



Board Direction

Ref: PL26.245934

The submissions on this file and the Inspector's report were considered at a Board meeting held on July 7th 2016.

The Board decided to treat this case under section 139 of the Planning and Development Act, 2000. The Board also decided, generally in accordance with the recommendation of the Inspector and for the Reasons and Considerations set out below, that the planning authority be directed, as follows:

- Remove condition number 8
- Amend condition numbers 5 and 7 so that they shall be as follows:-

Condition 5

During the operation of the proposed development the noise level from the operations measured at the site boundaries shall not exceed:-

- (i) an Laeq (1 hour) value of 55 dB(A) during the period 0800 hours to 1800 hours Monday to Saturday,
- (ii) an Laeq (1 hour) value of 45 dB(A) at any other time.

All sound measurements shall be carried out in accordance with the ISO recommendations 1996 (assessment of noise with respect to community response) as amended by ISO Recommendations 1996/1, 2 and 3 (description and measurement of environmental noise (as appropriate)).

All machinery and vehicles employed on the site and the conveyor shall be fitted with effective silencers of a type appropriate to the specification and at all times the best available technology, not entailing excessive costs, shall be employed to prevent or counteract defects of noise emitted by vehicles, plant machinery or otherwise arising from the site activities.

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

Condition 7

- (a) Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details to be submitted shall include monitoring locations, commencement date and the frequency of monitoring results, and details of all dust suppression measures.

- (b) A monthly survey and monitoring programme of dust emissions shall be undertaken to provide for compliance with these limits. Details of this programme, including the location of dust monitoring stations, and details of dust suppression measures to be carried out within the site, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any quarrying works on the site. This programme shall include an annual review of all dust monitoring data, to be undertaken by a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority following this annual review.

Reason: To control dust emissions arising from the development, in the interest of the amenity of the area.

REASONS AND CONSIDERATIONS

Having regard to the Quarries and Ancillary Activities Guidelines for Planning Authorities (DOEHLG 2004) and the Environmental Management in the Extractive Industry Non-Scheduled Guidelines (EPA 2006), to the existing established nature of the quarrying operation within the site and on adjoining lands in the ownership of the applicant, the location of the application site relative to nearby residential properties and to the N11 national primary route, the Board considered that the conditions, as originally imposed by the planning authority, should be altered as set out in this order.

Note: In coming to its decision to treat this case under section 139 of the Planning and Development Act, 2000, the Board noted the Appropriate Assessment Screening report submitted by the applicant, together with the

content of the further information supplied by the applicant to the planning authority on the 2nd day of November 2015. The Board also noted the Appropriate Assessment screening carried out by the Inspector and concurred with his analysis and adopted his conclusions. The Board was therefore satisfied that the development for which retention is sought would not be likely to have had, and will not be likely to have, a significant effect, individually or in combination with other plans and projects, on the Slaney River Valley Special area of Conservation (site code 000781) and the Wexford Harbour and Slobbs Special Protection Area (site code 004076), or any other European sites, in view of the sites' conservation objectives.

Board Member: _____
Philip Jones

Date: 7th July 2016