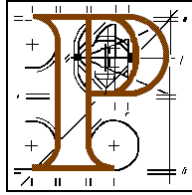


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2006

Cork County

Planning Register Reference Number: 06/6387

An Bord Pleanála Reference Number: PL 04.220318

APPEAL by John A. Wood Limited of Barnagore, Ovens, County Cork and by John Casey care of Tom Phillips and Associates of The Chancery, 3-10 Chancery Lane, Dublin against the decision made on the 2nd day of October, 2006 by Cork County Council to grant subject to conditions a permission to the said John A. Wood Limited in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of a conveyor and associated visual screening and fencing for the transport of sand and gravel from Garryhesta pit to Classis for processing. The length of the conveyor will be 1.38 kilometres and the development will include placing part of the conveyor in a precast concrete box culvert (two metres by three metres) beneath the LP2208 road, all at Knockanemore, Ovens, County Cork.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to -

- (a) the Quarries and Ancillary Activities Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2004,
- (b) the provisions of the Cork County Development Plan, 2003 and the Macroom Electoral Area Local Plan,
- (c) the existing and permitted pattern of sand and gravel extraction/processing development in the area, and
- (d) the minimisation of heavy goods vehicle movements on the local road network arising from the proposed development,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be premature and would be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by the planning authority on the 4th day of September, 2006, except as may otherwise be required in order to comply with the following conditions. In particular, the developer shall ensure that all proposed environmental mitigation measures are implemented prior to the commissioning of the conveyor.

Reason: In the interest of clarity.

2. This permission shall be limited to 20 years from the date of this order or to two months after the cessation of operations at the pits it serves, whichever is the sooner. At that time, the conveyor shall be decommissioned and its line restored and landscaped unless, prior to the end of that period, planning permission for its continued operation has been granted.

Reason: To enable the effect of the development on the amenities of the area to be reviewed, having regard to the circumstances prevailing at that time.

3. The hours of operation shall be confined to between 0700 hours and 1800 hours, Monday to Friday inclusive (excluding holidays) and between 0700 hours and 1600 hours on Saturdays. The conveyor shall not operate on Sundays or Bank Holidays or Public Holidays.

Reason: In the interest of residential amenity.

4. During the operation of the conveyor, the noise level from within the site, measured at noise sensitive locations in the vicinity, shall not exceed:

an LAeq (1 hour) value of 55dB(A) during the period 0800 hours to 1800 hours from Monday to Friday (inclusive), and 0800 hours to 1600 hours on Saturdays and an LAeq (15 minute) value of 45dB(A) at any other time.

All sound measurements shall be carried out in accordance with ISO Recommendations R 1996, "Assessment of Noise with Respect to Community Response" as amended by ISO Recommendations R 1996/1, 2 and 3, "Description and Measurement of Environmental Noise", as appropriate. Noise surveys shall be carried out in accordance with the EPA's "Environmental Noise Survey – Guidance Document" (2003).

Reason: To protect the amenities of properties in the vicinity of the site.

5. Total dust emissions arising from the conveyor and other on site operations shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days, when measured as deposition of insoluble and soluble particulate matter at any position along the site boundary. An adequate hose capacity shall be maintained to dampen material during periods of dry weather, to prevent the omission of fugitive dust.

Reason: To protect the amenities of the area.

6. No polluting matter shall be allowed to drain from the site into adjacent watercourses.

Reason: To prevent pollution.

7. Prior to commencement of development, details of a monitoring programme to ensure compliance with the relevant environmental standards for noise, dust and ground water shall be submitted to the planning authority for written agreement. This programme, which shall be funded by the developer, shall specify:
- (a) The party who will carry out the programme.
 - (b) Monitoring locations, procedures and frequency.
 - (c) The recording and making monitoring results regularly available to the planning authority and public.
 - (d) A full record of any breaches and a record of actions taken.
 - (e) A complaints procedure for members of the public and a record of actions taken.
 - (f) The name and address of a competent person whom the planning authority and public may contact regarding the operation of the conveyor and this programme.

Notwithstanding these requirements, all incidents where levels of noise or dust exceed specified levels shall be notified to the planning authority within two working days. Incidents of surface or groundwater pollution, or incidents that may result in groundwater pollution, shall be notified to the planning authority without delay. Any additional mitigation measures required, as a result of the monitoring programme, shall be implemented without undue delay.

Reason: To ensure compliance with the relevant conditions and the effectiveness of proposed mitigation measures.

8. Prior to commencement of development, details of an area at Garryhesta for the fuelling of vehicles and mobile plant, which shall be a paved area with interceptors and bunded storage tanks, shall be submitted to the planning authority for written agreement. All vehicles and mobile plant shall be fuelled at this location.

Reason: In the interest of safety and to prevent pollution.

9. Prior to commencement of development, the developer shall specify a preventative maintenance programme for the proposed conveyor to mitigate the risk of noise, dust and ground water pollution. The conveyor shall be inspected, serviced and maintained accordingly. The records shall be maintained and shall be available to the planning authority at all reasonable times.

Reason: To prevent pollution.

10. Prior to commencement of development, the planning authority's written agreement shall be obtained for:
- (a) A planting scheme, using native species, for the external sides and top of the berms.
 - (b) The reinforcement of planting in the gaps on the field boundaries in the vicinity of points NSL 1 and NSL 3.
 - (c) The reinstatement of roadside planting where the conveyor passes under the LP 2208 road.
 - (d) A scheme of landscaping to screen the conveyor from the playing fields in the vicinity of the LP 2208 road.
 - (e) A scheme for the reinstatement and landscaping of the line after the conveyor is decommissioned.

All planting shall be carried out in the first available planting season after the completion of the construction or decommissioning phase, as appropriate. Any trees and shrubs dying shall be replaced, unless otherwise agreed by the planning authority.

Reason: In the interest of visual amenity.

11. Prior to commencement of development, the planning authority's written agreement shall be obtained for a specification for the reinstatement of the public road and the provision of safety barriers.

Reason: In the interest of traffic safety.

12. Surface water shall be disposed of within the site and shall not be allowed to flow on to the public road. Roadside drainage shall not be obstructed and shall be properly maintained.

Reason: To maintain proper roadside drainage and to prevent flooding of the public road.

13. Prior to commencement of development, the planning authority's written agreement shall be obtained for the specification of the proposed fencing, which shall include warning signs. Prior to the commissioning of the conveyer, this fencing shall be erected and the developer shall ensure that, when taken with existing fencing, there is a continuous effective barrier to prevent unauthorised access. These safeguards shall be regularly inspected and fully maintained thereafter.

Reason: In the interest of public safety.

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the satisfactory completion and restoration of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or restoration of the site. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to the Board for determination.

Reason: To ensure the satisfactory completion and restoration of the site.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2007.