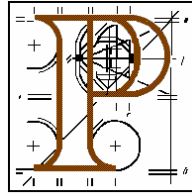


An Bord Pleanála



Inspector's Report

Development: Sand and Gravel Quarry.

Planning Application

Planning Authority: Cork County Council.

Planning Authority Reg. Ref.: 06/11798

Applicant: John A. Wood Limited.

Type of Application: Permission.

Planning Authority Decision: Grant permission.

Planning Appeal

Appellant: 1. John A. Wood Limited.

Type of Appeal: First Party -v- Conditions.

Observer: None

Date of Site Inspection: 14-01-08

Inspector: Mairead Kenny.

INTRODUCTION

The site was subject of an application for registration under section 261 following which the Council requested the submission of a planning application and Environmental Impact Statement for reason that the site exceeds 5 hectares and has significant effects on the environment. The appeal is against conditions.

There is another section 261 appeal with the Board which was lodged on 12-11-07 – QC 2200 refers. This refers to Donovan's Pit which is in the applicant's ownership.

I refer the Board to the map located in the pouch to the rear of this report – this shows the applicant's holdings in the area.

SITE LOCATION AND DESCRIPTION

The site is located at Knockanemore, Ovens and the pit is stated to be known in the locality as the Garryhesta quarry. The site is positioned in a rural area to the west of Ballincollig, Co. Cork and to the south of the N22 Cork-Macroom Road. It has a direct access onto the national road where a 100kph speed limit applies and the road is a single carriageway which would appear to be very heavily trafficked. The presence of the quarry is marked with a warning sign positioned a few hundred metres at either side of the entrance. The application site is stated to have been a working quarry since the 1940s and the application site is of stated area of 88.1 hectares. There is a processing plant in operation at the northern and southern parts of the site, and the area adjacent the southern site boundary is largely restored following excavation.

This is an area with extensive quarrying operations and the applicant has another 5 no. operational pits within 4km of the application site. A number of these sites are interconnected in terms of shared use of processing facilities and the movement of resources. The major processing and weighing facilities are at the Classis site which is positioned closed to the edge of Ballincollig and which is also near a roundabout at the dual carriageway into Cork city. A major conveying belt is under construction which will connect the western pits (Dineen's and Donovan's) through the Garryhesta site and from there onto the Classis site. This should be operational within a few months. At present the material from the western pits is transported a short distance by county road to the Garryhesta site; there is a rear entrance to Garryhesta to the south of the site. In the future these will be connected by right of way to the Garryhesta site.

The main land uses in the area are extractive industry and agricultural activities including the production of cereals and beet. The pattern of residential development in the area consists of small settlements including Ovens, Srelane Cross, Farran, Kilcrea and Killumney and a high level of individually constructed dwellinghouses. There are significant numbers of one-off houses close to the minor roads to the south and east of the site and along the N22.

A dual carriageway to be constructed between the Coachford Junction (with the R619) and Ballincollig to cater for existing and future traffic on the N22 is proposed to pass through Dineen's pit. This is at preliminary planning stage. The river Bride is the main surface water feature in the area and it is located about 500m to the south or 260m southwest of the site. In terms of cultural heritage / tourist resources, the most important features in the area would appear to be the protected structures at Kilcrea to the southwest where there is a very narrow bridge over the river Bride and Kilcrea Friary which is described in notices displayed on the site. These are a few kilometres from the site.

Photographs of the site and surrounding area which were taken by me at the time of inspection are attached to the rear of this report.

PROPOSED DEVELOPMENT

It is proposed to continue the operation of a sand and gravel extraction and processing facility including the extraction below the water table on a 88.1 hectare site. The methods of extraction and processing are by mechanical means using conveyor systems feeding the aggregate processing area, washing, screening and crushing plant. The development involves the construction of power house and control rooms, lagoons and landscape berms, ancillary works and site restoration.

ENVIRONMENTAL IMPACT STATEMENT

The application is accompanied by an Environmental Impact Statement which gives further details regarding the proposed development, some of which are outlined below :

- Continued extraction above the water table primarily in the northern section of the site;
- Continued processing using existing plant on site and / or at Classis depending on the connection by means of a conveyor system;
- Extraction beneath the current processing area;
- Extraction beneath the water table by dredging to a depth of -6.0m OD;
- Restoration of site to a wildlife and amenity feature once fully worked out.

The phasing of the development is as follows. Phase 1 which is to the east of the site compound will be worked further to 24m OD. Phase 2 (depending on the granting of permission for the conveyor belt under planning reg. ref. 06/6387 – PL 04. 220318) will involved removal of existing plant and extraction below to 24m OD. In phase 3, dredging to -6m OD will take place. The projected extraction rate is 350,000 tonnes per annum, to be supplemented by materials from Donovan's pit when necessary. The total projected output of 350,000 tonnes per annum will remain constant depending on the market demand. Lifetime projected to be 10 to 12 years.

In relation to the traffic impacts it is noted in section 2.3.6 that the proposed conveyor belt which would link Garryhesta with Classis processing facility in effect would

result in the direct feed of aggregates to Classis and the elimination of HGV movements servicing the Garryhesta site.

The application site includes two portions of land the smaller of which is to the south of the county road – there are no proposals for this area, or indeed for much of the southern half of the site.

In terms of impacts arising the following is also noted

- no significant adverse impact on residential population as landscape impacts and noise are minimised by the working below ground level and traffic volumes will be maintained at existing levels;
- there are two sand martin nesting areas the smaller of which will be destroyed resulting in a moderate impact on the sand martin colony-quarrying activities in this area should be timed to ensure that they do not occur during the sand martin breeding season ;
- the principal sand martin colony is in the north western sector and restoration plans for this area should retain the steep pit faces where the breeding colony is sited – artificial nests could be considered if the colony cannot be retained in its current location;
- landscaping schemes should seek to recreate any semi-natural habitats removed during quarrying;
- overall biodiversity of area not adversely affected;
- removal of sand and gravel is significant impact in terms of soils and geology and cannot be mitigated against;
- mitigation will include taking care in the refuelling of mobile plant and maintenance of plant;
- no long term adverse effects on the bedrock;
- to prevent accidental fuel spills refuelling will be carried out on a concrete pad with run-off to a treatment system;
- dust deposition rates in 2006 are within the threshold of 350mg/m²/day and infrequent exceedences were recorded in drier periods in 2004 and 2005 – mitigation measures outlined;
- quarterly noise monitoring ongoing – site extraction is towards the northern half of the site where N22 traffic noise dominations;
- further extraction will be at or below ground level further reducing noise impacts and other mitigation measures are outlined;
- site landscape impacts are slight to imperceptible and will lessen as existing tree cover matures;
- no archaeological impacts subject to monitoring of topsoil stripping.

I consider that the EIS complies with the statutory requirements and that when taken in conjunction with the submissions on file there is sufficient information available to the Board to assess this appeal.

PLANNING HISTORY

The planning history related to the applicant's sites in the area is set out in table 2.1 of the EIS. Of particular relevance are the following cases.

Under PL04.220318 the Board upheld the decision of the planning authority under planning reg. ref. 06/6387 to grant permission for a 1.38 km conveyor belt between Classis South and Garryhesta. This is now under construction. The documents indicate that the conveyor belt between Classis South and Classis was in place at the time of making the application. The reasons and considerations included 'the minimisation of heavy goods vehicles movements on the local road network arising from the proposed development'. The conditions attached include :

- 20 year permission or belt to be decommissioned and site restored within two months of the cessation of operations at the pit served;
- hours of operation to be confined to between 0700 and 1800 Monday to Friday and 0700 and 1600 on Saturdays;
- noise level from the site measured at noise sensitive locations not to exceed $L_{Aeq,1hour}$ of 55 dB(A) during above period and $L_{Aeq,15mins}$ value of 45 dB(A) at any other time – measurements to be in accordance with ISO recommendations R1996 and surveys to be in accordance with the EPA 2003 document;
- dust emissions arising from conveyor and other on site operations not to exceed 350 mg/m²/day over a 30 day period measured at site boundary;
- monitoring programme details to include details of who will carry out the programme, the locations, frequency etc and the making monitoring results regularly available to the planning authority and public;
- prior to 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 agreed – all vehicles and mobile plant shall be fuelled at this location;
- preventative maintenance programme for the conveyor to be specified – records to be maintained and to be available to the planning authority at all reasonable times;
- landscaping, reinstatement of the road, surface water disposal to be within the site, fencing and warning signs to prevent unauthorised access, bond.

Under PL 04.214198 the Board upheld the decision of the planning authority under planning reg. ref. 05/2452 to grant permission for a sand and gravel pit at a 48.8 hectare site with an extraction rate of 350,000 tonnes per annum. This is known as Dineen's pit. The development included the installation of a conveyor belt system to connect to the Garryhesta site where all processing was to take place. The period of operation of the permitted quarry was limited by condition of the decision to 20 years. Conditions to ensure that the development would not interfere with the construction of a road scheme passing through the site were attached. Under condition it was also required that all access to the site be through the wayleave and from there to the entrance to the existing Garryhesta pit subject to no increased use of the entrance (with limited use of another entrance during construction and monitoring). Condition 13 refers to the availability of an environmental audit, to be displayed at the Council's offices and another suitable location in the vicinity of the development.

Planning reg. ref. 07/7116 refers to a grant of permission by the planning authority for an underpass linking Donovan's and Dineen's pits – this was subject of an appeal under PL04.224248 which was withdrawn.

DEVELOPMENT PLAN AND GUIDELINES

The current plan is the Cork County Development Plan 2003 which contains the following policies of relevance:

- Safeguarding mineral reserves and identification of strategic reserves;
- Ensure minimal environmental and other impacts result from mineral extraction;
- Restrict inessential or unsafe additional access onto nation roads;
- Protect the visual and scenic amenities of the natural environment and preserve the character of important views and prospects;
- The record of protected structures includes Kilcrea Bridge, Kilcrea Castle and Abbey;
- The view from the elevated county road about 1km to the north of the site is designated as a listed view.

The Macroom Local Area Plan was adopted in December 2005 and includes the following policies and statements:

- The extractive industry makes an important contribution to economic development in the Macroom Electoral Area and the main quarries in the area include those at Knockanemore, Garryhesty and Castlemore;
- It is proposed to realign and rebuild the N22 commencing at the western end of the Ballincollig Bypass – the works proposed have passed through the route selection stage and preliminary design will commence on all or part of the route;
- The landscape character of the area is described as Valleyed Marginal Middleground;
- Settlements in the area include the 'key village' of Killumney / Ovens to the west and Farran which is described as 'other location';
- The River Bride is identified as an important angling river.

Guidelines for Planning Authorities on Quarries and Ancillary Activities were published in April 2004 and include the following points:

- Principal environmental impacts and relevant possible mitigation measures are set out in Chapter 3 including measures to mitigate noise emissions, dust, surface watercourses and groundwater resources and other likely impacts;
- A range of possible planning conditions are set out in section 4.7.

DECISION

The Planning Authority decided to grant permission subject to conditions, including:-

- Condition 9 – roads and traffic issues including requirements in relation to the installation of a ghost island, signage, pavement strengthening, road safety audit;
- Condition 19 – concrete aprons that drain to a hydrocarbon interceptor to be provided at all locations where handling of hydrocarbons takes place;
- Condition 21 – all soiled water to be directed to settlement tanks of suitable size and construction;
- Condition 23 – ground water monitoring programme to be undertaken and the first ground water survey to be carried out within four months of the date of this decision;
- Condition 32 – all noise levels emanating from the development when measured at site boundaries shall not exceed 55dB(A) $L_{Aeq,1hour}$ between 07.00 and 18.00 Monday to Friday and between 07.00 and 14.00 on Saturdays, and not to exceed 45 dB(A) $L_{Aeq,15min}$ at any other time - a penalty of 5 dB(A) will be applied where noise contains a discrete continuous tone etc;
- Condition 40 - programme to ensure that members of the public have access to information concerning emissions;
- Condition 49 – site to be surveyed by an ecologist every five years during the operational period and five years after the quarry has ceased to operate to review the success of habitat management and restoration measures.

GROUNDS OF APPEAL

The first party appeal is against conditions:

- **Condition 9** - Roads requirements are onerous, not in the spirit of section 261, *ultra vires* and involves significant works on lands not in the applicant's ownership and would attract compensation;
- **Condition 19** - Installation of concrete aprons at the working face is not practical as this is continually moving – the condition should be amended to allow the refuelling of contractor's plant which is moveable but not mobile – to ensure that we are not adversely affecting the environment we use drip trays and have spill kits on hand;
- **Condition 21** - Requirement to direct surface water to settlement lagoons in lieu of tanks would be acceptable;
- **Condition 23** - Insufficient time to undertake first water monitoring programme;
- **Condition 32** - Second part of noise condition excessive and beyond normal requirements;
- **Condition 40** – In the interest of health and safety access to information should be through the Council's offices;
- **Condition 49** - Requirement to undertake ecological surveys after closure is not reasonable;
- In the interest of competitiveness the operating requirements should be similar to those applied by other Councils but the control imposed by Cork County Council is more onerous than others – several conditions imposed have no relevance to the Guidelines for section 261.

RESPONSES TO APPEAL

In response to the appeal the planning authority states that it re-affirms its decision and provides the following detailed comments:

- In response to condition 19 section 6.9 of the EIS referred to refuelling on a concrete pad and the treatment of any run-off in a Klargestert treatment system or similar;
- There is no objection to conditions 21 and 23 as suggested;
- In relation to condition 32 the second part of the condition should be retained as drafted including the penalty for tonal or impulsive noise;
- In support of the above section 4.1.3 of the 1996 ISO document is referenced as is condition 5 of PL 04.214198 where the rated noise level is quoted $L_{A,T}$ and the noise limits attached include a penalty for the presence of tonal or impulsive elements;
- Regarding access to information it is suggested that viewing of results can be overcome by prior arrangement and agreement between the operator and any person viewing the relevant results;
- The purpose of condition 49 is to monitor the success of restoration measures in particular in relation to habitat creation or management and giving time for the processes to establish and the habitats to develop;
- The appellant's question as to whether the condition is onerous and the potential for implementation if there is a change of ownership is described as valid;
- However, the matter of restoration plans for biodiversity and long term management is also raised.

ASSESSMENT

The appeal relates to 7 no. conditions each of which is separately addressed. The area in which the site is located is an established area of importance to the extractive industry. Following inspection of the site and general area and consideration of the application submission and the EIS I am satisfied that the consideration of this appeal by the Board can be restricted to the issues raised in the appeal. I note that the appellant refers a number of times to conditions / approaches which are appropriate under section 261. The continued operation of the quarry is however subject of a planning application and no difference in approach or planning conditions is warranted.

Seven conditions are subject of the first party appeal, each of which is separately considered.

Condition 9 – roads and traffic issues including requirements in relation to the installation of a ghost island, signage, pavement strengthening, road safety audit.

The appellant refers to the 2004 Guidelines 'Quarries and Ancillary Activities' which state that compensation may be payable in certain limited circumstances to a quarry operator where types of new or more restrictive conditions on the operation of the

quarry are imposed. The appellant states that the condition is a new restrictive condition and is not an environmental condition, that compensation would be payable and that works on lands not in the applicant's ownership are required. The appellant states that the Council is using section 261 as an opportunity to get road works done for free, which is not in the spirit of section 261 and that the condition should be deleted. I reiterate the general point above that the proposal is subject of the normal planning application and appeal process and that such a condition might reasonably be applied.

I note that the site adjoins a busy national road close to Cork City at a point where traffic volumes are high and sightlines are below standard. The Traffic and Transport Assessment (Appendix D of the EIS) indicates (page 34) that a right turning lane and ghost island are not warranted and that a left turning lane should be considered in the context of further accident statistics. The request by the planning authority for additional information did not address the N22 entrance. The NRA submitted two reports; the Head Office report objects to the development but the subsequent report dated 19/12/06 from the regional office recommends conditions and these were attached by the planning authority in its decision to grant permission. The conditions include a range of measures to improve the N22 and require a road safety audit and implementation of recommendations arising.

There is a letter of objection on file which refers *inter alia* to the cumulative impact of the Garryhesta, Dineens and Donovan's sites in terms of use of the entrance. The Board has previously decided not to limit the cumulative volumes extracted from this and adjacent sites as was recommended under PL04.214198 in the interest of traffic safety and for other reasons. However, under condition 7 of that decision, there is a requirement that no increase in use of the N22 entrance occur. In the interim the Board has granted permission for the conveyor belt which is at an advanced stage of construction. The applicant has not clearly indicated the extent to which the conveyor belt will reduce traffic levels to and from the site and there was no requirement under the Board's decision to that effect. There is a statement on page 16 of the Traffic and Transport Assessment that on completion of the conveyor belt the traffic levels generate by the Garryhesta site would be practically nil, but other first party statements are less conclusive. I submit that it will be in the applicant's interest to maximise use of the conveyor belt for reasons of convenience and cost. In the interest of traffic safety it is reasonable to reiterate the condition requiring no additional use of the site entrance. Section 6.2.8 of the Traffic and Transport Assessment indicate that no net increase will occur in any event. In future years the downgrading of the N22 will occur but to date there is no information regarding the proposed N22 realignment other than the selection of a preferred route. In the event that the conveyor belt malfunctions then all traffic would be through the site entrance and for this reason and to facilitate movements by staff and public and HGV traffic other than that travelling to Classis, the improvement of the N22 as recommended in the condition of the planning authority is warranted.

I recommend that condition 9 be attached and I recommend the attachment of a further condition as below.

The development shall not give rise to an increased use of the existing site entrance to the N22.

Reason: In the interest of traffic safety.

Condition 19 – concrete aprons that drain to a hydrocarbon interceptor to be provided at all locations where handling of hydrocarbons takes place.

The appellant requests that this condition be amended to allow the fuelling of contractor's plant which may be working from time to time at the pit face on the basis that while this plant is moveable it is not mobile from the point of view of being able to travel to the fuel pump. Installation of a concrete apron on or near the pit floor is not deemed practical and the use of drip trays while fuelling on the quarry floor is an environmentally acceptable alternative.

The guidance document Environmental Management in the Extractive Industry (Non-Scheduled Minerals), EPA, 2006 refer to the need to provide bunding to all fuel/chemical storage tank areas, to assess and monitor the integrity and water tightness of all bunding structures, to use spill pallets to store drums of chemicals and oil and to provide spillage control equipment on site. Neither that document or the ICF Environmental Code refer to the use of drip trays specifically although both refer to the need to provide spillage control equipment on site including booms and suitable absorbent material. In general the available guidance does not specifically refer to the issue of moveable plant, which would not generally be described as mobile, working at the quarry face.

I refer the Board to the condition previously attached under PL04.220318:

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.

I note the comments of the planning authority which reference the Environmental Impact Statement. Section 6.52 and 6.6 refer to the possibility of contamination from accidental release of fuel but also refer to the refuelling on a concrete pad with run-off being treated with a Klargestor treatment system or similar. Section 1.9 of the additional information received by the planning authority on 18/06/07 also refers.

In relation to moveable plant, which may be quite large and at some distance from (and at a much deeper level than) the main refuelling area, I consider that the appellant's point is reasonable and I recommend that condition 19 be amended to read as follows:

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 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. Such measures shall be subject to the written agreement of the planning authority prior to commencement of quarrying works.

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

In my view the water monitoring regime will encourage the applicant to exercise a duty of care in relation to refuelling at the quarry face and will facilitate enforcement by the planning authority.

I recommend that condition 19 be amended.

Condition 21 – all soiled water to be directed to settlement tanks of suitable size and construction.

The appellant refers to the existing large primary settlement pond, secondary pond and water reservoir at the Garryhesta Pit and to the existence of a licence to discharge from sand and gravel extraction and washing and surface waters. As part of the current application submission the footprint of the existing settlement lagoon is estimated to be 2.84 times more than the required area. The request is that the wording of this condition be amended to replace references to tanks with references to lagoons. The planning authority has no objection. I concur with the appellant.

I recommend that condition 21 be amended to replace the word 'tanks' with 'lagoons'.

Condition 23 – ground water monitoring programme to be undertaken and the first ground water survey to be carried out within four months of the date of this decision.

The appellant disagrees with the wording 'proposed development' on the basis that the pit is long established and that the purpose of section 261 is to regulate its continuance. Secondly, the period of 4 months is insufficient and a 6 month time frame would be more appropriate. The planning authority has no objection to the suggested alterations.

I consider that the word 'proposed development' is appropriate as it refers to the development for which permission is sought and does not detract in any manner from the status of the site. In relation to the need for a 6 month time frame for the undertaking of the first groundwater survey, the appellant has not specified the reasons for this period being necessary. I note that there are no monitoring wells on the site at present but the appeal process has provided an opportunity to initiate the required monitoring programme and on balance, I find that the appellant has not made a persuasive case for the additional time period.

I recommend that condition 23 be attached.

Condition 32 – all noise levels emanating from the development when measured at site boundaries shall not exceed 55dB(A) $L_{Aeq,1hr}$ between 07.00 and 18.00 Monday to Friday and between 07.00 and 14.00 on Saturdays, and not to exceed 45 dB(A) $L_{Aeq,15min}$ at any other time - a penalty of 5 dB(A) will be applied where noise contains a discrete continuous tone etc.

The appellant requests that the second half of the condition (referring to the 5dBA penalty) be removed on the grounds that the character noise aspect effectively changes the limit to 55dB(A) $L_{Ar,T}$ and that if a character noise exists this is equivalent to a noise limit of 50dB(A) L_{Aeq} which is unduly onerous and beyond the recommendations of the EPA Environmental Management Guidelines, the Planning Guidelines and the ICF Code of Practice. The second half of the condition should be deleted.

The noise levels referred to in the Quarrying Guidelines are the standard EPA recommendations of 55 dB(A) $L_{Aeq,1hr}$ by day and 45 dB(A) $L_{Aeq,15min}$ by night. It is noted that these limits are appropriate for areas of higher background noise level. The Guidelines note the problems arising from tonal or impulsive components but do not specifically recommend the setting of limits of the rated sound level taking into account the 5dB(A) penalty.

I note that the planning authority has referred to the use by the Board of a 55dB(A) $L_{Ar,T}$ limit under PL04.214198. However, the Board has previously attached a condition regarding noise levels at this site and it was recommended that a $L_{Aeq,1hr}$ level of 55dB(A) not be exceeded at a noise sensitive location. There is no change in the circumstances in this case to warrant a change in approach and I recommend that the condition be appropriately amended.

I recommend that condition 32 be amended as follows:

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 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 $L_{Aeq,15mins}$ 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" (2006).

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

Condition 40 - programme to ensure that members of the public have access to information concerning emissions.

The appellant seeks to use have access to the Council's offices for the display of information regarding emissions. I consider that this arrangement would have the benefit of a neutral venue and would be satisfactory in the interest of health and safety. Maintenance of the records at a local venue would have the benefit of convenience. The condition as worded by the planning authority does not preclude any particular arrangement. However, the planning authority in response to the appeal states that the viewing of results can best be overcome by arrangement between the operator and the member of the public. The site is already open to public access for business purposes and there is a dedicated car parking area. In addition, the applicant has other lands in this area including the major facility at Classis which is close to a major population base. On balance I consider that it is reasonable that the information be displayed in the locality and in the offices of the planning authority and I note that this was a requirement under condition PL04.214198.

I recommend that condition 40 be amended as follows:

The applicant 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 3 months from the date of the grant of this permission. 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 broad vicinity of the site.

I note that condition 27 refers also to the keeping of records for inspection by the officials and the public and consider that this condition should be deleted as it is superfluous.

Condition 49 – site to be surveyed by an ecologist every five years during the operational period and five years after the quarry has ceased to operate to review the success of habitat management and restoration measures.

The appellant considers that the requirement to request an ecology survey five years after cessation of operation is extreme and that the site may be sold at that time. In response the planning authority notes that the purpose of the condition is to monitor the success of restoration measures in particular in relation to habitat creation or management, allowing time for the processes to establish and habitats to develop. The applicant's submission received by the planning authority on 18/06/07 includes a final restoration scheme and section 5.5 refers to long term management. Given the scale of the site and the time period over which the quarry may operate, habitats will evolve and rare species may migrate onto the site. Mitigation measures may require

follow up works such as replanting. As such I consider that the post-closure survey requirement is reasonable.

I recommend that condition 49 be attached.

RECOMMENDATION

I recommend that planning authority be directed as follows.

Attach conditions 9, 23 and 49 and the further condition below, delete condition 27 and amend conditions 19, 21, 32 and 40 and the reasons therefor.

Further condition

The development shall not give rise to an increased use of the existing site entrance to the N22.

Reason : In the interest of traffic safety.

Condition 19

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 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. Such measures shall be subject to the written agreement of the planning authority prior to commencement of quarrying works.

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

Condition 21

Amend condition 21 to replace the word 'tanks' with 'lagoons'.

Condition 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 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 $L_{Aeq,15mins}$ 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” (2006).

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

Condition 40

The applicant 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 3 months from the date of the grant of this permission. 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 broad vicinity of the site.

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

REASONS AND CONSIDERATIONS

Having regard to -

- (a) the nature of the material, being a tied and fixed resource on the site,
- (b) the pattern of development in the area which includes an established extractive industry,
- (c) the Environmental Impact Statement and the mitigation measures contained therein in connection with environmental impacts,
- (d) the provisions of the Cork County Development Plan 2003 in respect of the extractive industry, and
- (e) 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 that, subject to compliance with the conditions set out below, the proposed development would not result in a serious risk of pollution to ground water or surface water, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in

terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Mairead Kenny
Senior Planning Inspector
8th February, 2008

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