

Recent Quarry Appeal Decisions

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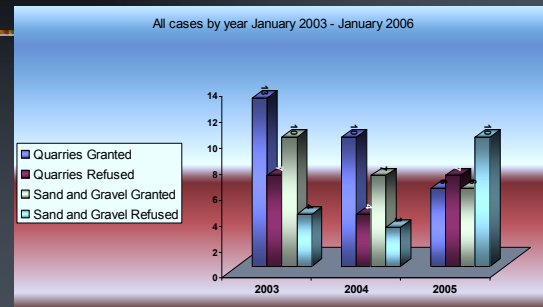
Recent Quarry Appeal Decisions

- Structure of presentation
Examine Key Statistics for January 2002 – January 2006
- Main Considerations in granting and refusing permission
- Frequent Areas of Difficulty
- Conclusions

Appeal Considerations

- Proper planning and sustainable development of the area.
- 'Have regard to':
 - National policy
 - Policy of any Minister of Government
 - Ministerial Guidelines
 - Ministerial Directions
 - Policies of relevant State bodies
 - Statutory Development Plan, Local Area Plan
 - Submissions (1st, 2nd & 3rd Party, EIS etc.)
 - Inspectors Report and Recommendation

All cases by year January 2003 - January 2006



Solid Rock Quarries (SRQ)

- 47 appeals
- Types of appeals
(1st Party vRefusal 19%, 3rd Party vGrant 71%, 1st Party vCondition 10%)
- Overturns (Grant to Refusal 21%, Refusal to Grant 4%)
- Overall tonnage granted/annum (12 mt/a approx)

Sand & Gravel Quarries (S&G)

- 40 cases
- Types of appeal cases (1 v R 36%, 3 v G 52%, 1 v C 11%)
- Overturns (G to R 18%, R to G 7%)
- Overall tonnage granted/annum (5 mt/a approx.)

Reasons for Granting

- Development Plan provisions
- Road Infrastructure & traffic acceptability
- Established use
- Limited scale of development
- Separation from residential development

Reasons for Granting

- Visual/Amenity acceptability
- Resource based nature of activity
- EIS – Mitigation measures are deemed to be appropriate
- Guidelines

Reasons for Refusal

- Impact on Residential Amenities
- Conflict with Development Plan provisions
- EIS/Application inadequacies
- Impact on Visual Amenities
- Inadequate Road Infrastructure

Reasons for Refusal

- Proximity to Residential Development
- Contamination of Groundwater
- Impact on European Sites
- Other

Frequent Areas of Difficulty

- Three main areas
- EIS
- Hydrogeology
- European Sites

Environmental Impact Statements

- EIS
 - Absence of Non-Technical Summary
 - Inadequate baseline information
 - Inadequate consideration of Alternatives
 - Poor scoping
 - Understatement of adverse impacts

Hydrogeological Issues

- Significant cause of delay and Refusal
- Essential to understand the *natural groundwater flow system* below quarry
 - superficial and bedrock geology of site and surrounds
 - direction of groundwater flow
 - how groundwater patterns vary over time
 - relative speed of groundwater flow – preferential paths
 - groundwater chemistry and microbiology
 - potentially polluting activities on the site

Hydrogeological Issues

- actual vulnerability of groundwater system
- ecology and environmental condition of receiving waters
- hydrology of receiving environment
- details of beneficial use of groundwater around and downgradient of the site
- nature and composition of explosives to be used
- pumping tests where quarrying below the water table

European Sites

- SAC's NHA's and SPA's
- Waddensee Judgement (Case C-127/02)
- Precautionary Approach
- Requirement of an appropriate assessment of impact
- There is a presumption of negative effects

Conclusions

- Impact on Amenity is a major consideration -Quarries and Houses generally not good neighbours
- A good EIS is a necessity
- Address hydrogeological issues appropriately
- Pay particular attention to maintaining the integrity of European Sites

Board References

- Website
www.pleanala.ie
- Decisions, Reports, Directions.