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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Wexford County Council**

**Planning Register Reference Number: 20190228**

**Appeal** by Roadstone Limited care of SLR Consulting Ireland of 7 Dundrum Business Park, Windy Arbour, Dublin against the decision made on the 12<sup>th</sup> day of June, 2019 by Wexford County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of existing structures at an existing sand and gravel pit comprising site office, on-site laboratory, staff facilities container, storage container, weighbridge, septic tank, one roofed aggregate storage bay and six open aggregate storage bays, and permission for the installation of a new wastewater effluent treatment system and percolation area at Ballynamona, Kilmuckridge, County Wexford.

## Decision

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 7 and the reason therefor, and to AMEND condition number 6 so that it shall be as follows for the reason set out.

6. Dust levels at the site boundary shall not exceed 350 milligrammes per square metres per day, averaged over a continuous period of 30 days (Bergerhoff Gauge). Details of monitoring of such dust levels shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order. Such details shall include monitoring locations, commencement date and the frequency of monitoring results. Details of dust suppression measures, to ensure compliance with this standard, shall also be agreed in writing with the planning authority.

**Reason:** To control dust emissions from the development in the interest of residential amenity and the protection of the environment.

## **Reasons and Considerations**

Having regard to the location of the application site, within a larger site wherein the extraction of sand and gravel is a permitted use, to the planning history of the site, including the conditions imposed on the operation of the sand and gravel quarry under the registration process, as varied by An Bord Pleanála under register reference number 26.QC.2179, and to the relatively minor nature of the structures for which retention is sought, it is considered that the control of dust emissions by reference to the standard set in the reworded condition number 6 set out above is reasonable, and that the imposition of condition number 7 was not justified by the planning authority, and should accordingly be removed.

## **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.

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

**Dated this            day of            2019.**