



Board Direction

Ref: 26.QD0028

The submissions on this file and the Inspector's report were considered at a further Board meeting held on January 26th, 2017.

The file was considered at the same meetings as SU26.SU0094, a substitute consent application in respect of part of the same quarry operation.

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

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 Wexford County Development Plan 2013 - 2019,
- (d) the report and the opinion of the planning authority under section 37L(12)(a),
- (e) the submissions made in accordance with regulations made under Article 270(1) of the Planning and Development (Amendment) (No. 2) Regulations 2015,
- (f) the planning history of the site,
- (g) the pattern of development in the area,

- (h) the decision of the Board to refuse substitute consent in respect of part of the subject quarry under Ref. 26.SU0094,
- (i) the nature and scale of the development the subject of this application for further development of the quarry, and
- (j) the report of the Board's Inspector, including in relation to potential significant effects on the environment and potential effects on European sites.

The Board is not satisfied, that:

- the Geophysical survey work carried out at the site has determined, beyond reasonable doubt, that sulphide-bearing mudstone seams do not lie within the proposed quarry extraction area and that the excavation of such sulphide-bearing seams, should they occur, could result in exacerbation of the already existing Acid Rock Drainage (ARD) problem within this quarry, which would result in contamination of ground and surface waters, and would be prejudicial to public health and to the ecology of watercourses in the area;
- blasting for rock within the proposed extension area would not result in the creation of preferential flow paths within the fissured bedrock, which could hasten the dispersion of contaminated water (through groundwater) from the principal quarry pond which is contaminated by ARD which could in turn impact on private wells located down gradient of the groundwater flow direction, which would be prejudicial to public health;
- the extraction of rock in the proposed extended area to a level of 142.5m OD would not give rise to inundation with waters from the principal quarry pond which has an indicated level of 144m OD and is contaminated by ARD. This would result in contaminated waters being brought closer to down-gradient private wells to the southeast of the quarry, which would be prejudicial to public health, and
- the continued extraction of water from the principal quarry pond, which is contaminated by ARD, would not result in the escape of fugitive dust from stockpiles of washed aggregate, which could negatively impact on the health of humans and farm animals. The proposed development would be prejudicial to public health and to animal health.

The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note: The Board concurred with the Inspector's concerns in respect of the drawings submitted with this application as these do not accurately reflect the level of quarrying at this site. The Board decided not to attach this deficiency as part of the

refusal reason given that it might have been remedied by means of the submission of further information and having regard to the substantive refusal reason set out above.

Board Member: Nicholas Mulcahy Date: February 8th, 2017
Nicholas Mulcahy

Please issue copy of direction with order.

DECISION QUASHED

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