

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Wexford County**

**Planning Register Reference Number: 20160122**

An Bord Pleanála Reference Number: PL 26.247626

**APPEAL** by Faser Court Limited care of PD Lane Associates of 1 Church Road, Greystones, County Wicklow against the decision made on the 27<sup>th</sup> day of October, 2016 by Wexford County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Permission for a proposed truck wash-bay and surface water recycling system in the manufacturing areas to facilitate the re-use of surface water in the concrete manufacturing process. Retention of existing yard for the storage of concrete blocks (3,357 hectares) and retention of concrete block manufacturing plant and workshop building together with the retention of the relocation of extended/updated ready-mix concrete batching plant, all within the boundaries of the original approved quarry at Coolishal Quarry, Coolishal Upper, Gorey, County Wexford.

## **DECISION**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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

In coming to its decision, the Board had regard to, inter alia:-

- (a) the 'Quarry and Ancillary Activities, Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government in April 2004,
- (b) the provisions of the Wexford County Development Plan, 2013-2019,
- (c) the planning history of the site,
- (d) the pattern of development in the area,
- (e) the nature and scale of the development the subject of this application for permission and retention permission, and
- (f) the report of the Planning Inspector,

### *Appropriate Assessment Screening*

The Board concurred with and accepted the screening assessment carried out the planning authority and the Board's Planning Inspector's conclusions in relation to Appropriate Assessment Screening. In this regard, the Board adopted the Planning Inspector's conclusions in relation to Appropriate Assessment Screening. Accordingly, the Board concluded that, on the basis of the information submitted which it considered to be adequate in order to complete a screening determination, the proposed development either individually or in combination with other plans and projects, would not be likely to have a significant effect on Cahore Polders and Dunes Special Area of Conservation (Site Code 000700), Kilpatrick Sandhills Special Area of Conservation (Site Code 007142), Slaney River Valley Special Area of Conservation (Site Code 000781), Cahore Marshes Special Protection Area (Site Code 004143) or any other European site in view of the sites' conservation objectives and, therefore, a Stage 2 Appropriate Assessment and the submission of a Natura Impact Assessment is not required.

### *Environment Impact Assessment*

The Board had regard to the nature, characteristics, scale and location of the proposed development and to the characteristics and scale of its potential impacts and the documentation and submissions on file. The Board concurred with and adopted the Planning Inspector's conclusions that an Environmental Impact Statement is not required. The Board is satisfied that the proposed development would not be likely to have significant effects on the environment, either by itself or in combination with other development in the vicinity. The Board, therefore, concluded that the submission of an Environmental Impact Statement was not required.

### *Proper Planning and Sustainable Development*

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the proper planning and sustainable development of the area.

## **CONDITIONS**

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars submitted on the 5th day of October 2016, 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 within six months of the date of this order, and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. There shall be no discharge of quarry water from the site to any roadside drain or adjacent watercourse in the absence of a drainage licence.

**Reason:** In order to protect ground and surface waters.

3. The duration of the operation of the 'Ready-mix' plant, the concrete block manufacturing plant and the block storage yard on this site shall be limited to the period that the quarry remains operative and provides the source for the bulk of the raw material feeding the 'Ready-mix' and concrete block manufacturing aspects of this quarry development, unless a further permission has been granted by the planning authority or An Bord Pleanála on appeal.

**Reason:** In the interest of orderly development.

4. The activities to which this permission relates, shall only operate between 0700 and 1800 hours, Monday to Friday, and between 0700 and 1400 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays.

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

5. During the operational phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed

(a) an LArT value of 55 dB(A) during 0700 to 1800 hours. The T value shall be one hour.

(b) an LAeqT value of 45 dB(A) at any other time. The T value shall be 15 minutes.

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

6. (a) Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order. Details to be submitted shall include monitoring locations, commencement date and the frequency of monitoring results, and details of all dust suppression measures.
- (b) A monthly survey and monitoring programme of dust and particulate emissions shall be undertaken to provide for compliance with these limits. Details of this programme, including the location of dust monitoring stations, and details of dust suppression measures to be carried out within the entire quarry complex, shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order. This programme shall include an annual review of all dust monitoring data, to be undertaken by a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority following this annual review.

**Reason:** To control dust emissions arising from the development in the interest of the amenity of the area.

7. (a) The roof of the aggregate storage shed shall be repaired to ensure that the entire shed is fully roofed. This work shall be carried out within six months of the date of this order.
- (b) A sprinkler system for the suppression of dust shall be installed at the static crushing/grading/washing plant adjacent to the quarry entrance, and used during dry weather to minimise the escape of fugitive dust from this area of the overall quarry operation. This system shall be installed within six months of the date of this order.

- (c) In dry weather conditions, all haul roads within the site shall be sprayed with water at least three times a day.

**Reason:** In the interest of public health and to protect the amenities of the area.

- 8. All of the proposed water supply and drainage measures outlined in this application shall be carried out within six months of the date of this order; within the three phases outlined in the AWN Consulting Report submitted to the planning authority on the 5th day of October 2016, except as provided for below-

- (a) the existing septic tank on site shall be drained and removed from the site,
- (b) chemical toilets shall be provided for all outlying workshops and ancillary activities on this site,
- (c) two separate bunded areas shall be provided for fuel tank 2 and fuel tanks 3 and 4. No discharge connection shall be provided from any bunded area to a soakway or to the proposed piped drainage network. All bunded areas shall be covered to prevent ingress of rainwater,
- (d) the surface water discharge pipe from the pre-cast manufacturing and storage yard area (immediately adjacent to TW3), which is currently facilitating discharge from the site direct to a roadside drain off the site, shall be permanently removed.

**Reason:** In the interest of public health and protection of groundwater and surface water quality in the area.

- 9. (a) A wheel-wash at the exit from the quarry (as indicated on drawings submitted with the application) shall be provided within three months of the date of this order. All vehicles departing the quarry (other than those visiting the car-park at the quarry entrance) shall exit via the wheel-wash facility.
- (b) The surface water drainage measures for the 600 metres long access road – which includes soakways and a hydrocarbon interceptor at the quarry entrance off the R772 – shall be undertaken within six months of the date of this order.

(c) Any aggregate, silt or muck carried out onto the R772 public road shall be promptly removed by the developer.

**Reason:** In the interest of public health, traffic safety and convenience, the protection of groundwater and surface water, and the protection of the amenities of the area.

10. Night-time artificial lighting at the production areas shall be confined to the minimum extent necessary for security and operational reasons, in both time and spatial terms. Proposed lighting measures shall be submitted to the planning authority for agreement within three months of the date of this order.

**Reason:** To limit light pollution, in the interest of protecting the amenities of the area.

11. The retention of the existing concrete block yard does not extend to the retention of any non-quarry related activities, such as the erection of mobile telephony.

**Reason:** In the interest of clarity.

12. The shed, situated on the southern side of the pre-cast manufacturing and storage yard, shall not be used as a place of permanent employment for any employee(s), in the absence of a satisfactory report from a suitably qualified structural engineer, as to the stability of the constructed slope to the rear of the shed.

**Reason:** In the interest of public safety.

13. The restoration of the processing and ancillary areas, included within the red-line boundary of this application, shall be undertaken in association with the restoration of the quarry pit, upon completion of quarrying. All machinery, plant, tanks, buildings, roads, concrete aprons, walls, and structures shall be permanently removed from the site for disposal at authorised waste facilities. This work shall be carried out within twelve months of cessation of extraction of rock from the quarry.

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

14. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of structural and surfacing works on the R772 between Paul Funge Boulevard roundabout and Clough Village. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board for determination. The contribution shall be paid within three months of the date of this order or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid within three months of the date of this order or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission to further develop the quarry.



16. Within three months of the date of this order, 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 An Bord Pleanála for determination.

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

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2017.**