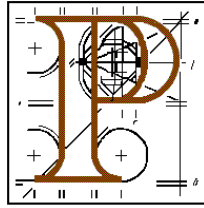


An Bord Pleanála



Inspector's Addendum Report

Development: Retain disused borrow pit/quarry area and permission to operate a quarry/borrow pit/repository, and to utilise existing track at Tullahennel South, Ballylongford, Co. Kerry.

Planning Application

Planning Authority : Kerry County Council
Planning Authority Register Ref. : 15/524
Applicant : Karol Kissane
Type of Application : Permission
Planning Authority Decision : Grant permission

Planning Appeal

Appellant(s) : Residents of Tullahennel
Type of Appeal : 3rd Party v Grant
Observer(s) : None

Date of Site Inspection : 3rd June 2016

Inspector : **Michael Dillon**

1.0 Board Direction

Following on from my original report (dated 14th June 2016), a Board Direction of 11th July 2016, required a further report providing a comprehensive sub-threshold Environmental Impact Assessment Screening, and in particular taking the cumulate effects with the adjacent wind farm into account.

2.0 Environmental Impact Assessment Thresholds

Schedule 5 of the Planning and Development Regulations 2001, sets out development for the purposes of Part 10 of the Act (relating to Environmental Impact Assessment). Within Part 1 of Schedule 5, Class 19 refers to-

Quarries and open-cast mining where the surface of the site exceeds 25 hectares.

Within Part 2 of Schedule 5, Class 2(b) refers to-

Extraction of stone, gravel, sand or clay, where the area of extraction would be greater than 5 hectares.

The proposed borrow pit is located within an area where it is stated that stone was quarried on a small scale in the past – although the area is now afforested with coniferous plantation. The footprint of the previously quarried area is stated to be 1,300m² – located within the area of 5,500m² where expanded quarrying is to take place. The amount of stone to be extracted is stated to be 20,000m³ – resulting in a maximum depth of quarrying of 7m where quarrying extends into the hill. Provision is also made for upgrading/strengthening the existing agricultural/forestry track which links the borrow pit to the wind farm site to the south.

3.0 Schedule 7

3.1 Schedule 7 to the Planning & Development Regulations 2001 (as amended), sets down the criteria for determining whether a development would or would not be likely to have significant effects on the environment, and, for ease of reference, is quoted in full below-

1. *Characteristics of proposed development*

The characteristics of proposed development, in particular:

- the size of the proposed development,

- the cumulation with other proposed development,
- the nature of any associated demolition works,
- the use of natural resources,
- the production of waste,
- pollution and nuisances,
- the risk of accidents, having regard to substances or technologies used.

2. *Location of proposed development*

The environmental sensitivity of geographical areas likely to be affected by proposed development, having regard in particular to:

- the existing land use,
- the relative abundance, quality and regenerative capacity of natural resources in the area,
- the absorption capacity of the natural environment, paying particular attention to the following areas:
 - (a) wetlands,
 - (b) coastal zones,
 - (c) mountain and forest areas,
 - (d) nature reserves and parks,
 - (e) areas classified as protected under legislation, including special protection areas designated pursuant to Directives 79/409/EEC and 92/43/EC,
 - (f) areas in which the environmental quality standards laid down in legislation of the EU have already been exceeded,
 - (g) densely populated areas,
 - (h) landscapes of historical, cultural or archaeological significance.

3. *Characteristics of potential impacts*

The potential significant effects of proposed development in relation to criteria set out under paragraphs 1 and 2 above, and having regard in particular to:

- the extent of the impact (geographical area and size of affected population,
- the transfrontier nature of the impact,
- the magnitude and complexity of the impact,
- the probability of the impact,
- the duration, frequency and reversibility of the impact.

4.0 Comment

4.1 Characteristics of the Proposed Development

The area of the proposed borrow pit is approximately one ninth of the threshold of 5.0ha set down in Part 2 of Schedule 5 of the 2001 Regulations. There are no other borrow pits/quarries in the immediate vicinity. The proposed development is to serve a permitted wind farm of nine turbines to the south, on which there was no development when site inspection took place in June 2016. The agricultural/forestry/peatland access track linking the borrow pit site with the bog on which turbines are to be erected is to be strengthened where necessary to cater for additional HGV movements. The wind farm development does not provide for the winning of any stone from the site. The development is connected with the wind farm site to the southeast by approximately 300m of access track. No issue in relation to cumulation with other development arises. The two sites are separated from one another hydrologically. The appeal site drains to the northeast – the gentle slope of the site being from southwest to northeast. The application was accompanied by an Hydrological and Hydrogeological Report which addressed the issue of protection of the aquifer beneath the site and also referred to drainage. It is not intended that dewatering will be necessary, but if it is, discharge is to be pumped to an attenuation pond, followed by further settlement in a siltation pond prior to discharge over land via diffuser drains. Ponds are to be located on the opposite side of the access track (to the northeast). No direct run-off is proposed to existing field drains. The scale of the operation and the nature of the machinery/plant to be used, will result in there being no likely significant impact on the environment, even with construction work on-going at the wind-farm site at the same time. There

are no demolition works proposed. The extraction of 20,000m³ of stone will not be significant in terms of what exists on adjoining lands – no stone is to be extracted from the wind farm site itself. There will be no waste produced on site. Waste peat from the wind farm site will be deposited within the worked-out borrow pit. Whilst there will be some degree of noise and dust nuisance caused, the amount will not be significant, and the term will be limited to two years. The management of the site will be a matter for the contractor in terms of safety. The technologies and substances to be used will not be in any sense new or exceptional – but such as are used at quarries throughout the country.

4.2 Location of Proposed Development

The environmental sensitivity of the area is not high. The site comprises a small section of maturing coniferous plantation – where other land uses in the area involving agricultural grassland, peat harvesting and scattered residential dwellings. There is no question of regenerative capacity in relation to the extraction of stone. It will be moved to another part of the area to create roads and hardstanding areas. Such stone is abundant in the area. In terms of absorption, the area is rural and does not comprise wetlands, coastal zones or mountains. Coniferous forestry will be removed to facilitate the extraction, but the area is relatively small in relation to what exists of similar-type coniferous plantation in the immediate vicinity. There are no nature reserves or parks in the area. The issue of proximity to European sites has been addressed in the original Inspector's Report – the closest being 3.1km as the crow flies – and up to 4.5km by surface water connectivity. I am not aware of any environmental quality standards laid down in legislation of the EU which apply to this area. The site is not close to any densely populated area. There are no landscapes of historical, cultural or archaeological significance in the area.

4.3 Characteristics of Potential Impacts

The extent of the impact is confined, and the population potentially impacted is small (extending to a limited number of houses to the north). There is no transfrontier impact associated with this development. The impact of the development is not large or extensive and the development could in no way be described as complex. The impact of the development involves the permanent removal of a small area of rock for re-use on a nearby wind farm site. The impact of this removal is not reversible.

5.0 Conclusion

I would conclude that the proposed development of a small borrow pit to serve a permitted wind farm development will not result in any likely

significant cumulative environmental impact, when considered with the development of the said wind farm. There will be no significant cumulative impact on human beings, flora & fauna, soil, water, air, climatic factors, landscape, material assets, and any inter-relationship between the above factors. Sub-threshold Environmental Impact Assessment is not required for this development.

**Michael Dillon,
Inspectorate**

9th August 2016.