



Board Direction

Ref: QD26.QD0025

The submissions on this file and the Inspector's report were considered at a Board meeting held on 24th February 2017.

The Board decided to grant permission in accordance with the following reasons, considerations and conditions.

This file was considered at the same time as that relating to SU26.SU0120.

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 current Wexford County Development Plan,
- (d) the Natura impact statement submitted with the application,
- (e) the report and the opinion of the planning authority under section 37L(12)(a) of the 2000 Act, as amended,
- (f) submissions made in accordance with regulations made under Article 270 of the Planning and Development (Amendment) (No. 2) Regulations 2015,
- (g) the report of the Board's Inspector,
- (h) the planning history of the site,
- (i) the pattern of development in the area,

- (j) the nature and scale of the development the subject of this application to further develop the quarry, and
- (k) the decision of An Bord Pleanála to grant substitute consent in respect of the subject quarry under reference number SU26.SU0120.

Appropriate Assessment

Having regard to the nature, scale and extent of the proposed development, the Natura impact statement submitted with the application and the mitigation measures contained therein, the submissions on file and the Inspector's assessment, the Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment and completed an appropriate assessment of the impacts of the development on nearby Natura 2000 sites, specifically the Slaney River Valley SAC, Blackstairs Mountains SAC and the Wexford Slobs SPA. In completing the appropriate assessment the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned Natura sites, having regard to the sites' conservation objectives.

The Board was satisfied that subject to the implementation of the identified mitigation measures and on the basis of the information available, the proposed development, either individually or in combination with other plans or projects, would not adversely affect the integrity of any Natura site, having regard to the conservation objectives of those sites.

Environmental Impact Assessment

The Board noted and adopted the Inspector's screening in relation to environmental impact assessment. The Board concluded that an environmental impact statement was not required as the development proposed is of a class specified in Schedule 5 of the P+D Regs 2001, as amended, and is sub-threshold. Having regard to the criteria for determining whether a development would or would not be likely to have significant effects on the environment (Sch 7 of the Regs refers), the Board concurred with the Inspector that the PD would not be likely to have significant effects on the environment and accordingly an EIS is not required.

Conclusions

Having regard to the foregoing it is considered that, subject to compliance with the conditions set out below, the subject development, comprising an extension to an existing permitted quarry, would be acceptable in terms of the residential and other amenities of the area, would not seriously injure the ecological or water resources of the area and would be generally acceptable in terms of traffic safety and convenience. The PD would therefore be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, including mitigation measures proposed, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of further development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This grant of permission to further develop the quarry shall be for a period of 10 years from the date of this order.

Reason: To enable the effects of the development to be reassessed in the light of the operation of the permission to further develop the quarry and the circumstances then obtaining.

3. There shall be no excavation below the groundwater table.

Reason: In the interest of clarity.

4. The site shall be restored in accordance with a detailed plan which shall be submitted and agreed in writing with the PA prior to the commencement of further development. The plan shall include proposals for landscaping the site as well as proposed measures to enhance the biodiversity of the area post-closure. The plan shall allow for an aftercare period of 5 years.

Reason: In the interest of visual amenity.

5. Mitigation and monitoring measures outlined in the Natura impact statement submitted with this application, shall be carried out in full, except where otherwise required by condition attached to this permission to further develop the quarry.

Reason: In the interest of protecting the environment and in the interest of public health.

6. There shall be no discharge of quarry water from the site to any roadside drain, adjacent watercourse or to groundwater in the absence of a Discharge Licence.

Reason: In order to protect ground and surface waters.

7. This grant of permission to further develop the quarry does not authorise the importation of materials for the restoration of the site.

Reason: In the interest of clarity.

8. The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. This shall include the following:

(a) proposals for the suppression of on-site noise;

(b) proposals for the on-going monitoring of sound emissions at dwellings in the vicinity;

(c) proposals for the suppression of dust on site;

(d) details of safety measures for the land above the quarry, to include warning signs and stock-proof fencing;

(e) management of all landscaping;

(f) an annual topographical survey and aerial photograph;

(g) a record of all complaints, including actions taken in response to each complaint;

(h) proposals for the management of scrap metal and other waste streams on the site;

(i) proposals for the protection and monitoring of ground and surface water quality, levels and discharges including the bunding of all over-ground tanks containing liquids (other than water);

(j) details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility, and

A report on all the above and related matters shall be submitted annually (at a minimum) to the planning authority.

Reason: In order to safeguard local amenities.

9. Quarry Noise 3 [one hour] and [15 minutes]

10. QuarryDustLevels [350] and [30 days]

11. QuarryTraffic
12. Quarrying within the proposed expansion area, and all activities occurring therein, shall only operate between 0700 hours and 1800 hours, Monday to Friday and between 0700 hours and 1400 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays. No rock-breaking activity shall be undertaken within any part of the site before 0800 hours on any day.

Reason: In order to protect the amenities of property in the vicinity.

13. A wheel wash facility at the quarry exit shall be used by all HGVs leaving the site. Any aggregate, silt or muck carried out onto the public road shall be promptly removed by the developer.

Reason: In the interest of traffic safety.

14. The developer shall facilitate the archaeological appraisal of the extension area. In this regard, the developer shall:

(a) No quarrying activity is to take place within the confines of the Recorded Monument WX010-012. A buffer zone measuring at least 20m in extent shall be provided surrounding the external perimeter of the monument to ensure its preservation and protection.

(b) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(c) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works, and

(d) provide arrangements, acceptable to the planning authority for the recording and for the removal of any archaeological material which the planning authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (*in-situ* or by record) and protection of any archaeological remains that may exist within the site.

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to the Board for determination.

Reason: To ensure the satisfactory restoration of the site in the interest of visual amenity.

16. s.48 unspec.

Board Member: _____ Date: 24th February 2017
G.J. Dennison