

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2007

Cork County

Planning Register Reference Number: 06/11798

An Bord Pleanála Reference Number: PL 04.225332

APPEAL by John A. Wood Limited of Barnagore, Ovens, County Cork against the decision made on the 13th day of August, 2007 by Cork County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Continuation of sand and gravel extraction and processing, including extraction beneath the water table, by mechanical means using conveyor systems feeding the aggregate processing area, power house and control rooms, washing, screening and crushing plant, lagoons and landscaping berms, associated works and restoration all on a site of circa 88.1 hectares at Knockanemore, Ovens, County Cork (Garryhesta Pit).

DECISION

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to **ATTACH** conditions numbers 9, 23 and 49 and the reasons therefor and to **AMEND** conditions numbers 19, 21, 32 and 40 so that they shall be as follows for the reasons set out.

19. Within two months of the date of this order, 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 shall be fuelled at this location with the exception of large moveable plant which is normally situated at the quarry face. In relation to plant such as crushers, washers and screeners, the developer shall implement measures to reduce environmental risks associated with re-fuelling, greasing and other activities within the site. Such measures may include, but are not restricted to, the use of spillage mats and catch trays. Details of such measures shall be submitted to the planning authority for written agreement within two months of the date of this order.

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

21. All soiled water shall be directed to settlements lagoons. All lagoons shall be suitably sized and of secure construction and maintained to the satisfaction of the planning authority so as to ensure that no soiled water is discharged to the nearby watercourse. A system shall be installed for recycling water for further use. The system shall be such that waters in the lagoons shall be recycled for further use in the process.

Reason: In the interest of orderly development and to protect surface water quality.

32. During the operation of the quarry, the noise level from within the site, measured at noise sensitive locations in the vicinity, shall not exceed an $L_{Aeq,1hr}$ value of 55 dB(A) during the period 0800 hours to 1800 hours from Monday to Friday (inclusive) and 0800 hours to 1600 hours on Saturdays and an $L_{Aeq,15mins}$ value of 45 dB(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 Environmental Protection Agency's "Environmental Noise Survey – Guidance Document" (2006).

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

40. The developer shall put in place a programme to ensure that members of the public can obtain information concerning all emissions from this activity. The programme shall be agreed with the planning authority and shall be in place within three months of the date of this order. The programme and all other agreements to be reached between the applicant and the planning authority as required by this permission, shall be in writing and copies of all reports and such agreements shall be made available for public inspection during normal office hours at the planning authority's offices and at another agreed location in the general vicinity of the site.

Reason: To facilitate the public and the planning authority in accessing information.

REASONS AND CONSIDERATIONS

Having regard to the pre-1964 status of the quarry and the decision of the planning authority to register the quarry under section 261 of the Planning and Development Act, 2000, to the pattern of development in the area including a number of established quarry and related sites, to the environmental impact statement prepared in support of the planning application and mitigation measures therein and to the provisions of the Quarries and Ancillary Activities Guidelines for Planning Authorities (issued by the Department of the Environment, Heritage and Local Government in April, 2004), it is considered, subject to the modifications to the decision of the planning authority set out above, the proposed development would be in accordance with the proper planning and sustainable development of the area.

The Board generally agreed with the Inspector in relation to the conditions attached or amended. It was not considered necessary to include a further condition in relation to the volume of traffic at the site entrance.

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.

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

Dated this day of 2008.