



An
Bord
Pleanála

Board Direction
BD-005745-20
ABP-305329-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/05/2020.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

On the basis of the information submitted with the application and appeal and having regard to the nature and scale of the proposed development, the restricted width, alignment and carrying capacity of the existing regional road in the vicinity of the subject site, the volume of HGV traffic associated with the proposed facility and the existing level of HGV traffic on the local road network, it is considered that the proposed development would endanger public safety by reason of increased traffic conflicts, would result in an obstruction to road users and a significant traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development in a previous worked sand and gravel quarry;

- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application;
- (c) all submissions, observations made in the course of the application and the contents of the appeal, observation and response from the applicant and the planning authority in the course of the appeal;
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment report and associated documentation submitted by the applicant and submissions made in the course of the application and appeal.

The Board considered, and agreed with the Inspector's reasoned conclusions that, the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Impact on **population and human health** arising from roads and traffic issues as well as noise arising from the operational phase of the development. Mitigation measures are proposed with regard to noise. There will be a positive impact on population with regard to the creation of jobs, and following the remediation of the site, the impacts on the landscape will be positive
- In terms of **biodiversity**, the development will give rise to the loss of approximately 30 sand martin nest burrows. Works in the area where the nest burrows are located will occur outside the breeding season in order to prevent a significant negative impact on the species. It is proposed to retain the majority of the hedgerows and establish a 10m buffer around them, in the interests of minimising impacts on mammals, including possible badgers, pine martins and rabbits. The development proposes to avoid the areas of wet grassland along the banks of the Westown Stream with mitigation measures

proposed in relation to ecological measures, runoff and sediment control, and storage, stockpiling and waste generation management (Section 3.3.8 of the EIAR).

- Effects on the receiving **land, soil and water** environments may arise during the construction and operational – remediation phases. Impacts will be mitigated through good construction management and compliance with best practice guidelines, including measures to prevent pollution/spillages and non-storage of deleterious materials on site, avoidance of the wet grassland areas in proximity to the Wolfestown Stream and water quality monitoring (Sections 3.4.8 and 3.5.9 of the EIAR). In addition, the Site-Specific Remediation Plan recommends measures in relation to Landfill Capping, Removal of Waste Materials from localised hotspots which include those where asbestos fibre bundles have been identified, Removal of Historical Drainage to remove any potential linkage with the receiving water environment, Landfill Gas Management and a monitoring programme. The proposed restoration of the quarry for agricultural use is considered to have a significant positive, permanent impact on the land.
- In terms of **Visual and Landscape Impacts**, the proposed development will, if permitted, see the restoration of the old quarry for agricultural use. Such a proposal will overall have a positive impact on the landscape. No mitigation required
- In terms of **Roads & Traffic** impacts, the proposed development will result in the creation of a new entrance onto the Regional Road, R410, at a location where an 80kph speed limit applies and where there is a solid white line in the middle of the road to the east of the proposed entrance. The figures submitted in the EIAR suggest that at present, there are 167.9 HGV movements on the road daily. The proposed development will result in an increase of 72 HGV movements daily on the public road, representing a 43% increase in HGV movements on the R410. The Roads & Transportation Section of Kildare County Council has raised serious concerns in relation to the proposed development and associated entrance off the R410, recommending refusal of permission for three stated reasons. Mitigation measures proposed do not

address the impacts on the public roads associated with the proposed development.

The Board is satisfied that this reasoned conclusion is up to date at the time of taking this decision.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed in the Environmental Impact Assessment Report, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable, save in regard to roads and traffic issues. In doing so, the Board generally adopted the report and conclusions of the Inspector.

Appropriate Assessment

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report and concluded, on the basis of the information submitted and all other relevant submissions, that the proposal, individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

Board Member

Date: 13/05/2020

Chris McGarry