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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 18/972**

**Appeal** by Vincent Gleeson of Balleese Lower, Rathdrum, County Wicklow against the decision made on the 23<sup>rd</sup> day of August, 2019 by Wicklow County Council to grant subject to conditions a permission to Plazamont Limited trading as Dan Morrissey and Company care of Earth Science Partnership Limited of Tonranny, Westport, County Mayo in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Continuation of use of quarrying activity including extraction and processing of rock by drilling, blasting, crushing, screening and washing over a 35-hectare area; Erection of a fixed crushing, screening and washing plant; Landscaping of the quarry during the operational phase and restoration of the quarry on completion of the extraction; All associated ancillary facilities/works; The applicant is seeking a 25-year permission as part of the application. The application is accompanied by an Environmental Impact Assessment Report (EIAR). All at Balleese Wood, Rathdrum, County Wicklow.

## **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**

Having regard to established use and the planning history of the site, to the nature, location and extent of the proposed development and to the established character and pattern of development in the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would be acceptable in terms of traffic safety and convenience and protection of ground and surface water quality and would be in accordance with the provisions of the Wicklow County Development Plan 2016 – 2022 and with the proper planning and sustainable development of the area.

## **Appropriate Assessment Screening**

The Board had regard to the appropriate assessment screening report submitted with the application and the appropriate assessment screening exercise carried out by the Board's Planning Inspector in relation to the following European sites:

1. Vale of Clara (Rathdrum Wood) Special Area of Conservation (Site Code: 000733);
2. Deputy's Pass Nature Reserve Special Area of Conservation (Site Code: 000717);
3. Wicklow Mountains Special Protection Area (Site Code: 004040);
4. Buckroney Brittas Dunes and Fen Special Area of Conservation (Site Code: 000729);
5. Magherabeg Dunes Special Area of Conservation (Site Code: 001766);
6. Wicklow Mountain Special Area of Conservation (Site Code: 002122);
7. Murrough Wetlands Special Area of Conservation (Site Code: 002249);
8. The Murrough Special Protection Area (Site Code: 004186); and
9. Wicklow Head Special Protection Area (Site Code: 004127).

The Board concluded that, on the basis of the information on file and the Planning Inspector's appropriate assessment screening exercise, the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the above mentioned European sites, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required.

### **Environmental Impact Assessment**

The Board completed in compliance with section 172 of the Planning and Development Act 2000, an Environmental Impact Assessment of the proposed development, taking into account:

- (a) the nature, scale, location, and extent of the proposed development;
- (b) the Environmental Impact Assessment Report and associated documentation submitted with the application;
- (c) the submissions on file; and
- (d) the Planning Inspector's report.

The Board considered that the Environmental Impact Assessment Report (EIAR) supported by the information submitted by the applicant, identifies and describes adequately the direct, indirect, and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the EIAR complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

## Reasoned Conclusion

Having regard to the examination of environmental information contained within the EIAR, and to the submissions on file, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- (a) Impacts on surface water and ground water will be mitigated by limiting the depth of quarrying to 72 metres OD which is four metres above the water table. Therefore, there will be no pumping of ground water or dewatering arising from the proposed development and no impact on the wells in the area. Surface water within the site will be used in the processing of aggregate and recycled. Where surface water is discharged from the site it will do so following settlement out of suspended solids and removal of contaminants.
  
- (b) Quarry related impacts on traffic which will be at the same levels as the established and permitted quarrying on the adjoining road network. Mitigation of impacts on the road network and the adjoining land uses (including residential uses) will include limiting traffic to the haul route set out in the EIAR, dust suppression, additional road signage and a contribution towards road improvements required by the planning authority.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed and, subject to compliance with the conditions set out below, the effects on the environment of the proposed development, both by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting Inspector.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application (including the Environmental Impact Assessment Report and Appropriate Assessment Screening report, as amended by the further plans and particulars submitted on the 13<sup>th</sup> day of May, 2019 and the 4<sup>th</sup> day of July, 2019, 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 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 shall be for a period of 25 years from the date of this order. The site restoration works described in the application shall be completed within one year of the date of cessation of quarrying activities on the site.

**Reason:** In the interests of visual amenity and orderly development.

3. No extraction of rock, sand or gravel shall take place below four metres above the level of the water table.

**Reason:** To protect groundwater in the area.

4. The proposals, mitigation measures and commitments, as set out in the Environmental Impact Assessment Report and the additional information received by the planning authority, shall be implemented in full as part of the proposed development.

**Reason:** In the interest of clarity, to mitigate the environmental effects of the proposed quarry and to protect the amenities of the area and of property in the vicinity.

5. Measures to protect the nesting areas of sand martins within the application site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect biodiversity within the application site.

6. The quarry, and all activities occurring therein, shall only operate between the hours of 0700 and 1900 from Mondays to Fridays inclusive and between the hours of 0700 and 1430 on Saturdays. No activity shall take place on Sundays or public holidays.

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

7. 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.

**Reason:** In order to safeguard local amenities.

8. A wheel-wash facility shall be provided adjacent to the site exit, the location and details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of traffic safety and convenience, and to protect the amenities of the area.

9. All over ground tanks containing liquids (other than water) shall be contained in a waterproof bunded area which shall be of sufficient volume to hold 110 per cent of the volume of the tanks within the bund. All water contaminated with hydrocarbons, including storm water, shall be discharged via a grit trap and three-way oil interceptor with sump to a watercourse. The sump shall be provided with an inspection chamber and shall be installed and operated in accordance with the written requirements of the planning authority.

**Reason:** In order to protect groundwater and surface water.



10. (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 prior to commencement of development. 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 site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any quarrying works on the site. 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 and in the interest of the amenity of the area.

11. During the operation 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 Leq, 1h value of 55 dB(A) between 0800 and 2000 hours
  - (b) an Leq, 15 min value of 45 dB(A) at any other time. Night time emissions shall have no tonal component.

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

12. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
- (a) 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,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the 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 site and to secure the preservation and protection of any remains that may exist within the site.

13. The developer shall monitor and record groundwater, surface water flow, noise, ground vibration, and dust deposition levels at monitoring and recording stations, the location of which and methodology/frequency of monitoring/submission of results shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of protecting residential amenities and ensuring a sustainable use of non-renewable resources.

14. Restoration shall be carried out in accordance with a restoration plan, which shall include existing and proposed finished ground levels, landscaping proposals and a timescale for implementation. This plan shall be prepared by the developer, and shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. 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.

16. Prior to commencement of development the developer shall submit to, and agree in writing with, the planning authority, a signage scheme, warning road users of the existence of the quarry. This signage scheme shall be maintained at the developer's expense for the duration of the quarrying activity permitted by this grant of planning permission.

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

17. 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:
- (a) Road improvement works at the junction of the R752 and the L1152;
  - (b) Road widening works on the L1152;
  - (c) Road improvement works to the junction of the L1152 and the L5151; and

- (d) Road widening works on the L5151.

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 prior to the commencement of the development 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.

18. 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 prior to commencement of development 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.

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**Maria FitzGerald**

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

**Dated this            day of            2021.**