



Planning and Development Acts 2000 to 2019

Planning Authority: Kildare County Council

Planning Register Reference Number: 18/839

APPEAL by John Morrin care of Enviroguide Consulting of Unit 3D, Core C, Block 71, The Plaza, Parkwest, Dublin against the decision made on the 6th day of August, 2019 by Kildare County Council to refuse permission.

Proposed Development: Permission sought to infill the subject site of 28.86 hectares in order that the site, which is presently a disused sand and gravel pit, can be restored to agricultural use in keeping with the surrounding land use, at Wolfstown, Eadestown, County Kildare.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

On the basis of the information submitted with the application and the 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 and observations made in the course of the application, the contents of the appeal, observation and responses from the parties in the course of the appeal, and
- (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 10 metres 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 Environmental Impact Assessment Report).

- 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 Environmental Impact Assessment Report). 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 and Traffic impacts, the proposed development will result in the creation of a new entrance onto the Regional Road, R410, at a location where an 80 km/h 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 Environmental Impact Assessment Report 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 and 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

Having regard to the Appropriate Assessment Screening Report submitted with the application, the report of the Inspector, the nature, scale and location of the proposed development, and the separation distances to European Sites, the Board is satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have significant effects on European Sites in view of their conservation objectives. In this regard, the Board concurred with and adopted the Planning Inspector's conclusions in respect of Appropriate Assessment Screening.

Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2020.