evaluate existing dust levels. This, along with accompanying meteorological data, should be undertaken to enable the assimilative capacity of the receiving environment to be determined.
3. Clarify how the 15kmh speed limit is enforced at the site. This is noted and submitted as an existing dust suppression measure employed at the site.
4. Submit proposals for the on-site sprinkler system, which should be a part of the dust mitigation strategy.

5. Submit details relating to the ongoing abstraction of water from the Clashavoon Stream to include an assessment of the impacts of same on hydrological processes, aquatic habitats and species.
6. Submit details relating to the partial removal of the weir to include an assessment of the effectiveness of same to allow for the free passage of fish and in restoring natural hydrological processes.
7. Submit an outline Environmental Management System to include details of all processes and procedures, including emergency procedures and environmental monitoring systems to be implemented on site to provide for the protection of water and the environment generally. The plan should also include details of the management structure setting out responsibilities for oversight of the implementation of the system.
8. An outline Habitats and Species management Plan prepared with input from an Ecologist to include:
 - A map identifying proposed future works areas overlain on a habitat map and clarification as to the extent and type of habitats which are proposed to be removed during the future operational phase and habitats which are proposed to be retained;
 - Details of measures to be implemented to protect habitats of high natural value identified to be retained on the site in the operational phase;
 - Details of measures to be implemented to prevent the disturbance of protected species, in particular during their breeding seasons (including birds, bats, Otter and amphibians); and
 - Details of measures to be implemented to control the spread of invasive alien species.
9. An outline Restoration Plan to include detailed proposals for phased restoration of quarried areas using excavated topsoils and subsoils. The plan shall also provide for the protection and enhancement of habitats identified to be of high natural value within the site including wetland areas; and where possible and appropriate, for the creation of additional areas of biodiversity value within the site. The plan should be prepared with input from an ecologist.
10. Clearly outline on the site maps the areas proposed for future abstraction of aggregates on the site. Sufficient buffer zones shall be provided to adjoining properties.
11. Carry out and submit a detailed assessment of the stability of the banks surrounding the settlement ponds as failure of one of these banks could result in accidental discharge of large volumes of silt laden water to the nearby public road & stream. Any necessary remedial measures shall be identified.
12. Carry out and submit an assessment of the stability of the silt stores to ensure they are stable & not discharging silt or fines to surface water in periods of heavy rainfall. Any necessary remedial measures shall be identified.
13. Include the correct Q value results for the River Laney in the report and correct any further references to water quality in the Laney River.
14. The location & nature of the discharge to the Clashavoon stream, (referred to on p.131 of Volume 2 of EIA Main Report), and subsequent increase in siltation of the stream should be

clarified. Remedial measures to minimise any potential siltation in the stream should be identified.

15. Demonstrate clearly if there is a discharge from the settlement pond system to the Clashavoon Stream, and what is the volume and quality of any such discharge?
16. Surface water discharge locations from the quarry site should be clearly marked on the site maps, & these discharge locations should also be physically identified on site where they cross the local road L-3423-20.
17. Consult with Inland Fisheries Ireland with a view to modifying or removing the weir on the Clashavoon Stream.
18. The original settlement pond between the public road and Clashavoon Stream has been included in this application but no future use has been identified. Please give further details of the future use of this area of the landholding.
19. Submit proposals to install a suitable hydrocarbon interceptor into the refuelling pad and to have this serviced regularly by a licensed contractor, and to maintain records of such servicing.
20. Submit proposals to install suitable silt traps on the drainage channel and where possible to divert the drainage water from the access road to the overflow settlement pond to the south of the access road.
21. The applicant is required to engage the services of a suitably qualified archaeologist licensed under the National Monuments Acts 1930–2004) to carry out (a) Geophysical survey (b) archaeological testing (under licence from the National Monuments Service (NMS)) in areas of undisturbed ground (Area 3 & 4) within the proposed extension to demonstrate to the satisfaction of the Planning Authority and the NMS there is no surface archaeology within the proposed extension area generally or associated with Fulacht Fia (CO071-058) and Standing stone (CO071-057). The results of the Geophysical survey shall be submitted to Planning Authority and the NMS to review prior to carrying out archaeological testing. The archaeologist shall carry out a program of archaeological testing across the site, targeting the potential archaeology identified by the geophysical survey if necessary. If significant archaeological remains preservation in situ will be the preferred option and further mitigation measures may be required such as archaeological monitoring, buffer zones etc. The NMS and Local Authority archaeological officer will advise in this regard.

In the event that Substitute Consent is being considered, it is respectfully requested that the following conditions are attached as set out below.

Conditions:

1. The grant of substitute consent shall be in accordance with the plans and particulars submitted to An Bord Pleanála on the 14th day of September 2020 except as may otherwise be required to comply with the following condition.

Reason: In the interest of clarity.

2. All environmental mitigation measures identified within the Environmental Impact Assessment Report and associated documentation shall be implemented in full.

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

3. Operations on site shall be undertaken between the hours of 09.00 and 18.00 Monday to Friday and 09.00 to 16.00 on Saturdays. The site shall not open and no operations shall be undertaken on Sundays or Public Holidays.

Reason: In the interests of residential amenity.

4. Dust deposition levels arising out of activities on site shall not exceed 350 milligrammes per square metre per day, averaged over 30 days, when measured at the site boundaries. A revised dust monitoring programme shall be agreed with the Planning Authority.

Reason: To safeguard the amenities of the area.

5. All site operations shall be carried out in such a manner as to ensure that no odour or dust nuisance occurs off-site.

Reason: To safeguard the amenities of the area.

6. The fixed water spray system shall be installed to include the access road, all internal roads, all processing areas, storage yards/storage bays and bins. Mobile water browsers/sprayers shall be operated in locations where it is impractical or inappropriate to use a fixed water spray system.

Reason: To safeguard the amenities of the area.

7. Noise levels emanating from the proposed development when measured at Sensitive receptors shall not exceed 55dBA (30 minute Leq) between 0800 hours and 1800 hours, Monday to Saturday inclusive excluding public holidays. Noise emissions shall not exceed 45 dBA (30 minute Leq) at any other time. Measurements shall be made in accordance with ISO recommendation R.1996/1 "Acoustics - Description and Measurement of Environmental Noise, Part 1: Basic Quantities and Procedures."

If noise contains a discrete, continuous tone (whine, hiss screech, hum etc.), or if there are distinctive impulses in the noise (bangs, clicks, clatters or thumps), or if the noise is irregular enough in character to attract attention, a penalty of + 5dbA will be applied to the measured noise level and this increased level shall be used in checking compliance with the specified levels.

Reason: To safeguard the amenities of the area.

8. A noise monitoring programme shall be implemented by the developer. The extent and timing of the programme and the monitoring sites used shall be agreed with the Planning Authority in advance. The results of each survey shall be submitted to the Planning Authority within one month of completion of the survey. The developer shall carry out such additional noise mitigation measures as may be deemed necessary following a review of each or all noise survey results.

Reason: To safeguard the amenities of the area.

9. The applicant shall record all complaints received relating to site operations. The record shall contain the name of the complainant, nature, time and date and a summary of the company's investigation and response including the name of the person who investigated the complaint and their relationship to the developer or operator of the site. All records of complaints shall be made available to the planning authority on request whether requested in writing or by a member of staff of the Local Authority at the site.

Reason: To provide for information on complaints received and follow on investigation.

10. Prior to the commencement of development, details shall be submitted for written agreement of the Planning Authority, of a wheel cleaning/washing facility for vehicles leaving the pit.

Reason: To safeguard the amenities of the area.

11. Prior to the commencement of development, details shall be submitted for written agreement of the Planning Authority, of a programme for road resurfacing. This shall be undertaken from the entrance mouth as far as the existing road edge in a HRA type tarmac material and be carried 75m back in towards the gravel pit. The design should allow for surface water drainage so as to eliminate any surface water run off onto the public road.

Reason: To safeguard the amenities of the area.

12. At least one month before commencing development or at the discretion of the Planning Authority within such further period or periods of time as it may nominate in writing, the developer shall pay a special contribution of €29,250.00 to Cork County Council, updated monthly in accordance with the Consumer Price Index from the date of grant of permission to the date of payment, in respect of specific exceptional costs not covered in the Council's General Contributions Scheme, in respect of works proposed to be carried out, for the provision of resurfacing public road L-3423 between the entrance to the Gravel Pit and Bealick. The payment of the said contribution shall be subject to the following: :-
- (a) where the works in question—
- (i) are not commenced within 5 years of the date of payment of the contribution (or final instalment if paid by phased payment),
 - (ii) have commenced but have not been completed within 7 years of the date of payment of the contribution (or final instalment if paid by phased payment), or
 - (iii) where the Council has decided not to proceed with the proposed works or part thereof, the contribution shall, subject to paragraph (b) below, be refunded to the applicant together with any interest which may have accrued over the period while held by the Council.
- (b) Where under sub-paragraphs (ii) or (iii) of paragraph (a) above, any local authority has incurred expenditure within the required period in respect of a proportion of the works proposed to be carried out, any refund shall be in proportion to those proposed works which have not been carried out.
- (c) Payment of interest at the prevailing interest rate payable by the Council's Treasurer on the Council's General Account on the contribution or any instalments thereof that have been paid, so long and in so far as it is or they are retained unexpended by the Council.

Reason: In the interests of orderly development.

13. Prior to the commencement of development, details shall be submitted for written agreement of the Planning Authority, of a maintenance regime on the stream in the south west corner of the site, on the western side of the L-3423, south of its junction with the L-7478. This stream should be cleaned once a year.

Reason: To prevent flooding of the public road.

14. Within three months of the granting of Substitute Consent the developers shall submit for agreement with the Planning Authority an Environmental Management System. This shall include details of all processes and procedures, including emergency procedures and environmental monitoring systems to be implemented on site to provide for the protection of water and the environment generally. The plan shall also include details of the management structure setting out responsibilities for oversight of the implementation of the system.

Reason: To protect the environment.

15. Within three months of the granting of Substitute Consent, the developers shall submit for agreement with the Planning Authority a Habitat and Species Management Plan to include details of all measures to be put in place to ensure the avoidance of disturbance to protected species on site, and to provide for the protection of habitats of high natural value which are extant and intended to be retained on site. The plan shall also include proposals to provide for the re-instatement of free passage of fish on the Clashavoon Stream and should also include details of measures to be implemented to control the spread of invasive species. Measures relating to the reinstatement of the stream shall be agreed within Inland Fisheries Ireland prior to submission to the Planning Authority.

Reason: To protect the environment.

16. Within three months of the granting of Substitute Consent, the developers shall submit for agreement with the Planning Authority a phased Restoration Plan for the site. This shall include detailed proposals for phased restoration of quarried areas using excavated topsoils and subsoils. The plan shall also provide for the protection and enhancement of habitats identified to be of high natural value within the site; and where possible and appropriate, for the creation of additional areas of biodiversity value within the site.

Reason: To protect the environment.

17. Within 3 months of the grant of Substitute Consent the applicant shall submit site maps showing the extent of the areas proposed for future abstraction of aggregates on the site for agreement with the Local Authority.

Reason: In the interests of clarity.

18. A suitable hydrocarbon interceptor shall be installed into the refuelling pad and shall be serviced regularly by an authorised contractor. Records of such servicing on site for inspection by authorised officers shall be maintained.

Reason: To protect the environment and in the interests of orderly development.

19. Suitable silt traps on the drainage channel for the access road shall be installed and where possible drainage water from the access road shall be diverted to the overflow settlement pond to the south of the access road.

Reason: To protect the environment and in the interests of orderly development.

20. The waste water holding tank shall be serviced by an authorised contractor and records of servicing shall be retained on site for inspection by authorised officers.

Reason: To protect the environment and in the interests of orderly development.

21. Submit a report to Geological Survey Ireland detailing the site investigations carried out including identification of significant bedrock cuttings created and any digital photographic records of same.

Reason: In the interests of clarity and to assist with geological knowledge of natural resources.

22. All operations on site shall be carried out in a manner which ensures that there is no discharge of polluting matter to waters.

Reason: To safeguard the amenities of the area.

23. All over ground tanks containing hydrocarbons shall be contained in a waterproof bunded area, the capacity of the bund is to be the greater of the following; 110% of the largest tank size or 25% of total volume stored in the bunded area. All valves on the tank shall be contained within the bunded area. The bunded area shall be fitted with a locking valve that shall be opened only to discharge storm water. The developer shall ensure that this valve is locked at all times.

Reason: In the interests of orderly development.

24. A concrete apron shall be provided where the handling of hydrocarbons will take place. The concrete apron shall drain through an appropriately sized oil interceptor.

Reason: In the interests of orderly development.

25. Within 3 months of the grant of Substitute Consent the applicant shall carry out a detailed assessment of the stability of the banks surrounding the settlement ponds & carry out any necessary remedial measures.

Reason: In the interests of orderly development and public safety.

26. Within 3 months of the grant of Substitute Consent the applicant shall carry out an assessment of the stability of the silt stores to ensure they are stable & not discharging silt or fines to surface water in periods of heavy rainfall, & carry out any necessary remedial measures.

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

27. Within 3 months of the grant of Substitute Consent the applicant shall identify the location & nature of the discharge to the Clashavoon stream, (referred to on p.131 of Volume 2 of EIAR Main Report), & put in place remedial measures to minimise any potential siltation in the stream.

Reason: In the interest of clarity and to protect the environment.

28. Within 3 months of the grant of Substitute Consent the applicant shall demonstrate clearly if there is a discharge from the settlement pond system to the Clashavoon Stream, & what is the volume & quality of any such discharge. The volume & quality of any proposed discharge of process water off site shall be agreed in writing with the Local Authority.

Reason: In the interest of clarity and to protect the environment.

29. The applicant shall install marking posts at the locations where any surface water discharges from the gravel pit site cross the local road L-3423-20 before discharging to the stream/river.

Reason: To protect the environment.

30. Within 3 months of the grant of Substitute Consent the applicant shall consult with Inland Fisheries Ireland, (IFI), with a view to modifying or removing the weir on the Clashavoon Stream. The applicant shall comply with recommendation from IFI.

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

31. The applicant shall install a water meter on the pumping system from the Clashavoon Stream to measure the level of abstraction from the stream. The applicant will need to register this abstraction if it is greater than 25m³/day.

Reason: To protect the environment.

32. No material from the site shall be carried onto the public road by wheels of vehicles exiting the site.

Reason: In the interests of orderly development and public safety.

33. Submit a Landscaping Plan with emphasis on the maintenance and renewal of tree planting along the perimeter of the site.

Reason: In the interests of visual amenity.

34. The applicant is required to engage the services of a suitably qualified archaeologist licensed under the National Monuments Acts 1930–2004) to carry out (a) Geophysical survey (b) archaeological testing (under licence from the National Monuments Service (NMS)) in areas of undisturbed ground (Area 3 & 4) within the proposed extension to demonstrate to the satisfaction of the Planning Authority and the NMS there is no surface archaeology within the proposed extension area generally or associated with Fulacht Fia (CO071-058) and Standing stone (CO071-057). The results of the Geophysical survey shall be submitted to Planning Authority and the NMS to review prior to carrying out archaeological testing. The archaeologist shall carry out a program of archaeological testing across the site, targeting the potential archaeology identified by the geophysical survey if necessary. If significant

archaeological remains preservation in situ will be the preferred option and further mitigation measures may be required such as archaeological monitoring, buffer zones etc. The NMS and Local Authority archaeological officer will advise in this regard.

Reason: In the interests of preserving cultural heritage.

Signed:

A handwritten signature in blue ink, appearing to read 'Valerie O'Sullivan', written over a horizontal line.

Valerie O'Sullivan

Divisional Manager (South), Cork County Council

A handwritten signature in blue ink, appearing to read 'Andrew O'Leary', written over a horizontal line.