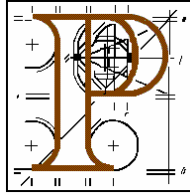


An Bord Pleanála



Inspector's Report

PL 04. 224250.

DEVELOPMENT: The continuation of a quarry at Midelton Quarry, Carrigshane, Midelton, Co. Cork.

An EIS was submitted with the application.

PLANNING APPLICATION

Planning Authority: Cork County Council.

Planning Authority Reg. No: 0671088.

Applicant: John A. Woods Ltd.

Application Type: Permission.

Planning Authority Decision: Permission with conditions.

APPEAL

Appellants: John A. Woods Ltd.

Type of Appeal: First Party.

Observers: None.

DATE OF SITE INSPECTION: 2007.

INSPECTOR: Derek Daly

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1. Introduction.

I have read the file, inspected the site, during which I took photographs and these are included at the end of the report, as Appendix 1, considered the grounds of appeal and assessed the proposal in the context of the proper planning and sustainable development of the area.

2. Site location and description.

The proposed development is located at Carrigshane in a rural area approximately 2 kilometres southeast of the town of Midelton in the east of County Cork. The appeal site has frontage onto a public road, which is part of a local road network, which links onto the R25 Cork to Waterford National Primary Route located approximately 0.5 kilometres to the north. The local road also serves another quarry adjoining the appeal site located to the south of the appeal site and also a quarry on the opposite side of the road, which is also in the ownership of the applicant.

The general area is dominated by agricultural use but there is also in the general Midelton / Carrigtwohill area there is a relatively high level of quarrying and other activities associated with the extractive industry. The site is part of a landscape, which is relatively flat and low lying with mature hedgerows and trees, which screen the site and area.

The appeal site, which is irregular in configuration, is currently in use as a quarry and has been extensively excavated with a major alteration of the original site contours including lowered areas and steeply sided cliff faces. Virtually all topsoil is stripped off the site. There are some stockpiles and associated plant on the site with varied benching levels and internal haul roads. The site has a stated operational area of 15.1 hectares.

There is some level of planting along site boundaries including the roadside boundary, which corresponds to the western boundary of the proposed activity area of the site.

3. Proposed Development.

The proposed development as submitted to the planning authority on the 28th of August 2006 is for quarrying activities including the processing of aggregates, landscaping, restoration and associated works on an overall site of 21.1 hectares and a working area of 15.1 hectares. It is indicated that the development is in operation on the site prior to 1963 and was registered with Cork County Council under Section 261 of the 2000 Act. As the site is in excess of 5 hectares under the provisions of Section 261(7) apply and an application accompanied by an EIS was submitted.

Access to the development is from the existing road access off the public road network. It is proposed to carry out the works in 5 phases. In phase 1 it is proposed to lower the northeastern area of the site to a level of 22 metres A.O.D. Phase 2 proposes a lowering of the easternmost area of the site to 4 metres A.O.D. Phase 3 a further lowering of the phase 2 area to minus 14 metres A.O.D. phase 4 lowering of the remainder of the proposed activity area to 4 metres A.O.D and in phase 5 to further

lower this area minus 14 A.O.D. In effect a progressive lowering and benching is proposed lowering the site between 34 and 52 metres.

A restoration plan is submitted in which the worked out area will become a lake with planting on the upper slopes of the perimeter of the worked out area.

Further information was submitted on the 18th of April 2007, arising from an initial request of further information. The primary areas arising related to traffic, blasting, landscaping and restoration.

In relation to the proposed junction improvement with the N25 after discussions with the NRA it is indicated that in relation to the costs of these works if permission is granted a proportional financial contribution to such costs will be stipulated in a condition in a grant of permission and a road safety audit is not required.

In relation to extraction below the watertable it is indicated that the development is amended to maintain extraction above the watertable and that the applicants will continue all required hydrogeological investigation and will submit a new application for quarrying below the watertable at a future date and dewatering will not arise.

In this regard, an alternative phasing programme is proposed with 2 phases and a lowering of the entire activity site by the end of phase 2 to a level of 9 A.O.D. a restoration programme reflecting the changed extraction programme is submitted with a restoration of the lowered floor of 9 metres A.O.D and the floor restored to agriculture with planting on the upper levels of the cliff faces and the perimeter of the excavated area.

4. Environmental Impact Statement.

An Environmental Impact Statement was submitted with the application, and comprises the following:

1. Non-technical summary.
2. A main report, which outlines a project description, environment description, identification of environmental impacts, evaluation of environmental impacts, corrective and mitigation measures, monitoring procedures, conclusions and
3. Technical appendices.

4.1 The process.

The system used is a progressive working of the area initially proposed in five phases and to lower the site to a finished floor level of approximately 14 metres O.D. no dewatering is likely to occur until the end of phase 2 of extraction. The limestone will be drilled and blasted to fragment the rock. An internal road system will operate to transport the quarried material within the site.

All the extracted rock will be processed crushed and screened onsite. The processed material is stockpiled and removed from the site by trucks. The excavated area it is proposed will be lowered to a temporary level of minus 14 metres AOD. The annual

output is indicated as approximately 150,000 tonnes and the overall volume of material to be extracted is indicated as 1,888,451m³.

No use of the site after completion of extraction is proposed other than if extraction occurs below the watertable to allow the area to fill up with water. A later submission with extraction to a level above the watertable proposes restoration of the floor to agricultural use.

4.2 Need for the development.

The applicants contend that there is a need for aggregates and other products for the construction industry locally and that the issue of alternative sites does not arise, as the site is an existing quarry.

4.3 Human Beings

The EIS discusses the need for a supply of stone to meet future anticipated demands and outlines the employment generated. Potential negative impacts arising from public health and trespass are referred to but it is indicated that it is a continuation of existing activities and mitigation measures in relation to potential negative impacts are outlined in the various sections of the EIS.

4.4 Ecology, Flora & Fauna.

There is reference to the Carrigshane pNHA which is fully within the landholding boundary and approximately 14% occurs within the site activity boundary (0.9 hectares) and that within the activity area the majority has already been quarried. The remaining hazel scrub will be removed with ongoing quarrying resulting in a moderate negative impact on existing species and with no direct impact on the Carrigshane pNHA outside of the activity area. After cessation of extraction there will be an opportunity to re-establish flora and fauna.

4.5 Geology, surface water, groundwater and disposal of water

Initial information was presented in relation to the location of wells in the area and further addressed in subsequent further information submitted and it was indicated that with lowering below the watertable it will be necessary to install interceptor sumps to prevent inflows to the working quarry estimated to occur at the end of phase 2. Intercepted water will be pumped to a lagoon and to discharge treated water to Ballinacurra stream 500 metres south of the site there was little water in the floor of the working quarry as the groundwater levels are below the level of excavation.

In relation to hydrogeology and surface water, potential impacts are identified and provision is made for containment and treatment of accidental spillages. Further hydrogeological investigation is recommended prior to any dewatering within and from the site. The watertable is estimated as 8 metres AOD.

4.6 Air and climate.

The main impact identified is one arising from the production of dust and that current levels are below current permitted standards with mitigation measures outlined.

4.7 Noise.

The EIS outlines the main sources of noise and given the varied level of processes there are a number of elements identified influencing noise emission from the proposed development:

- General noise from the quarrying and processing of rock;
- Blast noise; and,
- Traffic noise.

It is noted that there are existing levels associated with the existing permission on the site and the noise levels are also below the permitted standards with one noise sensitive location exceeding levels and traffic was identified as prime cause. The overall conclusion is that the development will not constitute a major negative environmental impact and with the use of mitigation / monitoring measures as outlined that the impact can be minimised.

4.8 Traffic.

The EIS gives details on traffic movements on roads in the area and at a number of junctions including traffic modelling. It is indicated that there is an impact on the junction with the local road and where trucks exit onto the N25 account for less than 5% at this junction. A ghost island at this junction is recommended.

4.9 Landscape.

The EIS refers to the visual enclosure arising from the landscape character of the area and that the overall impact is. Screening and planting are proposed to ameliorate any potential impact and the restoration plan will also assist on the completion of extraction works.

4.10 Cultural Heritage.

The EIS indicates there is no archaeology within the working area and no direct or indirect impacts identified.

5. Planning History.

There is no stated history in relation to the appeal site.

6. Planning Authority Reports.

The **environment report** of the 22nd of September 2006 refers to issues of disposal of excess water from the site in particular pumping water to the Ballinacurra stream and concerns relating to existing wells with the lowering of excavation below groundwater level. A monitoring programme of the stream is recommended in order to determine future allowable discharge to the stream as part of a future planning application.

The **Roads report (NRA Office)** of the 5th of September 2006 requires the provision of a ghost island at the junction with N25 and associated strengthening of the pavement, signage, a road safety audit, and the costs be borne by the developer.

The report of the **area engineer** of the 20th of September 2006 refers to issues of disposal of excess water from the site in particular pumping water to the Ballinacurra stream and concerns relating to existing wells with the lowering of excavation below groundwater level. A special contribution towards widening of the local road is recommended

The **Heritage Officer** reports of the 12th of October 2006 and the 1st of May 2007 refer to the site encompassing part of Carrigshane pNHA, an important breeding ground for the peregrine falcon and ravens. Further assessment of the site is required.

The **planning reports** of the 13th and 19th of October 2006 refers to the provisions of the plan and requests further information on a wide range of issues referring to surface water and drainage, restoration plans for the quarry, concerns relating to traffic and impacts on the road network, blasting, the contamination of groundwater, and proposals for the remediation and landscaping of the site.

A later planning report recommended planning permission.

7. Planning Authority's Decision.

The Planning Authority decided to grant permission for the development, subject to 55 conditions. Apart from the standard engineering and construction conditions, the decision includes the following conditions of note: -

- Condition no. 2 requires the depth of excavation shall not take place deeper than 1 metre above the natural winter water table without the benefit of further planning permission.
- Condition no. 3 limits the duration of permission to 10 years.
- Condition no. 4 refers to a special contribution of €91,864.31 in respect of improvements to the junction of the local road and the N25.
- Condition no. 7 relates to hours of operation.
- Condition no. 8 relates to landscaping and perimeter treatment.
- Condition nos. 9, 24, 25, 26, 27, 28, 29 and 30 refer to noise and blasting.
- Condition no. 22 refers to a ground water monitoring report and programme to be carried out within two months to what is termed a proposed development.
- Condition no 36 and 37 refer to the provision of an Environmental Management System (EMS).
- Condition no. 43 refers to phasing and restoration of the site.
- Condition no. 44 refers to the submission of an Ecological survey of the site.
- Conditions nos. 48 and 49 refer to local road and site entrance improvements.

8. Appeal Submissions.

8.1 First Party Appeal.

Specifically, the appellant wishes to appeal against **conditions 2, 3, 4, 7, 22, 24, 27, 29, 37, 41, 43, 44, 48, and 49** imposed by the Planning Authority.

Condition no. 2 requires the depth of excavation shall not take place deeper than 1 metre above the natural winter water table without the benefit of further planning permission. The Appellant in the grounds of appeal refers to the economic importance of mineral extraction in the county development plan and the DoEHLG Guidelines on quarries. Reference is made to the applicant's decision in the course of the application to maintain extraction of rock above the water table in a revised proposal when it was initially proposed to extract below the water table.

It was also outlined that any extraction proposed below the water table would only occur after hydrological and hydrogeological testing and it is contended that this could be determined and then conditioned without the need for a further planning application.

Prior to Section 261 the quarry contained no restriction of the depth of excavation and the condition imposes very large financial costs and reference is made to another decision where there is no requirement for a further planning application in similar circumstances.

Condition no. 3 limits the duration of permission to 10 years and although the applicant indicated an approximate lifespan of 10 years this was based on an annual extraction rate of 250,000 tonnes per annum. This however is market dependent and may also alter in the context of hydrological and hydrogeological testing, which may further extend available reserves. The Appellant in the grounds of appeal refers to the economic importance of mineral extraction in the county development plan and the DoEHLG Guidelines on quarries and that the condition is restrictive.

Condition no. 4 refers to a special contribution of €91,864.31 in respect of improvements to the junction of the local road and the N25 and it is indicated that this condition is restricted and should be deleted.

Condition no. 7 refers to hours of operation and the applicant has objection to the hours for the extraction and processing of material but trucks should be allowed to load trucks for customer delivery prior to 07:00 hours and it is considered that this is a new restrictive condition on an existing quarry.

Condition no. 22 refers to a ground water monitoring report and programme to be carried out within two months to what is termed a proposed development. The development is an existing but two months is an insufficient time to implement the condition and the period of keeping reports on the site should be reduced from seven to five years.

Condition no. 24 refers to noise levels and that EPA Guidelines should apply and the hours referred correspond to the hours of operation of condition no.7 be omitted.

Condition no. 27 refers to maximum frequency of blasting of two per month and there is no engineering or environmental reason for this and should be deleted.

Condition no. 29 refers notification of nearby people of blasting and that there is agreement in principle to this but reference is made to established practice for notifying prior to blasting.

Condition no. 37 refers to the public obtaining information in relation to emissions but it would be better served if this were made available at the County Council Office.

Condition no. 41 refers keeping records of monitoring for a period of seven years and that this condition be amended to five years.

Condition no. 43 refers to phasing and restoration of the site and although there is no difficulty in principle with the condition but having a difficulty with the final gradients of quarry faces being reduced to allow for safe pedestrian access as this is not required in guidelines and similarly there is no requirement to implement aftercare programme for a period of five years within the guidelines or the provisions of section 261 and the five years should be deleted.

Condition no. 44 refers to the submission of an ecological report in conjunction with the restoration programme and it is contended that such a report was submitted in the course of the application and the condition should be deleted.

Condition no. 48 refers to sightlines and although there is no objection in principle, but may involve lands not in their ownership. It is also indicate the entrance is established back to re-1963 without complaint and the condition should be deleted.

Condition no. 49 refers to road widening along the site's road boundary and that the condition is a restrictive new condition, does not fall within the remit of section 261 and should be deleted.

Generally it is indicated that there is concern expressed in relation to the manner in which these conditions were imposed particularly in the context of section 261. It is also indicated that no draft conditions were issued and there is no consistency in conditions imposed.

A copy of the Ecological Report, other decisions in counties Cork, Galway, Kilkenny, Meath, Kerry, the DoEHLG Guidelines on Quarry and Ancillary Activities and the EPA Environmental Management Guidelines are submitted.

9. Responses to Grounds of Appeal.

9.1 Planning Authority Response.

The Planning Authority in a response to the third party appeals indicates,

In relation to Condition no.2

- The condition was determined by concerns relating to excavating below the watertable and concerns relating to adverse impacts and the applicant in the further information response agreed that hydrogeological investigation was required and to submit a new application at a future date.

In relation to Condition no.3 taking into account the provisions of section 261 and that the applicant stated that a new planning application would be submitted the planning authority would not be opposed to the removal of this condition.

In relation to condition no.4 given the application is for a significant extension the contribution is justifiable.

In relation to condition no.43 the planning authority is concerned in relation to the final outcome of any restoration plan and the planning authority would be anxious to avoid permanent steep cliffs except for maintaining habitats or lakes with steep sides giving rise to dangers to humans and animals. The planning authority does not agree that the outcome that the outcome of restoration should be a site, which is unsafe for human access.

9.2 First Party Response.

John A. Woods in a response to the planning authority response indicates,

- In relation to condition no.2 there are common areas with the planning authority and are prepared to carry out a hydrogeological assessment but there is no evidence to suggest currently an adverse impact on groundwater. There was a limited timeframe to obtain and assess data.
- Ongoing monitoring is proposed in advance of excavating below ground level.
- In relation to condition no.3 it is estimated that there is possibly 20 years of reserves.
- In relation to condition no.4 it is not an intensification of the development.
- In relation to condition no.43 the applicant retains its position.

10. National and local policies.

10.1 National policy.

Quarries and Ancillary Activities Guidelines for Planning Authorities.

The purpose of the guidelines are to offer guidance to planning authorities on planning for the quarrying industry through the development plan and determining applications for planning permission for quarrying.

Section 1.3 refers to the economic importance of quarries. Chapter 3 refers to the environmental implications and that there are a wide range of potential environmental effects caused by quarries which need to be considered when dealing with proposals for new development, or for significant expansion of existing extractive industries and such impacts may arise during the development stage or may endure throughout the life of the quarry, possibly over several decades. The impact it is indicated can be permanent, even after closure and decommissioning, unless carefully planned rehabilitation is undertaken.

In section 3.5 relating to natural heritage indicates that these habitats can be damaged or lost entirely as a result of quarrying and extraction, and features such as hedgerows, stonewalls and trees can be removed. There is the potential to impact on areas of valuable habitat, including [Habitats Directive] Annex I priority habitats. Valuable

habitats, which are not limited to designated conservation areas should be preserved, and existing trees and hedgerows preserved to the greatest possible extent and the advice of the Department of Environment, Heritage & Local Government should be sought if it appears likely that the natural heritage is likely to be affected.

It is also indicated that extraction, which could impact on designated conservation areas or sites will not generally be permitted and ground stability may need to be assessed as part of the planning application, if subsidence is likely due to surface excavation or underground development.

Section 3.10 refers to the use of Environmental management systems (EMS), as a form of environmental monitoring, whether quantitative or qualitative, should be considered as best practice for the environmental management of quarries

Section 4.7 of the above guidelines outline possible planning conditions in relation to quarries and these included the implementation of mitigation measures in relation to the times of operation; the control of noise, blasting, and dust; and the control of water pollution. These are referred to where appropriate in the assessment set out below.

Part B Chapter 5 relates to Implementation of Section 261 of the 2000 Act including in section 5.7 the requirements in relation to sites of in excess of 5 hectares to apply for planning permission and to submit an EIS and for the development to be assessed similarly to other applications but having regard to its current use as a quarry.

10.2 Development Plan

The current Development Plan is the Cork County Development Plan 2003 to 2009.

The site is in an area zoned Metropolitan Green Belt (A2) in the County Development Plan. The area is however characterised by a high level of extractive operations and the Plan does recognise the importance of mineral resources and these is set out particularly in paragraphs 4.5.2 and 4.5.3, which state that appropriate policies for protecting essential mineral reserves are necessary and that it is important to facilitate development.

The site is located in part of the Carrigshane pNHA an important grassland site. It is however noted that the NHA within the site is already largely worked out due to quarrying.

11. Planning Assessment

11.1. Introduction.

The proposal is for the continuing operation of a limestone quarry with an overall area of approximately 15.1 hectares. The decision of the planning authority was to grant permission for the development subject to 55 conditions. The application as submitted arises from the procedure of registering the site under Section 261 of the Planning and Development Act 2000 and the provisions stated in Section 261 (7) (a) (i) (1) where the extracted area is greater than 5 hectares requiring an application for planning

permission accompanied by an EIS. In assessing this development there is a stated requirement in the 2000 Act to have regard to the existing use of the land as a quarry.

I would however consider that notwithstanding that the application arises from the procedure of registering the site under Section 261 of the Planning and Development Act 2000, the current proposal can be considered in the context of a Section 34 application subject having regard to the existing use of the land as a quarry.

The applicant has appealed a number of conditions in the Planning Authority's decision to grant permission and the issues arising will be assessed under specific headings in this assessment. It is however important to note that the use of the site as quarry pre 1964 is not raised as an issue in the documentation submitted.

The applicant has in the appeal submissions that the site has a long established use as a quarry. It is clear and evident from the site inspection that quarrying has and continues to occur on the site.

11.2 Environmental Impact Statement.

In my view the submitted Environmental Impact Statement complies with article 94 and Schedule 6 of the Planning and Development Regulations, 2001.

Section 4 of this report is a review of the submitted document. I consider that the submitted EIS, and subsequent clarifications provide a useful contribution to an overall assessment of the proposed development.

11.3 Issues Raised in the Appeal.

The issues raised by this appeal generally fall under the following headings:

- Planning context.
- Alternative locations
- Scope and extent of development
- Human Beings
- Visual impact landscape
- Rehabilitation and restoration of the site.
- Impact to residential amenities
- Water.
- Traffic
- Heritage
- First party appeal against conditions of the planning authority's decision

11.4 Planning Context.

It is national policy to promote the development of extractive materials. The DoEHLG Guidelines on *Quarries and Ancillary Activities Guidelines for Planning Authorities* refers to the economic importance of quarries and there is a presumption in favour of extractive development in suitable circumstances.

In the section of this report relating to the development plan *Cork County Development Plan 2003 to 2009*, which is the statutory plan for this area I have outlined the main provisions as they relate to mineral extraction. The plan essentially is positive to mineral extraction and its importance to the future development of the county. There is no easily identifiable information on the extent of exploitable reserves in the County and region.

The site is located in an area with no landscape designation or proscribed view as identified in the development plan adversely impacted by the development.

In assessing an application relating to extraction of materials it has to be considered in the context that it is a resource based industry and although alternative sources may exist in the local area they may not readily available for development for a number of reasons. Consideration of a proposal would therefore be assessed on a wide range of criteria specific to the actual site.

The principle of the development is, I consider, acceptable within the overall provisions of the development plan. It is noted that the site is partly within a proposed NHA but the site is a largely worked quarry and this has to be considered as a material consideration in relation to this development and not to materially preclude the development.

11.5 Alternative locations.

The proposed development is an existing quarry and in this context the issue of alternative locations does not specifically arise. The issue of alternatives is difficult to determine and although there may well be other potential sources of material as already indicated they might not be available for a number of reasons. Equally in considering alternatives the proposed development is a resource-based development and identifying specific alternatives site in other locations is not readily quantifiable.

The development must in this context be considered on the actual merits of the specific site including its proximity to a suitable road network, the quantity and quality of reserves, remoteness from large-scale residential areas and the impact of the site on the existing residents and the environment.

11.6 Scope and extent of development.

The planning authority in their decision to grant permission granted permission for the entire site of 15.1 hectares as applied for. In relation to the actual development of the site there is an indication on how the development is to proceed initially in a five phase development but subsequently modified in the further information submitted to two phases with a reduction in the depth of excavation as the main difference between the initial and amended programme of development, which will be extracted and worked out to a stated level / depth of excavation minus 14 metres AOD in the initial proposal and 9 metres AOD.

It is difficult to estimate or establish the timeframe for the development as market forces dictate the rate of extraction and I would accept that there are difficulties in this regard at the level of extraction is dependent on demand for materials. The timescale

to completion is also dependent on the finished level / depth of extraction and the timescale indicated by the applicant is possibly up to twenty years.

The statutory provisions permit in cases such as the proposed development a variation in the period or duration of the permission and it is matter for the planning authority or the Board to determine the duration of the permission. In relation to the period of the permission section 4.9 of the *DoEHLG Guidelines* on the life of planning permissions indicates it is will normally be appropriate to grant permission for a longer period than 5 years such as 10 to 20 years. Notwithstanding the basis of this application under section 261(7) the granting of permission for a finite period can I consider be applied.

Regard therefore I consider should be made to expected life of reserves and for granting of permission for a finite period. It is possible that extraction could continue on the site after the expiry of that finite period with a further grant of permission but this can be considered in a context to enable the planning authority, in conjunction with the developer and the environmental authorities to review changes in environmental standards and technology over the period of the permission. In considering whether a further permission should be granted the guidelines indicate the estimated remaining reserves and extent of existing capital investment in infrastructure and equipment should be considered as factors.

11.7 Human Beings.

The EIS discusses impact on human beings in the context of the effect on the local economy. The amenity impacts on the local area are covered in more detail in subsequent sections. Given that the site is in a rural area where there are no industrial processes and relatively low ambient noise levels the development is undoubtedly an intrusion into the area.

I conclude that given the nature of the area and the nature of the development, which is rural in character the impacts could be significant but the development is an extractive process, which is resourced based and tied in relation to location. The impacts can be potentially addressed or minimised, however, and the potential impacts will be assessed in more detail in subsequent sections of this report.

11.8 Visual impact / landscape.

The EIS concluded that there will be no significant adverse impact. The development is relatively low-lying on the lower slopes of the hill and as part of the EIS and subsequent information mitigation measures are outlined to reduce the visual impact of the development in particular through additional screening and planting.

The development by its nature impacts on the visual amenities of the area as it involves a change in the character of the local landscape but the site largely stripped of vegetation and extensively quarried and in its end state will result in an irreversible change in the landscape. The fact that there will be an impact however does not necessarily infer that the impact is entirely negative, that the impact cannot be ameliorated during the operational life of the quarry or subject to grading and planting create a permanent adverse visual impact on the area.

The site is in a rural area, which in general terms, have a dramatic impact on the local landform as a result of scarring but the principle visual impact will be in the vicinity of the site and the impact diminishes further from the site and with appropriate landscaping it would not, therefore, be an excessively intrusive and will not be I consider significant.

I would therefore conclude that the impacts of the proposed works, while adversely impacting the immediate landscape, are in broad terms acceptable subject to appropriate landscaping.

11.9 Rehabilitation and restoration of the site.

The proposed restoration / rehabilitation proposals are presented in relation to this development are confusing as the initial application is amended in the response to further information but there are broad similarities in the course of action proposed given that a progressive benching system will be applied. The prime issue relates to the actual gradients of the slopes post excavation and this can be addressed by condition.

I would also conclude that in relation to a grant of planning permission conditions addressing the following matters:

- The early agreement of the phasing of works to ensure proper screening.
- The prior agreement of a restoration design.
- An appropriate bond should be agreed to ensure final restoration.

11.10 Impact to residential amenities.

The main issues arise relate to noise and dust emissions.

11.10.1 Noise

There are a number of elements influencing noise emission from the proposed development:

- General noise from the quarrying process and the processing of rock.
- Blast noise
- Traffic noise.

The area currently has a working quarry and these operations currently generate noise and therefore in the immediate vicinity of the site there is not a very rural ambience. The presence of the N25 a significant traffic route in the area is also a source of noise as is the large number of HGVs travelling to the appeal site and other quarries in the immediate area. The existing development and its impact regarding noise can therefore be readily assessed. The main processing on site would be working progressively westwards and downwards on a phased basis.

In the documentation submitted it is noted that there are existing levels associated with the development on the site and that the existing noise levels of the quarry do not

exceed recommended EPA levels even at the highest extraction level and as the extraction level is lowered the impact decreases.

My perception of noise arising from the existing development in the operational phase is a steady and intrusive rumble though there will be variable levels arising from drilling and blasting, which could be intrusive to the farmhouses and other dwellings in the area. The movement of vehicles within the site is a significant source of noise as identified at one sensitive receptor in the EIS.

The level of noise will be also vary in relation to the level of the actual working area relative to the existing ground level as working will occur initially above existing ground level working downwards to below ground level and working at a lower level will ameliorate the level of noise impact. Given however the current ambient levels the development will continue to impact on the area and residents in a similar manner to the current operations.

EPA guidance gives 55dBA as a general limit for emissions as measured from outside adjacent dwellings. However, the EPA notes that limits may need to be lower in rural areas. While the area is a quiet rural area as noted above, it is also an area characterised so I would consider that it is more robust than other rural areas. I would consider a 55dBA limit to be reasonable for receptors, and it appears from the EIS that this is achievable.

Blasting will also give rise to impacts both in relation to potential damage from blasting and from fugitive rocks though the latter problem can be addressed through applying appropriate procedures in relation to blasting operations. There are set procedures in relation to advance warning of blasting and limits on times of blasting and these can be addressed by condition and long term monitoring by the planning authority and I note that a number of the conditions relating to blasting are appealed and will be examined in another section of this report.

Plant on the site can be designed and fitted with covers suppressants to minimise noise emissions. Vehicles using the facility will also generate noise and time restrictions could help prevent traffic noise at unsocial hours.

Conclusions

The existing and proposed works have a significant impact on the area through noise emissions. I conclude that these are within the bounds of acceptability, provided steps are taken to reduce emissions in the future, and the setting of limits on working hours. I also consider that hours during which blasting occurs should be regulated by condition. I recommend conditions to set the following parameters:

- Noise levels in the area to be set at a maximum of 55 dB (A) during working hours, and 45dB(A) outside these hours.
- Time limits on traffic movements and also in relation to blasting operations.

11.10.2 Air

The main impact identified is one arising from the production of dust. The overall conclusion is that the development will not constitute a major negative environmental

impact. With the use and adoption of appropriate operational work practices in relation to quarries, on-site operational practices including damping down of stockpiles and internal haul routes should address the potential risk and problem down to manageable levels. It is also noted that samples taken did not exceed accepted limits. The question of deposition can also be the subject of an appropriate monitoring programme.

Conclusions

I conclude that the issue of fugitive dust is one that can be addressed through conditions specifying a continual monitoring programme (through the EMS), and such operational matters as the damping down of aggregate and the operation of a wheel washer.

11.11 Water.

The development will given the intention of the applicant involve excavating below the existing ground level and this has implications in relation to the management of groundwater as water, which could potentially influx or percolate into the pit area and this has to be removed from the working area to enable the site to be used as a dry working pit. It is noted in this regard that the existing quarry is a dry working area and that the ground water levels / watertable are below the existing depth of active quarrying.

The initial proposal as submitted indicated a 25 phase development to a stated level / depth of excavation of minus 14 metres AOD, which is below the estimated watertable of 8 metres AOD, which would involve dewatering and the pumping of water to a lagoon and diverted to the nearest watercourse Ballinacurra stream 500 metres south of the stream.

In the response to additional information a revised proposal was submitted indicating excavation to 9 metres AOD, which would not require addressing dewatering. It is acknowledged also in the response to further information that further hydrogeological investigations are necessary in relation to the issue of addressing potential problems, which could arise from dewatering occurring on the site.

It is noted the planning authority has in condition no. 2 required the depth of excavation shall not take place deeper than 1 metre above the natural winter water table without the benefit of further planning permission and that the applicant has appealed this condition as it was also outlined that any extraction proposed below the water table would only occur after hydrological and hydrogeological testing and it is contended that this could be determined and then conditioned without the need for a further planning application. It is also contended that prior to Section 261 the quarry contained no restriction of the depth of excavation and the condition imposes very large financial costs.

I would, however, consider that notwithstanding that the application arises from the procedure of registering the site under Section 261 of the Planning and Development Act 2000, the current proposal can be considered in the context of a Section 34 application subject having regard to the existing use of the land as a quarry.

I would also note conditioning excavation below the watertable presents uncertainties. It is acknowledged that further hydrological and hydrogeological testing is necessary but the remedial measures necessary to address dewatering 15.1 hectares require evaluation of these tests and monitoring. There is also issues arising in relation to the anticipated volumes to be processed, the assimilative capacity of the stated receiving watercourse the Ballinacurra stream 500 metres distant from the site to accommodate run off and the right to cross lands to use this stream. These outstanding issues I consider are not appropriately or satisfactorily addressed by condition.

Provision in a grant of permission also must be made for containment and treatment of any accidental spillages. This therefore involves the development of an overall management system to address different systems and also to provide for contingencies where these systems interact.

Notwithstanding the current dry conditions on the site ongoing monitoring of water quality should continue and the management of water should be in the context of a water management plan with provision for all / any potential discharges from the site, with adequate on-site storage and treatment prior to discharge off the site or to groundwaters in the event of water intrusion into the working area. I consider this can be adequately addressed by condition. This water management plan would set out requirements for the protection of groundwater and ongoing monitoring and interlinked to the overall Environmental Management System for the quarry site.

11.12 Traffic.

The EIS gives details on traffic movements on roads in the area and the site is an actively worked quarry with established HGV and other traffic. The road network and principle junctions are also assessed.

Exiting the site to get to the N25 will necessitate traversing local roads and it is indicated that at the junction with the local road and where trucks exit onto the N25 account for less than 5% at this junction. A ghost island at this junction is recommended in the EIS and this arises in relation to a special contribution condition to implement the construction of improvements at this junction. It is noted that this condition is appealed by the applicant and is addressed in section 11.14 of this report.

I consider however that the road network has the capacity to absorb existing and anticipated levels of traffic but given the level of traffic generated by the development in particular HGVs an improvement of the junction of the local road and the N25 is reasonable and desirable in the interests of traffic safety and the free flow of traffic movements on this important National Primary Route.

11.13 Heritage

The EIS indicates there is no archaeology within the working area and no direct or indirect impacts identified. There are archaeological sites in the wider area and the proposed development does not directly impact on these sites.

In relation to issues of ecology I note that the site's location within a proposed NHA sites but the site is a largely worked quarry and this has to be considered as a material

consideration in relation to this development and not to materially preclude the development.

The current site is a working quarry and adjoins another working quarry established for a period of time. The species identified inhabit the appeal site and other sites in this context and the mainly intact area of the proposed NHA is not directly impacted by the development on the appeal site and I do not consider that the ongoing process will adversely impact on the current position and the imposition of conditions can improve the overall environment. I would note however on cessation of works on the site an appropriate restoration plan could provide for colonisation of species on the slopes of the quarry.

11.14 First party appeal against conditions of the planning authority's decision.

Specifically, the appellant wishes to appeal against conditions 2, 3, 4, 7, 22, 24, 27, 29, 37, 41, 43, 44, 48, and 49 imposed by the Planning Authority.

11.14.1

Condition no. 2 requires the depth of excavation shall not take place deeper than 1 metre above the natural winter water table without the benefit of further planning permission. The Appellant in the grounds of appeal refers to the economic importance of mineral extraction, reference is made to the applicant's decision in the course of the application to maintain extraction of rock above the water table in a revised proposal when it was initially proposed to extract below the water table, that any extraction proposed below the water table would only occur after hydrological and hydrogeological testing, it is contended that this could be determined and then conditioned without the need for a further planning application and that prior to Section 261 the quarry contained no restriction of the depth of excavation.

The planning authority contend that the condition was determined by concerns relating to excavating below the watertable and concerns relating to adverse impacts and the applicant in the further information response agreed that hydrogeological investigation was required and to submit a new application at a future date.

I have addressed this issue in 11.11 of this report relating to water. Development involve excavating below the existing ground level has implications in relation to the management of groundwater as water, which could potentially influx or percolate into the pit area and this has to be removed from the working area to enable the site to be used as a dry working pit.

The applicant in the response to additional information revised the proposal indicating excavation to 9 metres AOD, which would not require addressing dewatering. It is acknowledged also in the response to further information that further hydrogeological investigations are necessary in relation to the issue of addressing potential problems, which could arise from dewatering occurring on the site.

There is also issues arising in relation to the anticipated volumes to be processed, the assimilative capacity of the stated receiving watercourse the Ballinacurra stream 500 metres distant from the site to accommodate run off and the right to cross lands to use

this stream. These outstanding issues I consider are not appropriately addressed by condition.

I would, however, consider that notwithstanding that the application arises from the procedure of registering the site under Section 261 of the Planning and Development Act 2000, the specific requirement in the Act to address sites over 5 hectares in a different manner accompanied with an EIS permits the current proposal to be considered in the context of a Section 34 application and that the assessment does not restrict imposing conditions limiting or amending the development particularly where issues arising from the assessment of the EIS identify potential adverse impacts or impacts where mitigation is not satisfactorily addressed subject to having regard to the existing use of the land as a quarry. It would not serve any purpose to require an EIS and not address matters arising from it.

I consider that the condition is reasonable.

11.14.2

Condition no. 3 limits the duration of permission to 10 years and although the applicant indicated an approximate lifespan of 10 years this was based on an annual extraction rate of 250,000 tonnes per annum. It was also indicated that a twenty year life span may apply as the rate of production is market dependent and may also alter in the context of hydrological and hydrogeological testing, which may further extend available reserves and that the condition is restrictive.

In relation to Condition no.3 the planning authority indicate that taking into account the provisions of section 261 and that the applicant stated that a new planning application would be submitted the planning authority would not be opposed to the removal of this condition.

I have addressed this issue in 11.6 of the report relating to the scope and extent of the development. The statutory provisions permit in cases such as the proposed development a variation in the period or duration of the permission and the *DoEHLG Guidelines* on the life of planning permissions indicates it is will normally be appropriate to grant permission for a longer period than 5 years such as 10 to 20 years. Notwithstanding the basis of this application under section 261(7) the granting of permission for a finite period can I consider be applied.

The issue of the lifespan of the quarry is also related to the issues arising in section 11.14.1 of the report and whether a working floor level of 9 metres AOD or minus 14 metres apply and whether possible excavating to the lower level requires a further planning application.

It is accepted that market forces affect the output of material from a quarry and a level of flexibility should apply. In this context I consider that the presence of an existing quarry development permit consideration of a period or duration of planning permission of 15 years and would provide for a review as provided for in the guidelines in the context of changes in environmental standards and technology and also in the context of the review of restoration works.

11.14.3.

Condition no. 4 refers to a special contribution of €91,864.31 in respect of improvements to the junction of the local road and the N25 and it is indicated that this condition is restrictive and should be deleted. The planning authority contends that given the application is for a significant extension the contribution is justifiable.

In relation to the improvement works proposed a ghost island at this junction is recommended in the EIS and there is also reference in the further information submitted in relation to the proposed junction improvement with the N25 that after discussions between the applicant with the NRA it was indicated that in relation to the costs of these works if permission is granted a proportional financial contribution to such costs will be stipulated in a condition in a grant of permission.

The development is significant in relation to the overall operation of the junction with the N25 particularly given the level of HGVs manoeuvres associated with the development and the level of impact will occur if the development is permitted for anticipated minimum of 10 years and a likely longer period. In this context the application of the contribution as proposed is justifiable and not restrictive. The applicant will I consider be a beneficiary of the works proposed and the condition retained.

11.14.4.

Condition no. 7 refers to hours of operation and the applicant has objection to the hours for the extraction and processing of material but trucks should be allowed to load trucks for customer delivery prior to 07:00 hours and it is considered that this is a new restrictive condition on an existing quarry.

The DoEHLG Guidelines in section 4.7(b) relating to hours of operation refer to normal operations between the hours of 07.00 to 18.00 Monday to Friday (exclusive of public holiday) and 07.00 to 14.00 on Saturdays. Reference is also made to flexibility in relation to these hours in considering market conditions or ancillary activities.

I consider the condition of the planning authority to be reasonable as the loading of trucks prior to 07.00 would be a noise intrusion and an eleven hour working period on most working days provides ample flexibility for the loading of trucks.

11.14.5.

Condition no. 22 refers to a ground water monitoring report and the applicants contend but two months is an insufficient time to implement the condition and the period of keeping reports on the site should be reduced from seven to five years.

I consider that the period for the preparation of the report should be extended to six months and the period of keeping reports on the site be reduced to five years though this could also be included and retained in an environmental audit and / or an EMS, which I consider should be part of a grant of planning permission.

11.14.6.

Condition no. 24 refers to noise levels and that EPA Guidelines should apply and the hours referred correspond to the hours of operation of condition no.7 be omitted.

In relation to this condition I accept both the DoEHLG and the EPA Guidelines refer to different noise levels between the hours of 08.00 to 20.00 and 20.00 to 08.00 but it does not necessarily infer that noise levels periods and hours of operation should be the same and the hours as recommended in 11.14.4 of this report should be retained.

The DoEHLG Guidelines in section 4.7 (c) refer to noise sensitive locations and a level of Laeq (1 hour) of 55 dB (A) and Laeq (15 minutes) of 45 dB (A) at nighttime defined as the hours between 20.00 and 08.00 hours at these locations.

The EPA Guidelines in section 3.5.2 refer to noise sensitive locations and a level of Laeq (1 hour) of 55 dB (A) between 08.00 and 20.00 hours and Laeq (1 hour) of 45 dB (A) between 20.00 and 08.00 hours at these locations. I consider in the interests of clarity that one level should apply as indicated in the DoEHLG Guidelines as a Laeq of 15 minutes equivalent continuous noise level is appropriate nighttime guideline. I would therefore recommend a revised wording of the condition as referred to in the DoEHLG Guidelines.

11.14.7.

Condition no. 27 refers to maximum frequency of blasting of two per month and there is no engineering or environmental reason for this and should be deleted.

I consider that the condition should be deleted

11.14.8.

Condition no. 29 refers notification of nearby people of blasting and that there is agreement in principle to this but reference is made to established practice for notifying prior to blasting.

The practice of notifying by an audible siren as indicated by the appellant is reasonable and in this regard I refer to section 4.7 (d) of the DoEHLG Guidelines on Quarries and the condition should be deleted.

11.14.9.

Condition no. 37 refers to the public obtaining information in relation to emissions but it would be better served if this were made available at the County Council Office.

Amending the condition to availability at the offices of the County Council is I consider reasonable.

11.14.10.

Condition no. 41 refers keeping records of monitoring for a period of seven years and that this condition be amended to five years.

I would have no objection to an amendment to five years.

11.14.11.

Condition no. 43 refers to phasing and restoration of the site and although there is no difficulty in principle with the condition but the appellant has a difficulty with the final gradients of quarry faces being reduced to allow for safe pedestrian access as this is not required in guidelines and similarly there is no requirement to implement aftercare programme for a period of five years within the guidelines or the provisions of section 261 and the five years should be deleted.

In response the planning authority is concerned in relation to the final outcome of any restoration plan and the planning authority would be anxious to avoid permanent steep cliffs except for maintaining habitats or lakes with steep sides giving rise to dangers to humans and animals. The planning authority does not agree that the outcome that the outcome of restoration should be a site, which is unsafe for human access.

In relation to the end state this is related to whether the site is lowered to 9 metres AOD or a lower level, whether the finished working level remains above or below water level and whether the site is open to access or not. It is however reasonable that some level of safety is provided for and within reason to avoid permanent steep cliffs giving rise to dangers to humans and animals. In this context therefore agreement in relation to the gradient of the finished slopes is reasonable and an aftercare programme to ensure the restoration works are put satisfactorily in place is also reasonable.

In relation to the consideration under Section 261 of the Planning and Development Act 2000, the specific requirement in the Act to address sites over 5 hectares in a different manner accompanied with an EIS permits the current proposal to be considered in the context of a Section 34 application.

I consider that the condition is reasonable.

11.14.12.

Condition no. 44 refers to the submission of an ecological report in conjunction with the restoration programme and it is contended that such a report was submitted in the course of the application and the condition should be deleted.

I recommend that this condition be deleted as a report was submitted in the course of the application.

11.14.13.

Condition no. 48 refers to sightlines and although there is no objection in principle, but may involve lands not in their ownership. It is also indicate the entrance is established back to pre-1963 without complaint and the condition should be deleted.

I would have objection to the condition been deleted as the grounds raised by the appellant are reasonable.

11.14.14.

Condition no. 49 refers to road widening along the site's road boundary and that the condition is a restrictive new condition, does not fall within the remit of section 261 and should be deleted.

I would have objection to the condition been deleted as the grounds raised by the appellant are reasonable.

12. Conclusions and Recommendation.

12.1. I conclude that the proposed development,

- Is in principle acceptable, having regard to the provisions of the development plan and the nature of the development, which is a tied location resource.
- I would accept that given the nature of the local area, which is an agricultural area with low ambient level of noise the development will impact on the area and the local population but in assessing this application which relates to the extraction of materials it has to be considered in the context that it is a resource based industry and extraction is already established.
- Through the application of conditions and ongoing monitoring the impact in relation to air and noise emissions and potential impact to groundwater can be minimised to ensure that the operation of the quarry and associated works are carried out within acceptable limits.
- I would have no major concerns in relation to the impact of the development in relation to traffic movements and traffic safety.
- Greater clarity is required in relation to the programme for the restoration and rehabilitation of the site but can be addressed by appropriate conditions.
- The issue of development below the existing watertable can only be assessed in the light of further detailed investigation and may involve works outside of the boundary of the site for the discharge of water to a watercourse and to the sea.

12.2. I would therefore recommend that the proposed development be granted.

Reasons and considerations.

Having regard to the resource based nature of the proposed development, the strategic role of mineral extraction in the regional construction industry, the history of the site as a working quarry and the provisions of the Cork County Development Plan 2003 –

2009 in respect of the extractive industry, 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, would be acceptable in terms of traffic safety and convenience and would, therefore, 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 28th of August 2006, and the 18th of April 2007, except as may otherwise be required in order to comply with the following conditions. Activities at the facilities shall be restricted to the quarrying, processing, haulage, storage and stockpiling of limestone and limestone product and their transportation off the site.

Reason: In the interest of clarity.

2. Within two months of the date of this order the developer shall submit to and agree with the planning authority a detailed phasing programme for extraction of material in relation to the development as indicated on the 18th of April 2007 to a depth to 9 metres AOD or of one metre above the natural winter watertable, which ever is the higher level. Within three months of the grant of this permission the applicant and the planning authority shall agree on the tests and evaluation to determine the natural winter watertable.

Reason: In the interest of clarity and to provide for the orderly regulation of the development.

3. This grant of planning permission shall be for a period of fifteen years from the date of this order.

Reason: To limit the impact of the development on the amenities of the area, to monitor the effects of the development on the area and to ensure the appropriate restoration of the site.

4. A detailed restoration scheme of the site according to the broad principles indicated in the Environmental Impact Statement and as amended by the details received by the planning authority on the 18th of April 2007 shall be carried out before that date unless, prior to the end of that period, planning permission shall have been granted for the continuance of use. Final details of the restoration, which shall be carried out on a phased basis shall be agreed in writing with the planning authority within three months of the date of this order and shall be related to the agreed phasing programme as specified in condition no.2 and shall include details relating to the finished gradients of the quarry cliff face and

proposals for an aftercare programme of five years or a shorter period if specified by the planning authority.

Reason: In the interest of the visual amenities of the area.

5. Prior to commencement of development, the developer shall submit to the planning authority for written agreement a proposal for an Environmental Management System (EMS). This shall include the following:
- (a) Proposals for the suppression of on-site noise (in order to comply with conditions set out in this permission).
 - (b) Proposals for the on going monitoring of sound emissions at the site boundaries at locations to be agreed with the planning authority.
 - (c) Proposals for the suppression of dust on site and on the access road.
 - (d) Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.
 - (e) Details of safety measures for the land above the quarry, to include warning signs and stock proof fencing (works to be carried out within one month of the written agreement of the planning authority to these details).
 - (f) Management of all landscaping, with particular reference to enhancing the ecological value of the grassland on the boundary adjoining the proposed NHA and buffer areas on the perimeter of the site.
 - (g) Monitoring of ground and surface water quality, levels and any discharges.
 - (h) Full details of site manager, contact numbers (including out of hours) and public information signs on the entrance to the facility, details which shall be agreed with the planning authority.

Reason: In the interest of orderly development and to safeguard local amenities.

6. On an annual basis, for the lifetime of the facility (within two months of each year end), the developer shall submit to the planning authority five copies of an environmental audit. Independent environmental auditors approved by the planning authority shall carry out this audit. This audit shall be carried out at the expense of the developer and made available to the public for inspection at all reasonable hours at a location to be agreed with the planning authority and at an office of the planning authority. This report shall contain:

- (a) A written record derived from the on-site weighbridge of the quantity of material leaving the site. This quantity shall be specified in tonnes.
- (b) An annual topographical survey carried out by an independent qualified surveyor approved by the planning authority. This survey shall show all areas excavated and restored. On the basis of this a full materials balance shall be provided to the planning authority.
- (c) A record of all movements of heavy vehicles outside the times set out in condition number 7 below.
- (d) A record of groundwater levels measured.
- (e) A full record of all breaches over the previous year for noise, dust, and water quality monitoring.
- (f) A written record of all complaints, including actions taken on each complaint.

In addition to this annual audit, the developer shall submit quarterly reports with full monitoring records of dust monitoring, noise monitoring, surface water quality monitoring, and groundwater monitoring, details of such information to be agreed with the planning authority. Notwithstanding this requirement, all incidents where levels of noise or dust exceed agreed 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.

Reason: In the interest of protecting residential amenities and ensuring a sustainable use of non-renewable resources.

- 7. Operating hours for the development shall be restricted to between 0700 hours and 2000 hours, Monday to Friday and between 0700 hours and 1400 hours on Saturdays. The facilities shall not operate outside these hours or on Sundays or public holidays.

Reason: In the interest of residential amenity.

- 8. Equivalent sound levels attributable to all on-site operations associated with the proposed development (excluding blasting) shall not exceed and a level of Laeq (1 hour) of 55 dB (A) between the hours of 0800 hours and 2000 hours and Laeq (15 minutes) of 45 dB (A) between 20.00 and 08.00 hours when measured at a sensitive receptor in the vicinity of the site

Reason: In the interest of residential amenity.

9. Blasting operations shall only take place between 10.00 hours and 17.00 hours, Monday to Friday. Monitoring of the noise and vibration arising out of blasting and the frequency shall be carried out at the developer's expense by an independent contractor agreed with the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

10. The vibration levels from blasting operations shall not exceed a peak particle velocity of 12 millimetres per second when measured in any three mutually orthogonal directions where blasting occurs no more than once in seven continuous days. Where blasting operations are more frequent, the peak particle velocity limit is reduced to 8 millimetres per second. The air overpressure from any blast shall not exceed a value of 125B (Lin) maximum peak.

Reason: In the interest of public safety.

11. Prior to the firing of any blast, the developer shall give notice of his intention to the occupiers of all dwellings within 500 metres of the site. An audible alarm for a minimum period of one minute shall be sounded. This alarm shall be of sufficient power to be heard at all dwellings adjacent to the quarry.

Reason: In the interest of public safety.

12. Total dust emissions arising from the on-site operations shall not exceed 350 milligrams per metre squared 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 boundary of the facility. An adequate hose capacity shall be maintained in the quarry area to dampen down stockpiles, waste piles, roads and circulation areas and equipment during periods of dry windy weather to prevent the emission of fugitive dust.

Reason: In the interest of protecting the amenities of the area.

13. The wheels and undersides of all vehicles transporting aggregate from the site onto the public road shall, prior to the exit of such vehicles onto the public road, be washed in a wheel washing facility which shall be operated in accordance with the requirements of the planning authority.

Reason: In the interest of the amenities of the area and of traffic safety and convenience.

14. The use of mercury vapour lamps for external lighting purposes shall be prohibited. All external lighting shall be of sodium type. All lights shall be suitably shaded to prevent glare or light spillage outside the site.

Reason: To safeguard the amenities of the area.

15. Scrap material shall be removed at least annually from the site in accordance with the requirements of the planning authority. Scrap materials shall be deemed to include scrapped trucks, other scrapped vehicles, empty oil barrels, broken or otherwise unusable truck bodies, worn out conveyor belts/chains, worn out batteries, unusable tyres and worn out conveyor/roller shafts.

Reason: To safeguard the amenities of the area.

16. All waste material shall be stored and disposed of in accordance with the requirements of the planning authority.

Reason: To safeguard the amenities of the area.

17. Fuel supplies and other services on-site shall be used only to service vehicles and machinery directly involved in the extraction of aggregate within the development site, the product of that aggregate on site, and the transport of those materials and products.

Reason: In the interest of orderly development.

18. All over ground tanks if any containing liquids other than water shall be contained in a waterproof bunded area, which shall be of sufficient volume to hold 110 per cent of the volume of the tanks within the bund. All water contaminated with hydrocarbons, including storm water, shall be discharged via a grit trap and three-way oil interceptor with sump to a watercourse. The sump shall be provided with an inspection chamber and shall be installed and operated in accordance with the requirements of the planning authority.

Reason: In the interest of orderly development.

19. 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 planting and other landscaping of the site as required by condition number 4, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The security to be lodged shall be, as follows -

- (a) An approved insurance company bond in the sum of €200,000 (two hundred and fifty thousand euro), or
- (b) A cash sum of €200,000 (two hundred and fifty thousand euro) to be applied by the planning authority at its absolute discretion if such services are not provided to its satisfaction, or
- (c) A letter of guarantee by any body approved by the planning authority for the purpose in respect of the proposed development in accordance with the guarantee scheme agreed with the planning authority and such lodgement in any case has been acknowledged in writing by the planning authority.

Reason: To ensure the satisfactory completion of the development.

20. The developer shall pay to the planning authority a financial contribution of €91,864.31 as a special contribution under section 48(2)(c) of the Planning and Development Act 2000 in respect of the provision of a ghost island and other improvements at the junction of the local road serving the site and the N25.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs, which are incurred by the planning authority which is not covered in the Development Contribution Scheme and which will benefit the proposed development.

Derek Daly

Inspectorate.

18th March 2008.