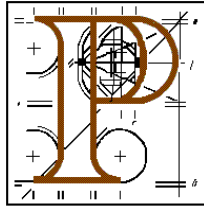


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Wexford County

Planning Register Reference Number: QO15

An Bord Pleanála Reference Number: 26.QD.0025

Associated Substitute Consent Reference Number: 26.SU.0120

WHEREAS Drumderry Aggregates Limited care of Williams and Planning Environmental of Saint Roch, Windmill Hill, Rathcoole, County Dublin made an application to An Bord Pleanála on the 21st day of January, 2016, pursuant to section 37L of the Planning and Development Act, 2000, as amended, to further develop a quarry including extraction and dry screening of sand and gravel and haulage off site. Extraction will be to a depth of approximately 10 metres from a floor level of approximately 70 metres above ordnance datum of approximately 80 metres above ordnance datum. The proposed extension covers an area of 0.94 hectares within a total application of 4.16 hectares at Curralane, Ferns, County Wexford in accordance with plans and particulars lodged with the Board.

NOW THEREFORE, the Board, in accordance with section 37N of the said Act, and based on the Reasons and Considerations set out below, decided to **GRANT** permission to further develop the quarry, in accordance with the following conditions.

REASONS AND CONSIDERATIONS

In making its decision the Board had regard, inter alia, to the following:

- (a) the provisions of the Planning and Development Act, 2000, as amended, and in particular Section 37L,
- (b) the 'Quarry and Ancillary Activities, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2004,
- (c) the provisions of the current Wexford County Development Plan,
- (d) the Natura impact statement submitted with the application,
- (e) the report and the opinion of the planning authority under section 37L(12)(a) of the 2000 Act, as amended,
- (f) the submissions made in accordance with regulations made under Article 270 of the Planning and Development Regulations 2001, as amended,
- (g) the report of the Board's Inspector,
- (h) the planning history of the site,
- (i) the pattern of development in the area,
- (j) the nature and scale of the development the subject of this application to further develop the quarry, and
- (k) the decision of An Bord Pleanála to grant substitute consent in respect of the subject quarry under reference number 26.SU.0120.

Appropriate Assessment

Having regard to the nature, scale and extent of the proposed development, the Natura impact statement submitted with the application and the mitigation measures contained therein, the submissions on file and the Inspector's assessment, the Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment and completed an Appropriate Assessment of the impacts of the development on nearby Natura 2000 sites, specifically the Slaney River Valley Special Area of Conservation (Site Code 000781), the Blackstairs Mountains Special Area of Conservation (Site Code 000770) and the Wexford Harbour and Slobbs Special Protection Area (Site Code 004076). In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned Natura sites, having regard to the sites' conservation objectives.

The Board was satisfied that subject to the implementation of the identified mitigation measures and on the basis of the information available, the proposed development, either individually or in combination with other plans or projects, would not adversely affect the integrity of any Natura site, having regard to the conservation objectives of those sites.

Environmental Impact Assessment

The Board noted and adopted the Inspector's screening in relation to Environmental Impact Assessment. The Board concluded that an Environmental Impact Statement was not required as the development proposed, is of a class specified in Schedule 5 of the Planning and Development Regulations, 2001, as amended, and is sub-threshold. Having regard to criteria for determining whether a development would or would not be likely to have significant effects on the environment (Schedule 7 of the Regulations refers), the Board concurred with the Planning Inspector that the proposed development would not be likely to have significant effects on the environment and accordingly an Environmental Impact Statement is not required.

Conclusions

Having regard to the foregoing it is considered that, subject to compliance with the conditions set out below, the subject development, comprising an extension to an existing permitted quarry, would be acceptable in terms of the residential and other amenities of the area, would not seriously injure the ecological or water resources of the area and would be generally acceptable in terms of traffic safety and convenience. The proposed would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application submitted to An Bord Pleanála on the 21st day of January, 2016, and the 18th day of March, 2016 including mitigation measures proposed in the remedial Natura impact statement, 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 re-commencement of further 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 to further develop the quarry shall be for a period of 10 years from the date of this Order.

Reason: To enable the effects of the development to be reassessed in the light of the operation of the permission to further develop the quarry and the circumstances then obtaining.

3. There shall be no excavation below the groundwater table.

Reason: In the interest of clarity.

4. The site shall be restored in accordance with a detailed plan which shall be submitted to, and agreed in writing with, the planning authority prior to the re-commencement of further development. The plan shall include proposals for landscaping the site as well as proposed measures to enhance the biodiversity of the area post-closure. The plan shall allow for an aftercare period of five years.

Reason: In the interest of visual amenity.

5. Mitigation and monitoring measures outlined in the Natura impact statement submitted with this application, shall be carried out in full, except where otherwise required by condition attached to this permission to further develop the quarry.

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

6. There shall be no discharge of quarry water from the site to any roadside drain, adjacent watercourse or to groundwater in the absence of a Discharge Licence.

Reason: In order to protect ground and surface waters.

7. This grant of permission to further develop the quarry does not authorise the importation of materials for the restoration of the site.

Reason: In the interest of clarity.

8. 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 re-commencement of quarrying on the subject site. This shall include the following:

- (a) proposals for the suppression of on-site noise;
- (b) proposals for the on-going monitoring of sound emissions at dwellings in the vicinity;
- (c) proposals for the suppression of dust on site;
- (d) details of safety measures for the land above the quarry, to include warning signs and stock-proof fencing;

- (e) management of all landscaping;
- (f) an annual topographical survey and aerial photograph;
- (g) a record of all complaints, including actions taken in response to each complaint;
- (h) proposals for the management of scrap metal and other waste streams on the site;
- (i) proposals for the protection and monitoring of ground and surface water quality, levels and discharges including the bunding of all over-ground tanks containing liquids (other than water);
- (j) details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility, and
- (j) a report on all of the above and related matters shall be submitted annually (at a minimum) to the planning authority.

Reason: In order to safeguard local amenities.

9. 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 Leq value of 55 dB(A) during 0700 and 1800 hours. The T value shall be one hour.
 - (b) an Leq 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.

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 re-commencement of quarrying on the subject site. 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 prior to re-commencement of any quarrying works on the subject 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. Details of road signage, warning the public of the entrance and of proposals for traffic management at the site entrance, shall be submitted to, and agreed in writing with, the planning authority prior to re-commencement of quarrying on the subject site.

Reason: In the interest of traffic safety.

12. Quarrying within the proposed expansion area, and all activities occurring therein, shall only operate between 0700 hours and 1800 hours, Monday to Friday and between 0700 hours and 1400 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays. No rock-breaking activity shall be undertaken within any part of the site before 0800 hours on any day.

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

13. A wheel wash facility at the quarry exit shall be used by all Heavy Goods Vehicles leaving the site. Any aggregate, silt or muck carried out onto the public road shall be promptly removed by the developer.

Reason: In the interest of traffic safety.

14. The developer shall facilitate the archaeological appraisal of the extension area. In this regard, the developer shall:
- (a) no quarrying activity shall take place within the confines of the Recorded Monument WX010-012. A buffer zone measuring at least 20 metres in extent shall be provided surrounding the external perimeter of the monument to ensure its preservation and protection,
 - (b) notify the planning authority in writing at least four weeks prior to the re-commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (c) employ a suitably-qualified archaeologist prior to the re-commencement of development. The archaeologist shall assess the site and monitor all site development works, and
 - (d) 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, and

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.

15. Prior to re-commencement of quarrying on the subject site, 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 the Board for determination.

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

16. 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 quarrying on the subject site 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.

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.

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

Dated this day of 2017.