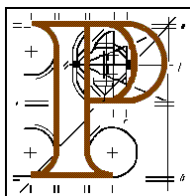


An Bord Pleanála



Inspector's Report

Development: Construction of conveyor to transfer material from Garryhesta sand and gravel pit to processing plant at Classis: Knockanemore, Ovens, Co. Cork

Planning Application

Planning Authority: Cork County Council

Planning Authority Reg. Ref.: 06/6387

Applicant: John A Wood Ltd.

Type of Application: Permission.

Planning Authority Decision: Grant.

Planning Appeals

John A Wood Ltd: 1st V Conditions.

John Casey: 3rd V Grant.

Observers: None.

Date of Site Inspection: 30th March 2007.

Inspector: Donald M Jamie

1.0 THE PROPOSED DEVELOPMENT

1.1 Amongst others, the application has the following features:

- To avoid up to 50 lorry movements / hour on the road network, the 1.38km conveyor would transport sand and gravel from Garryhesta to Classis. The Classis Pit is 39 ha. and is used for processing and the manufacture of downstream products only.
- The volume of transported material would be market-driven but the maximum loading capacity of the conveyor would be about 500 tonnes/hour.
- The Classis West and Garryhesta pits operate between 7.00am. and 6.00 p.m. Monday to Friday and 7.00am. to 4.00 p.m. on Saturday. Operations are not permitted on Sundays and Bank Holidays. As extraction rates are market-driven, the conveyor may not operate full-time within these pits opening hours. However, the flexibility to operate within these operating times is required.
- The conveyor would be similar to those currently installed at Classis South and Classis West. It would be generally 1.5 metres above ground, powered by electricity and material guided by rubber rollers. Changeover points will be rubber lined. There will be no lighting associated with the conveyor.
- Near to housing, there will be 1.5 m berms to supplement existing hedgerows. There would be berms and fences where the conveyor passes near to the GAA pitches.
- It would pass under the LP2208 road (N22-Ovens) in a 2x3 metre culvert. An application for a Road Closing Licence would be made to the authority.
- Surface water falling in the vicinity of the conveyor, will ultimately discharge into a holding lagoon at Garryhesta.

1.2 The submission for further information considers noise, dust and the visual impact. It includes photomontages.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The general area is undulating countryside containing a number of sand and gravel operations. The applicant's operations are shown on PL04.214198 (Fig. 2.1 in that EIS) and diagrammatically on page of the third party appellant's evidence. The sites of Dineen's Pit and Garryhesta West are generally the same (PL 04.214198).

2.2 The narrow dogleg site is contained within some of the applicant's existing holdings. Photos 1, 2 and 3 show the entrance to the existing facility at Garryhesta from the N22. The conveyor would start within a worked area, close to the west boundary and some 750 metres south of the N22 (photos 4, 5, 6 and 7). After some 550 metres, the line passes into agricultural land, with a strong gorse hedge on the north side (photo 8). Thereafter the line passes playing fields on its south side until the LP2208 road.

The partially screened rear of houses are on a ridge, a further distance south (photos 8, 9 and 10).

- 2.3 The LP 2208 (Casey's Road) is a minor hedge lined road, which leads south from the N22. Some 80 metres north of the point where the conveyor would pass underneath this road, there is a small group of houses. The applicant has identified the closest as a noise sensitive location (photo 13: NSL 1). The line diagonally crosses a flat field before entering Classis South through a gap in the berm (photos 13 and 14). Development to the south includes playing fields at a higher level and the small Crannog housing development. The applicant has identified the closest house as a noise sensitive location (photo 12: NSL 3). Further south Ovens School is NSL 2.
- 2.4 The application site stops just within Classis South. However the proposal would link with an existing conveyor, which passes north under the N 22 into Classis West (photos 14 and 15). This leads to Classis, which is a substantial facility, just west of Ballincollig and a short distance from a new junction on the upgraded N22 (photos 16, 17 and 18)

3.0 PLANNING HISTORY

- 3.1 In addition to the information provided by the parties, 20 planning appeals are particularly relevant:

- On the 15 July 2004, An Bord Pleanála decided to grant a permission which principally comprised sand and gravel extraction, a conveyor system, and a culvert under the N 22 at Knockanemore, Ovens, Co Cork (**PL04.205925**). In the current appeal, that site has been referred to as Classis South. The application stated that all material would be transported via the conveyor to Classis for processing.

- 3.2 Amongst others, conditions related to:

- Compliance with plans and particulars lodged with the application as amended on 3 November 2003. In particular the developer shall ensure that all proposed environmental mitigation measures are implemented except as may otherwise be required by conditions (No.1).
- The use of the sand and gravel pit to cease on or before the expiration of a 10-year period from the date of the Order (No. 2)
- Prior to the commencement of development, decommissioning works and a programme for the removal of plant and machinery to be submitted for written agreement (No. 5).
- Operational hours, noise and dust (Nos. 6, 7 and 8)
- A monitoring programme (No. 9).

- 3.3 On 3 October 2006, the An Bord Pleanála granted a permission which principally comprised sand and gravel extraction and the installation of a conveyor belt system at Garryhesta, Ovens, Co Cork (**PL 04.214198**). This was to be known as Garryhesta

West but parties have generally referred to it as the Dineen's pit. Amongst other matters, the application stated:

- Allowing for an extraction period of 26.5 years, it is estimated that 350,000 tonnes would be extracted per annum.
- Material would be transported to the existing Garryhesta pit (about 600 m to the east) for processing. While this facility has the necessary plant, those reserves will be exhausted in about eight years.

3.4 Amongst others, conditions related to:

- Compliance with plans and particulars lodged with the application as amended on 1 July 2005. In particular the developer shall ensure that the environmental mitigation measures proposed within the above documentation are implemented, except as may otherwise be required by condition. (No. 1).
- Unless extended, the permission is limited to a period of 20 years, when works shall cease and the site shall be decommissioned and landscaped (No. 2).
- Access for extraction activities shall be via a wayleave to the existing Garryhesta pit to the east. Use of the entrance there shall not be increased..... (No. 7).
- Operational hours, noise and dust.
- An environmental audit

4.0 DOE GUIDELINES

- Quarries and Ancillary Activities: Guidelines for Planning Authorities.

5.0 DEVELOPMENT PLAN

- In the Cork County Development Plan 2003 (the Plan) the proposal is in Metropolitan Greenbelt (A1). ECO 5-2, 5-3, and 5-4 generally refer to the safeguarding of appropriate mineral resources, their identification and minimizing, the impacts of their abstraction.
- In the Macroom Electoral Area Local Plan (ALP), the extractive industry makes an important contribution to economic development. The resources of a number of important quarries, including Garryhesta and Knockenamore must be safeguarded. While there is some ambiguity, the latter is the address given to PL04.205925, which refers to Classis South and West.

6.0 THE PLANNING AUTHORITY'S DECISION

6.1 On 2 October 2006, Cork County Council decided to grant permission subject to 25 conditions, which generally related to:

- Compliance with particulars lodged with the authority on 13th April and 4th September 2006.
- Landscaping.
- Operational hours.
- A programme for the decommissioning and removal of the conveyor and payment of a bond.
- Details of the public road's reinstatement.
- Prevention of surface water affecting the public road.
- Prevention of noise, odour and dust nuisance.
- Compliance with the Fire Officers' requirements.
- Protection of water courses from pollution.
- Monitoring program, public information and record of complaints and availability of a responsible person.

6.2 In particular, the conditions subject to the first party appeal relate to:

- The cessation of operations and dismantling of the conveyor either within two months of extraction ceasing at Garryhesta or 10 years after the date of the permission, whichever is the sooner (Condition No. 4).
- Monitoring and control of surface water contaminated with hydrocarbons and its proper discharge via a system including a grit trap, interceptor and inspection chamber (Condition Nos. 12 and 13).
- Amongst other matters, the planning authority's reports indicate:
- In the plan, mineral extraction is a very significant industry. The site is within the Metropolitan Greenbelt (A1). Sections 3.2 and Objective SPL 2-3 are particularly relevant but they do not prohibit this type of development. Paragraphs 4.5.2 and 4.5.4 and objectives ECO 5-2 and 5 -3 refer to mineral extraction, but are general. ECO 5-4 is specific and relates to the assessment and control of impacts.
- As the proposal is neither sub threshold or threshold, an EIS is not required.
- The life of the conveyor would be dependent on the continued operation of Garryhesta and the use of Classis as a processing area. The conveyor should not operate beyond the continued excavation of the Garryhesta Quarry. While a planning application and EIS will be submitted, its continued lifespan is uncertain.

- It is not clear whether the proposal would intensify the use of either Garryhesta or Classis South.
- Certain planning history in the vicinity.
- At application stage, there was one submission from the current third-party appellant
- The closest houses are some 80 metres or more from the proposed conveyor. Following the receipt of further information, the Environment Department recommended a comprehensive list of conditions.
- A 1.5 metre screening berm is proposed closest to the houses. The sides and top should be planted to create a less engineered appearance.
- The Area Engineer had no objection subject to conditions relating to a Road Opening Licence, scheduling, proposals for traffic management, the reinstatement of the public road, surface water and roadside drainage.
- As the development does not involve traffic movements on the road network, a contribution is not required.

7.0 GROUNDS OF 3rd PARTY APPEAL

7.1 The appellant includes his original objection submitted to the authority in his grounds of appeal. This raises issues relating to

- Deficiencies in the planning application.
- Visual Impact.
- Misconception of positive impacts.
- Prematurity pending other decisions.
- Air Quality.
- Traffic.
- Actions on cessation of activities.

7.2 With the aid of a diagram, the following functions, relating to sand and gravel extraction and processing, and the status of the applicants holdings are contended:

- **Classis:** This currently acts as a processing area for sand and gravel from Classis South. According to the EIA for Donovan's Pit, it will also serve other pits fed by the conveyor, when they come on stream.

- **Classis West:** This facilitates the transport of material from Classis South to Classis but the applicant intends to excavate material from the central causeway and under the water table. In terms of Section 261, this facility has not been authorised yet.
 - **Cassis South:** This has been granted planning permission for the extraction of sand and gravel and processing at **Classis**.
 - **Garryhesta Pit:** In the application for Dineen's Pit, the applicant implied that the Garryhesta Pit had been worked out. The recent planning application for the continued extraction (including under the water table) and processing makes this seem misleading. In terms of Section 261, this facility has not been authorised yet.
 - **Dineen's Pit:** The Board granted planning permission (3rd October 2006) to extract sand and gravel and export 350,000 tonnes per annum via a conveyor to the Garryhesta processing plant. Condition No. 7 restricts access for extraction related activities to the existing entrance there and requires that its use shall not be increased. Applications for Garryhesta and Donovan's Pit were lodged on the same day.
 - **Donovan's Pit:** A planning application was lodged on 3rd October 2006 for continued extraction and processing. The material would be transported to Garryhesta and then, presumably by the proposed conveyor to Classis South. While the applicant estimates a possible 50,000 tonnes per year extraction rate, this would ultimately be market-driven. Consequently, it could be unlimited.
- 7.3 The maps submitted for “further information” do not include all of the applicant's land ownership. There has not been a full response to the Council's request for any future development proposals on it. There may have been “Project splitting” to hoodwink the Council and the Board, into granting planning permission for separate applications without due consideration of the cumulative impact. As the conveyor has an estimated annual capacity of 1,500,000 tonnes the aim must be more than the application's stated aim of transporting sand and gravel from Garryhesta to Classis South.
- 7.4 If the conveyor is granted, all quarries from Donovan's Pit to Classis would be connected enabling the transportation of material from Donovan's pit to Dineen's, to Garryhesta to Classis South and potentially then to Classis West and Classis. While this may have benefits, the consequences of the cumulative impact must be assessed. The applicant should be requested to provide an EIA for this conveyor which should have regard to the cumulative impact of other permitted and planned development.
- 7.5 In principle, the appellant would support the proposal, but only if specific conditions enforce the benefits. Should the Board be inclined to grant, a condition should stipulate that this conveyor should move all sands and gravels, which are to be transported to the Classis South Pit.

8.0 THE PLANNING AUTHORITY'S RESPONSE TO THE THIRD PARTY APPEAL

8.1 The planning authority reaffirms its decision to grant permission.

9.0 THE APPLICANT'S RESPONSE TO THE THIRD PARTY APPEAL

9.1 The maps submitted for further information clearly outlined the applicant's ownership at the time the application was submitted. The Donovan's Pit was omitted because it is a completely separate site and the Dineen's Pit (PL04.214198) did not have permission at that time. The authority did not have any issue with the submitted maps

9.2 For the purposes of Section 261, Classis, Garryhesta Pit, Donovan's Pit and Classis West, were registered with the authority, on 31st March 2005. In the first three cases, planning applications, have been submitted. Following discussions with the authority, an EIS was not required for the Classis Pit. In the case of Classis West, the applicant is waiting conditions to be imposed by the authority. Consequently, all these pits are currently authorised.

9.3 There has been no attempt to hoodwink either the Board of the Planning Authority by project splitting. Some of the appellant's statements are incorrect and the authority is fully aware of the applicant's future development proposals.

9.4 The conveyor would transport material from Garryhesta to Classis for processing. In addition to Classis, the existing and proposed operations in the vicinity are:

- **Classis South:** There is no processing at this location. Material is currently being extracted and transported by conveyor via Classis West to Classis for processing. This has full permission (PL 04.214198).
- **Garryhesta:** This has been a working sand and gravel pit since the 1940s and it was not implied in the Dineen's application that it is nearly worked out. There has been extraction under the water table for many years; this will be continued when material above it has been extracted. This was made clear to the Council before they granted permission for the conveyor.
- **Dineen's Pit and Donovan's Pit:** The Board has granted permission for Dineen's Pit (PL 04.214198). An application has been submitted for Donovan's Pit (Ref 06/11112) and a response to a request for further information is being prepared. At Donovan's Pit material will be extracted and processed on site. There is neither a conveyor nor a current planning application for a conveyor to connect these pits. However, when the NRA finalises the N 22 alignment, a planning application would be lodged. This would remove HGVs operating out of Donovan's Pit from the local roads.

9.5 The Board should not assess the proposed conveyor in relation to the applicant's overall developments. Notwithstanding the proposal to connect the Donovan's and Dineen's Pits, each is a separate entity and they work independently of each other.

An EIS is not required for the proposed conveyor. The submission of further information addressed all the impacts and satisfied the authority. This is reflected in their decision to grant.

- 9.6 It appears that the appellant is fully in favour of the proposal's principle but has concerns regarding the conditions imposed by the planning authority. However his proposed condition would be inappropriate because there is no processing at Classis South.

10.0 PLANNING ASSESSMENT OF 3rd PARTY APPEAL

- 10.1 This appeal relates to wider issues than the first party appeal and shall be considered first.
- 10.2 In general terms, the Plans recognize the importance of the extractive industry subject to appropriate safeguards identified in ECO 5-4. Garryhesta and Knockenamore are identified as important resources. Consequently the key issues are:
- Contended deficiencies in the application.
 - Prematurity and interconnection between operations.
 - Impacts
 - Restoration
- 10.3 While the proposed conveyor would pass under the LP2208, the application does not identify the authority as having a material interest. However, it is clearly aware of the issue, its planning interests can be safeguarded by conditions and it is likely to have other legal controls. For example the authority states that a Road Opening Licence would be required. In these circumstances, it would be unreasonable to consider the application invalid.
- 10.4 Having regard to the specific nature of the proposal and Schedule 5 of the Planning Regulations 2001, an EIS is not required. Nevertheless the proposal still requires thorough assessment against the criteria below.
- 10.5 The applicant's submission of further information addressed many of the deficiencies in the original application and further information has been submitted in response to this appeal. It should be considered whether conditions could address the remaining significant ambiguities.

Prematurity and interconnection between operations

- 10.6 Section 261 of the Act imposes particular obligations on operators and authorities to review certain existing operations. Due to the decision dates, the operations granted at Classis South (PL04.205925) and Dineen's Pit (PL04.214198) are exempt. Providing certain requirements are met, existing operations would not be unauthorised during this review. As far as I am aware the authority has not yet taken decisions regarding the applicant's operations, although they may be imminent. While the implications of

these decisions cannot be anticipated, it is understandable that the company should wish to progress, its business planning.

- 10.7 The authority had decided to grant the proposed conveyor, with the important potential to reduce lorry movements on local roads. The Board's decision on this proposal could be an important factor in the authority's deliberations on the applicant's other operations.
- 10.8 While certain aspects of the applicant's operations may be independent, there are important linkages between extraction and processing/ production, which are facilitated by conveyors. For example the material from Classis South is conveyed to Classis. However the broader pattern is also a material planning consideration.
- 10.9 The parties do not dispute that planning permission would be required to link Donovan's Pit to Dineen's. This would enable the authority to assess the implications.
- 10.10 At Dineen's (**PL04.214198**), the estimated 350,000 tonne average annual extraction rate will be substantial and could be higher depending on the market. The Environmental Statement indicated that the sole purpose was to supply the existing production facility at Garryhesta (para 1 of the Summary EIS). However, that application was dated April 2005 and the applicant's intentions may have changed. Without prejudice to the interpretation of Condition No.1, no other condition specifically addresses that issue. Condition No. 7 precludes any intensified use of the existing access on to the N22.
- 10.11 The entry point of the conveyor from Dineen's Pit would approximate to the start of the current proposal in the existing Garryhesta facility. In the current application, the proposal is described as involving the transport of material from Garryhesta to Classis, where it would be processed and used in the manufacture of downstream products. It does not say that it would only convey material extracted at Garryhesta. Consequently, unless Condition No. 1 is regarded as an effective means of control, Dineen's, Garryhesta, Classis South and Classis West would be linked to the processing and manufacturing facility at Classis. It is unclear whether the volumes involved would replace resources nearing exhaustion or would result in a material increase in processing and production there.
- 10.12 The Guidelines indicate that authorities should avoid conditions relating to annual extraction rates except when strictly needed to regulate environmental impacts. By implication this could also apply to conveyance, processing and production. The applicant requests flexibility to respond to market conditions, but Classis is in a relatively sensitive location, west of Ballincollig and close to a junction leading to the upgraded N22. In addition the regulatory regime that will apply there is unknown.
- 10.13 A condition requiring the authority's written agreement to the origin and volumes to be transported on the proposed conveyor, would be necessary to enable the implications of this issue to be considered and would not prejudice the authority's other decisions. In these circumstances, a favourable decision by the Board would not be premature.

Impacts

- 10.14 Having regard to ECO-5 the proposed conveyor would clearly benefit the road network, but other potential impacts require consideration. Without prejudice to the 1st Party Appeal, the key issues are noise, dust and visual amenity.

East of the LP2008

- 10.15 The applicant considers the part east of the LP2008 to be most sensitive. The impact on 3 noise sensitive locations (2 of which are the closest houses) has been modelled and the potential noise impact found to be negligible. As regards dust, the potential impact on the 9 nearest houses was found to be negligible, given mitigation measures.
- 10.16 It is not clear whether these tests were carried out with the conveyor operating at maximum capacity. However in the light of the applicant's analysis it would be reasonable and necessary to impose limits and require environmental monitoring in accordance with the Guidelines. The applicant would have to comply with these limits, even if the volumes transported by the conveyor had to be reduced.
- 10.17 Subject to replanting at the proposed culvert, the conveyor's visual impact on the LP2208 would be acceptable. Where visible, the conveyor, associated berms and fencing could appear incongruous crossing the flat field. However, in general the field boundaries with housing are reasonably strong. There are 2 weaknesses near NSL 1(photo 13) and NSL 3 (photo 12), but a condition requiring additional planting on land under the applicant's control could remedy these.
- 10.18 There are playing fields at a higher level to the south of the field and the line of the proposed conveyor would be visible from towards their northern boundary. However the authority's condition requiring planting (No. 3) would soften the effect. With these 3 measures, the conveyor's visual effect in this area would be acceptable.

Section to the west of the LP 2008

- 10.19 There are playing fields just west of the LP 2008 and immediately south of the proposed line (photos 8,9 and 10). It is unclear whether these are the pitches referred to in para 2.3 of the submission accompanying the original application, but berms are not shown on the relevant drawings. The Guidelines do not specifically refer to playing fields as noise sensitive locations and the applicant, who owns them, has not identified them as such. Nevertheless the amenity of these facilities should be afforded some protection.
- 10.20 The conveyor would pass close to their north boundary and while the line drops to pass under the road there is insufficient information to judge whether this would mitigate the visual impact. In addition the point of change in direction would be noisy. The main noise condition refers to noise sensitive locations and in any event it is not suggested that the same standards should apply. Nevertheless, a condition should require further investigation of visual and noise impact in this vicinity, together with appropriate mitigation.

- 10.21 Regarding dust, the authority's condition (No. 9), refers to dust sensitive locations. However, if the Guidelines reference (4.7e) to limits at site boundaries were applied, the playing fields would be safeguarded.
- 10.22 In this section, housing has a greater separation from the proposed line and the noise and dust conditions would also safeguard their amenity. The rear of these properties is partly screened (photo 10) and, given the separation, the conveyor would not appear unacceptably intrusive.
- 10.23 The start or western part of the conveyor is in an elevated position, relative to the existing N22, to the north. However, there would be substantial separation, the conveyor would be relatively low to the ground and any glimpse views would be in the context of workings. After the initial stretch, the conveyor would be screened, from the north, by existing gorse (photos 7 and 8). Consequently this part of the conveyor would not be unduly obtrusive.

Restoration

- 10.24 The Guidelines also refer to reinstatement. The appropriate actions, at the cessation of activities, can be secured by conditions, reinforced by a bond.

Other Matters

- 10.25 The appellant suggests a condition stipulating that this conveyor should move all sands and gravels, which are to be transported to the Classis South Pit. The applicant contests this because Classis South is not a processing facility. However, such a condition would not restrict further movement on the next conveyor to Classis for that purpose.
- 10.26 The issue is partly dependent on the authority's decisions arising from Section 261, and the impacts of the proposed conveyor would be properly regulated by the conditions recommended below. Consequently, such a condition would be inappropriate.

12.0 GROUNDS OF THE 1st PARTY APPEAL

- 12.1 The grounds of the first party appeal may be generally summarised as follows:
- Condition No. 4 should be amended to 20 years to accord with the Board's decision at Garryhesta (PL 04.214198). Otherwise, the extracted material would have to be transported by road with inherent safety and environmental risks.
 - Condition Nos. 12 and 13 should be deleted. A hydrocarbon interceptor will be constructed at the main Garryhesta pit fuelling location. All mobile plant, which will be properly maintained, will be refuelled there and mobile plant associated with the conveyor will be parked there every evening. The existing monitoring programme will be continued, in accordance with the site discharge license. Consequently, groundwater contamination from accidental fuel spills will be prevented.

8.0 THE PLANNING AUTHORITY'S RESPONSE TO THE 1ST PARTY APPEAL

- 8.1 In view of the Board's recent decision to grant a 20-year permission at Garryhesta (PL04.214198) the authority has no objection to extending the 10-year condition to coincide with the expiration of that operation.
- 8.2 Condition Nos. 12 and 13 were recommended to safeguard the areas amenities and control water pollution from potential fuel leaks/spillages etc.

9.0 THE 3RD PARTY RESPONSE TO THE FIRST PARTY APPEAL

- 9.1 In relation to Condition No. 4, the applicant has given inconsistent information regarding the source of material and the volumes to be conveyed. An EIS is required to assess the implications of moving huge volumes of material.
- 9.2 In relation to Condition Nos. 12 and 13, the conveyor will require heavy lubrication along its length. Unless there are preventative measures such as a well-maintained collection tray along its length, these oil-based products will possibly cause ground water contamination. An EIS would have examined this issue.

10.0 PLANNING ASSESSMENT 1ST PARTY APPEAL

Condition No.4

- 10.1 The issues raised by the third party have been considered above. In PL04.205925 the Board granted a 10-year permission for Classis South, which includes the next link in the conveyor leading to Classis. In the subsequent PL04.214198 the Board grant a 20-year permission at Garryhesta (West) or Dineen's Pit.
- 10.2 Having regard to the Guidelines (4.9) a 20-year permission, to enable review could be appropriate but the link with the lifespan of the pits it will serve is also important. Consequently Condition No. 2 is recommended.

Condition Nos. 12 and 13

- 10.3 As previously stated, an EIS is not required. Condition Nos. 10 and 11 below can control the risk of pollution from hydrocarbons. At the site visit there were no obvious signs of pollution from the bearings of the existing conveyor at Classis West (photo 15) Subject to Condition No. 11, an interceptor tray is unnecessary.

15.0 CONCLUSIONS

3rd Party appeal

- 15.1 The application should be considered valid and an EIS is not required. There are important linkages between extraction and processing/ production, which is facilitated by conveyors. The potential broader pattern is a material planning consideration.

- 15.2 Unless Condition No. 1 of PL04.214198 is regarded as an effective means of control, Dineen's, Garryhesta, Classis South and Classis West would be linked to the processing and manufacturing facility at Classis. It is unclear whether the volumes involved would replace resources nearing exhaustion or would result in a material increase in processing and production there. Classis is in a relatively sensitive location, west of Ballincollig and close to a junction leading to the upgraded N22. In addition, the regulatory regime that will apply there is unknown.
- 15.3 A condition requiring the authority's written agreement to the origins and volumes of material to be transported on the proposed conveyor would be necessary to enable the implications of this issue to be considered. It would not prejudice the authority's other decisions and, in these circumstances, a favourable decision by the Board would not be premature.
- 15.4 Subject to conditions, the proposal would not give rise to unacceptable environmental impacts.

1st Party Appeal

- 15.5 Condition No. 4 of the authority's Decision to Grant should be deleted and replaced by a condition reflecting a possible 20-year lifespan (No. 2 below). Condition Nos. 12 and 13 of that decision should be deleted and replaced by Nos. 10 and 11 below.

16.0 RECOMMENDATION

- 11.1 I have read the submissions on file, visited the site, had due regard to the provisions of the development plan and all other matters arising. For the reasons and considerations below, I recommend that planning permission be granted subject to amended conditions.

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 pattern of sand and gravel extraction/ processing and the review arising from Section 261 of the Planning and Development Act, 2000.**
- (d) **the pattern of development in the area,**
- (e) **the analysis of environmental impacts and mitigation measures submitted with the application and appeal and the benefit of reducing heavy vehicle movements on the local road network,**

it is considered that, subject to compliance with the conditions set out below, the implications of the origins and volume of material would be properly assessed and the decision would not be premature. Furthermore, the proposal would reduce lorry movements on the local road network, would not give rise to unacceptable environmental impacts and the line would be properly restored at the cessation of activities. Consequently, the proposal would accord 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 submission received by the planning authority on 4th September 2006. In particular, the developer shall ensure that all proposed environmental mitigation measures are implemented, prior to the commissioning of the conveyor, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. This permission shall be limited to 20 years from the date of this Order or to 2 months after the cessation of operations at the pits it serves, whichever is the sooner. At that time, the conveyor will 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. No construction of the proposed conveyor shall commence until the planning authority's written agreement has been obtained for the origins and volume of material to be transported via the proposed conveyor to Classis.

Reason: to enable the implications, including for the operation at Classis, to be assessed.

4. No construction of the proposed conveyor shall commence until the planning authority's written agreement has been obtained for revised details of the section north of the playing fields, immediately west of the LP2008, demonstrating:

- (a) the relative levels of the proposed conveyor and adjoining ground.
- (b) the likely impact of noise from the conveyor and change over point on the adjoining playing fields and any necessary mitigation measures.
- (c) landscaping.

Reason: To enable these matters to be considered in detail and to safeguard the amenities of the playing fields.

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

Reason: in the interests of residential amenity.

6. 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 1400 hours on Saturdays and

an LAeq (15 minute) value of 45dB(A) at any other time.

At no time shall the noise generated on site result in an increase in noise level of more than 10dB(A) above background level at the site boundaries. No individual noise measurement shall exceed the limit values by more than 2dB(A) and 95% of all noise measured shall comply with the specified limit values.

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.

7. 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.

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

Reason: to prevent pollution.

9. Prior to the 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.

- 10. Prior to the 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 for the planning authorities written approval. All vehicles and mobile plant shall be fuelled and parked overnight at this location. All inflammable substances shall be stored in accordance with the fire officer's requirements.

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

- 11. Prior to the commencement of development the applicant 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.

- 12. Prior to the commencement of construction, 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 2008.

(d) 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 interests of visual amenity.

13. Prior to the 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 interests of road safety.

14. 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.

15. Prior to the 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 decommissioning of the conveyor this fencing shall be erected and the applicant 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 interests of public safety.

16. 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.

Donald M Jamie
5th July 2007