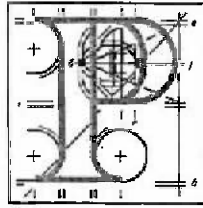


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Wexford County

An Bord Pleanála Reference Number: 26.QD.0028

Associated Substitute Consent Reference Number: 26.SU.0094

WHEREAS Belcarrig Quarries Limited care of PD Lane Associates of 1 Church Road, Greystones, County Wicklow made an application to An Bord Pleanála on the 22nd day of January, 2016, pursuant to section 37L of the Planning and Development Acts, 2000, as amended, to further develop a quarry including (1) a proposed extension to existing quarry comprising stone extraction area (0.7986 hectares) together with landscaping, screen mounding and ancillary works and (2) use of existing processing/stockpiling area, plant, offices/toilet/storage buildings, weighbridge, water/oil storage tanks, entrance/access road, truck wheel-wash (proposed) and ancillary works including settlement ponds within the boundaries of the existing quarry subject to current application for a substitute consent reference SU.26.SU0094) at Balcarrighill, Ballycaney, Gorey, 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 **REFUSE** permission to further develop the quarry, in accordance with the reasons and considerations set out below.

NM

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 Wexford County Development Plan 2013-2019,
- (d) the report and the opinion of the planning authority under section 37L(12)(a),
- (e) the submissions made in accordance with regulations made under Article 270(1) of the Planning and Development (Amendment) (No. 2) Regulations 2015,
- (f) the planning history of the site,
- (g) the pattern of development in the area,
- (h) the decision of the Board to refuse substitute consent in respect of part of the subject quarry under reference number 26.SU.0094,
- (i) the nature and scale of the development the subject of this application for further development of the quarry, and
- (j) the report of the Board's Inspector, including in relation to potential significant effects on the environment and potential effects on European sites.

The Board is not satisfied, that:

- the Geophysical survey work carried out at the site has determined, beyond reasonable doubt, that sulphide-bearing mudstone seams lies within the proposed quarry extraction area and that the excavation of such sulphide-bearing seams, should they occur, could result in exacerbation of the already existing Acid Rock Drainage (ARD) problem within this quarry, which would result in contamination of ground and surface waters, and would be prejudicial to public health and to the ecology of watercourses in the area;
- blasting for rock within the proposed extension area would not result in the creation of preferential flow paths within the fissured bedrock, which could hasten the dispersion of contaminated water (through groundwater) from the principal quarry pond which is contaminated by Acid Rock Drainage which could in turn impact on private wells located down-gradient of the groundwater flow direction, which would be prejudicial to public health;
- the extraction of rock in the proposed extended area to a level of 142.5m OD would not give rise to inundation with waters from the principal quarry pond which has an indicated level of 144m OD and is contaminated by Acid Rock Drainage. This would result in contaminated waters being brought closer to down-gradient private wells to the southeast of the quarry, which would be prejudicial to public health, and
- the continued extraction of water from the principal quarry pond, which is contaminated by Acid Rock Drainage, would not result in the escape of fugitive dust from stockpiles of washed aggregate, which could negatively impact on the health of humans and farm animals. The proposed development would be prejudicial to public health and to animal health.

The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

Nicholas McJoseph

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

Dated this 15th day of February 2017.

DECISION QUASHED