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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Wexford County Council**

**Planning Register Reference Number: 20200846**

**Appeal** by Roadstone Limited care of Malone O'Regan Environmental of Ground Floor – Unit 3, Bracken Business Park, Bracken Road, Sandyford, Dublin against the decision made on the 18<sup>th</sup> day of September, 2020 by Wexford County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Continuation of use of the existing concrete batching plant, including mixer house (12.20 metres high), two number associated silos (to 16.50 metres high), four number aggregate storage bins (12.49 metres high) and ancillary infrastructure as authorised under permission 2015.0497, and permission for the erection of one number new silo (16.5 metres high) and one number new aggregate bin (circa 12.49 metres high), along with improved on-site drainage by the installation of a new settlement tank (537 cubic metres) and associated ancillary works, on an area of circa 1.1 hectares, on a site at Brownswood Quarry, Brownswood, Enniscorthy, County Wexford.

## Decision

Having regard to the nature of the conditions 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 conditions numbers 5 and 8 so that they shall be as follows for the reasons set out.

5. During the operation of the proposed development the noise level from the operations measured at the site boundaries shall not exceed:-
  - (i) an Laeq (1 hour) value of 55 dB(A) during the period 0800 hours to 1800 hours Monday to Saturday,
  - (ii) an Laeq (1 hour) value of 45 dB(A) at any other time.

All sound measurements shall be carried out in accordance with the ISO recommendations 1996 (assessment of noise with respect to community response) as amended by ISO Recommendations 1996/1, 2 and 3 (description and measurement of environmental noise (as appropriate)).

All machinery and vehicles employed on the site and the conveyor shall be fitted with effective silencers of a type appropriate to the specification and at all times the best available technology, not entailing excessive costs, shall be employed to prevent or counteract defects of noise emitted by vehicles, plant machinery or otherwise arising from the site activities.

**Reason:** To protect the amenities of the properties in the vicinity of the site

8. A monthly survey and monitoring programme of dust emissions shall be undertaken to provide for compliance with the limits set out in condition number 6. 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, in the interest of the amenity of the area.

## **Reasons and Considerations**

Having regard to the Quarries and Ancillary Activities Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government in 2004 and the Environmental Management in the Extractive Industry Non-Scheduled Guidelines issued by the Environmental Protection Agency in 2006, to the existing established nature of the quarrying operation within the site and on adjoining lands in the ownership of the applicant, to the nature of the development for which continuation of use permission is sought and the new proposed elements of the development, the location of the application site relative to nearby residential properties and to the N11 national primary route, the Board considered that the conditions, as originally imposed by the planning authority, should be altered as set out in this Order.

## **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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**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

**Dated this            day of            2021.**