



## Board Direction

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**Ref: 10.QD0001**

The submissions on this file and the Inspector's report were considered at a Board meeting held on September 28<sup>th</sup> 2016.

The file was considered at the same meeting as SU10.SU0122, a substitute consent application in respect of part of the same quarry operation.

The Board decided to refuse permission for the reasons and considerations set out below.

In not accepting the recommendation of the Inspector, which was to make a split decision to grant permission for the further development of the quarry to a limit of excavation of 30m AOD, while refusing permission for further excavation below this level, the Board was of opinion that it could not be satisfied, beyond reasonable scientific doubt, that the potential impact of dewatering arising from the further development of this quarry, and consequent discharges, in the absence of definitive information relating to the underlying geology and hydrogeology, would not have adverse impacts on the River Barrow and River Nore Special Area of Conservation (site code 002162), having regard to the qualifying interests and conservation objectives of this European site. The Board noted the concerns expressed by the Inspector in relation to the further deepening of the quarry, but did not believe that sufficient information had been provided in the application to establish that permitting the partial further development of the quarry, to levels of 30m AOD, might not similarly raise such concerns, particularly having regard to the Inspector's analysis of the karstic nature of the geology in the area and in relation to the extent of water ingress already taking place into the quarry void (as noted in his inspection), and the admitted exceedances of the discharge limits for suspended solids under the waste water discharge licence in respect of the existing quarry development on site, particularly at times of heavy rainfall. Furthermore, the Board noted the conditions which had been imposed on the revised discharge licence (An Bord Pleanála reference number 10.WW0411), and concurred with the Inspector that the discharge limits of this licence would most likely be breached, based on the documentation

submitted with the Environmental Impact Statement submitted with the present planning application.

## **REASONS AND CONSIDERATIONS**

In making its decision the Board had regard, inter alia, to the following:

- (a) the provisions of the Planning and Development Act, 2000, as amended, and in particular Section 37L,
- (b) the 'Quarry and Ancillary Activities, Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government in April 2004,
- (c) the provisions of the Kilkenny County Development Plan 2014 - 2020,
- (d) the Environmental Impact Statement, and the Habitat Directive Screening Report for Appropriate Assessment (Stage 1), submitted with the application for further development of the quarry,
- (e) the report and the opinion of the planning authority under section 37L(12)(a),
- (f) the submissions made in accordance with regulations made under Article 270(1) of the Planning and Development (Amendment) (No. 2) Regulations 2015,
- (g) the report of the Board's Inspector, including in relation to potential significant effects on the environment and potential effects on European sites,
- (h) the planning history of the site,
- (i) the decision of the Board in relation to a licence for the discharge of trade effluent under reference number 10.WW0411 in respect of the subject quarry,
- (j) the pattern of development in the area,
- (k) the nature and scale of the development the subject of this application for further development of the quarry, and
- (l) the decision of the Board to grant substitute consent in respect of part of the subject quarry under Ref. 10.SU0122.

1. The Board is not satisfied, based on the information submitted with the application, that the further development of this quarry, including the deepening of the existing excavation (which is already significantly below the water table), would not give rise to further dewatering from the quarry which would result in the lowering of the water table in the vicinity of the quarry, with potential adverse impacts on groundwater dependant wells in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
  
2. Based on the information submitted with the application, and in the absence of definitive information relating to the underlying geology and hydrogeology, the Board is not satisfied that the potential impact of dewatering arising from the further development of this quarry, and consequent increased volume of waters to be discharged off site, which ultimately discharge into the River Barrow, would not undermine the treatment capacity of the existing lagoon particularly in relation to suspended solids. Accordingly, on the basis of the information provided with the application, including the screening report for Appropriate Assessment (Stage 1) and the data and modelling provided in the submitted Environmental Impact Statement, and in the light of the above considerations, the Board is not satisfied, beyond reasonable scientific doubt, that the proposed development, individually, or in combination with other plans and projects, would not adversely affect the integrity of the River Barrow and Nore Special Area of Conservation (site code 002162), in view of the qualifying interests and conservation objectives of this site. In such circumstances, the Board is precluded from granting planning permission.

Board Member: \_\_\_\_\_ Date: 24<sup>th</sup> October 2016  
Philip Jones