



An
Bord
Pleanála

Board Order
ABP-310595-21

Planning and Development Acts 2000 to 2021

Planning Authority: Wexford County Council

Planning Register Reference Number: 20200754

Appeal by Aidan Egan care of Williams Planning and Environmental of 26 Assumpta Park, Shankill, Dublin against the decision made on the 28th day of May, 2021 by Wexford County Council to refuse permission.

Proposed Development: Permission for the lateral extension and continuation of working of an existing quarry in a southerly direction together with ancillary operations including blasting, crushing and screening, two portacabin type amenity/store units, water settlement system and portaloo type toilet at the site located at quarry at Drumgold, Enniscorthy, Co Wexford. The total extraction area (existing and proposed) is 4.57 hectares, all within a total application area of 5.7 hectares.

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.

Reasons and Considerations

Having regard to the established quarry and associated development on these lands, the planning history of the site, and the nature and scale of the proposed development, which seeks permission to continue a previously permitted use, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area due to noise, blasting, airborne dust or traffic, or the visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Stage 1 – Screening Conclusion

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site.

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of potential significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on Screen Hills Special Area of Conservation (Site Code: 000708), in view of the site's Conservation Objectives.

Having regard to the hydrological links between the site of the proposed development and Slaney River Valley Special Area of Conservation (Site Code: 000781) and Wexford Harbour and Slobbs Special Protection Area (Site

Code: 004076) and having regard to the sites' conservation objectives, the potential of the proposed development to adversely affect the integrity of these sites cannot be screened out and accordingly, a Stage 2 Appropriate Assessment is required.

Appropriate Assessment – Stage 2 Conclusion

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for Slaney River Valley Special Area of Conservation (Site Code: 000781) and Wexford Harbour and Slobbs Special Protection Area (Site Code: 004076) in view of the sites' Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' conservation objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular, the site-specific Conservation Objectives for these European Sites, the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and the mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the implications of the proposed development on the integrity of the aforementioned European Sites, having regard to the sites' Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European sites in view of the sites'

Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

This conclusion is based on the implementation of the mitigation measures, particularly the water management measures that are set out in Section 10 of the Natura Impact Statement, to prevent and/or avoid impacts during the construction and operational phases of the proposed development.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 5th day of May, 2021, 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. (a) This grant of planning permission for further extraction of sand and gravel relates only to the 2.19 hectare area outlined in red on drawing number D02 submitted with the application on the 9th day of July 2020, and

(b) Extraction of sand and gravel within this quarry shall not take place below a level of 43 metres above Ordnance Datum or within one metre of the groundwater table, whichever is the higher level.

Reason: In the interest of clarity.

3. This grant of permission to further develop the quarry does not authorise the importation of materials for restoration of the site. Any such importation shall be the subject of a separate application for planning permission.

Reason: In the interest of clarity, and to allow the planning authority to assess the impact of any importation of materials onto the subject site through the statutory planning process.

4. (a) Mitigation and monitoring measures outlined in the Natura Impact Statement and associated documents submitted with this application, shall be compiled into a single Schedule of Monitoring and Mitigation Measures and submitted to the planning authority. These measures shall be carried out in full, except where otherwise required by condition attached to this permission. The Schedule shall be included in an Environmental Management System (EMS) which shall be submitted to and agreed with the Planning Authority prior to commencement of development.
- (b) The Environmental Management System (EMS) shall include, as a minimum, the following:
 - (i) proposals for the suppression of on-site noise;
 - (ii) proposals for the on-going monitoring of sound emissions at noise sensitive receptors in the vicinity including both residential properties and Saint Patrick's School;
 - (iii) proposals for the suppression of dust on site;

- (iv) details of safety measures for the land above the quarry, to include warning signs and stock-proof fencing;
 - (v) management of all landscaping;
 - (vi) monitoring of ground and surface water quality, levels and discharges;
 - (vii) downstream groundwater monitoring point and measures to ensure the final discharges from the settlement lagoon will not impact on Slaney River Valley Special Area of Conservation, and
 - (viii) details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.
- (c) The development shall be operated and managed in accordance with the agreed EMS required under (a) above.

Reason: In the interest of protecting the environment and the amenities of property in the vicinity and in the interest of public health.

5. (a) 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 shall be agreed in writing with the planning authority prior to commencement of development. Monitoring results shall be submitted to the planning authority at annual intervals for groundwater, surface water, noise and ground vibration.

- (b) On an annual basis, for the lifetime of the facility (within two months of each year end), the developer shall submit to the planning authority five copies of an environmental audit. Independent environmental auditors approved of in writing by the planning authority shall carry out this audit. This audit shall be carried out at the expense of the developer and shall be made available for public inspection at the offices of the planning authority and at such other locations as may be agreed in writing with the authority. This report shall contain:
- (i) An annual topographical survey carried out by an independent qualified surveyor approved in writing by the planning authority. This survey shall show all areas excavated and restored. On the basis of this, full details of materials excavated and retained for restoration shall be provided to the planning authority;
 - (ii) A written record of all complaints, including actions taken in response to each complaint.
- (c) All incidents where levels of noise or dust exceed the levels specified in this permission shall be notified to the planning authority within two working days. Incidents of surface or groundwater pollution, or incidents that may result in groundwater pollution, shall be notified to the planning authority without delay.
- (d) Following submission of the audit or of such report, or where such incidents occur, the developer shall comply with any requirements that the planning authority may impose in writing in order to bring the development in compliance with the conditions of this permission to further develop the quarry.

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

6. 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:
- (i) an LArT value of 55 dB(A) during 0800 and 2000 hours. The T value shall be one hour, and
 - (ii) an LAeqT value of 45 dB(A) at any other time. The T value shall be 5 minutes.

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

7. 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.

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

8. (a) Blasting operations shall take place only between 1000 hours and 1700 hours, Monday to Friday, and shall not take place on Saturdays, Sundays or public holidays. Monitoring of the noise and vibration arising from blasting and the frequency of such blasting shall be carried out at the developer's expense by an independent contractor who shall be agreed in writing with the planning authority.
- (b) Prior to the firing of any blast, the developer shall give notice of his intention to the occupiers of all dwellings within 500 metres of the site. An audible alarm for a minimum period of one minute shall be sounded. This alarm shall be of sufficient power to be heard at all such dwellings.

Reason: In the interest of public safety and residential amenity.

9. Unless otherwise agreed in writing with the planning authority, all heavy goods vehicles associated with the proposed development shall approach and leave the site from/to the east using the R744 and the M11.

Reason: In the interest of residential amenity and traffic safety.

10. The developer shall facilitate the archaeological appraisal of the enabling phase of the extension area. 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 prior to commencement of development. The archaeologist shall assess the site and monitor all site development works, and
- (c) provide arrangements, acceptable to the planning authority for the recording and for the removal of any archaeological material which the planning 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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

11. 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 within three months of the date of this Order.

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

12. 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 re-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 to further develop the quarry.

DR. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *3rd* day of *June* 2022.

