



An
Bord
Pleanála

Inspector's Report PL27. 248297.

Development

Permission for

- (i) Restoration of a large quarry void created by previous extraction of bedrock by backfilling to former ground level and establishing a heathland / grassland habitat similar to that which existed prior to quarrying.
- (ii) Establishment of an inert soil waste recovery facility to provide for the importation of approximately 3,280,000 tonnes of natural inert waste materials, principally excess soil, stone and/or broken rock to backfill the quarry void;
- (iii) Construction of temporary site and services infrastructure including site office, staff welfare facilities, weighbridge (with dedicated office), wheelwash, settlement ponds, pumphouse, hardstand areas, fuel and water storage tanks, waste inspection and quarantine facility and storage sheds.
- (iv) Temporary stockpiling of topsoil pending re-use as cover material for final restoration of the site.

The proposed development requires a waste licence from the Environmental Protection Agency.

An EIS is submitted in connection with the application.

Location

Calary Quarry, Killough Upper and
Glencap Commons Upper, Kilmacanoge,
Co Wicklow.

Planning Authority

Wicklow County Council.

Planning Authority Reg. Ref.

16/574.

Applicant(s)

Roadstone Ltd.

Type of Application

Permission

Planning Authority Decision	Grant Permission subject to conditions.
Type of Appeal	Third Party
Appellant(s)	Albert Kerr.
Observer(s)	John Brady TD.
Prescribed Bodies	EPA Department of Arts, Heritage, Regional Rural & Gaeltacht Affairs
Date of Site Inspection	2 nd November 2017.
Inspector	Brid Maxwell.

1.0 Site Location and Description

- 1.1. The appeal site and is located within the townlands of Killough Upper and Glencap Commons Upper, approximately 2.3km southwest of Kilmacanogue, Co Wicklow and the junction of the R755 and the N11. The village of Enniskerry is 4.4km north west and Bray 7km to the north east. The appeal site comprises an existing quarry void and surrounding land covering an area of approximately 9.1 hectares and is part of a larger landholding extending to 25.4 hectares. At present discharge water runoff and minor groundwater inflows have created a large pond within the existing quarry void which is up to 25m deep. Access to the site is from the N11 via a grade separated interchange at Kilmacaonogue village and along a section of the R755.
- 1.2 The site is bounded to the west by the R755 to the north by scrubland, to the east by commonage / grazing land across the western slope of the Great Sugar Loaf and to the south by more scrubland. Lands immediately west of the R755 comprise a mix of agricultural grassland and scrubland. The Great Sugarloaf forms a locally prominent landscape feature and is of historical and cultural significance. The wider area is largely rural in nature and typically comprises agricultural enterprises and small rural based enterprise interspersed with occasional isolated residential properties. The closest dwellings are to the south of the site.
- 1.3 The existing quarry at Calary was originally opened and operated by Wicklow county Council. Roadstone commenced quarrying at the site in 1973. Quarry operations were suspended in 2010 in response to the downturn in the construction industry. Extraction and aggregate production rates at Calary Quarry averaged approximately 300,000 tonnes per annum in the years immediately prior to the suspension of quarrying. Since quarrying was suspended dewatering has been discontinued and natural drainage, principally surface run off has caused water levels in the quarry void to gradually rise from a former floor level of approximately 220m OD to approximately 244mOD. The site is secured along its perimeter by post and

wire fencing and / or hedgerow. There are concrete aprons and sealed hardstanding areas at the upper level on the western side of the quarry. A concrete apron has been installed at the quarry access and runs in excess of 30m to the infrastructure area.

2.0 Proposed Development

2.1 The proposed inert waste recovery facility at Calary Quarry provides for

- (i) Use of approximately 3,280,000 tonnes (1,820,000m³) of imported inert natural materials, principally excess soil, stones and/or broken rock to restore a large existing quarry by backfilling it to former ground level.
- (ii) Construction of temporary site infrastructure including site office and staff welfare facilities, weighbridge, wheelwash, hardstand areas, fuel storage facilities, waste inspection and quarantine area and storage sheds.
- (iii) Separation of any construction and demolition waste (principally concrete, metal, timber, OVC pipes and plastics) unintentionally imported to the site prior to removal off site to a licensed waste disposal or recovery facility.
- (iv) Temporary stockpiling of topsoil pending reuse as cover material for final restoration of the site.
- (v) Restoration of the backfilled void (including placement of cover soils and seeding) and establishment of a heathland / grassland habitat similar to that which existed prior to quarrying.
- (vi) Environmental monitoring of noise, dust, surface water and groundwater for the duration of restoration works and for a short period thereafter.

2.2 Inert soil waste will be accepted at the site between 07:00 hours and 18:00 hours weekdays and 08:00 to 14:00 Saturday. Site facilities will be erected at the upper quarry level at the western side of the site adjacent to the site entrance. Fuel storage will be provided on a sealed concrete surface and bunded to provide a retention capacity of 110% of the storage volume. A waste inspection and quarantine area is provided over a sealed concrete slab.

- 2.3 Prior to the backfilling of soil /recovery activities, ponded water in the quarry will be pumped up to the proposed infrastructure area at the top of the quarry. All waters discharged off site will comply with quality standards and emission limits set by the discharge license (or waste licence issued by EPA to supersede it). During backfilling operations surface water runoff will be collected in sumps at temporary low points in the quarry void. These primary sumps will effectively function as primary settlement ponds. Water collection in the lower level ponds will be pumped (with minimum agitation) to proposed new settlement ponds and will be retained there for sufficient time to allow sediments /suspended solids to fall out of solution. Thereafter run off will be passed through a hydrocarbon interceptor (fitted with a silt trap) before being discharged off-site to the existing surface water drainage network and the Killough River.
- 2.4 Backfilling of the application site will progress upwards from the former quarry floor and on completion the restored landform will merge into the surrounding landscape. In addition to the imported materials existing screening berms and/or stockpiles across the site will be used to backfill the quarry. The rate of importation of inert materials to the recovery facility is estimated to average around 250,000 tonnes per annum with a maximum annual import rate not exceeding 300,000 tonnes. At the estimated average rate of infilling, the duration of backfilling activities would be approximately 13 years. If the rate of infilling is less than anticipated the facility could operate for up to 20 years.
- 2.5 Final restoration works will involve placement and grading of subsoil and topsoil layers over the backfilled soil mass. This will be rolled and seeded with native grass mix in order to promote stability and minimise soil erosion and dust generation. An aftercare period of between 12 and 25 months will follow in order to ensure that vegetation becomes well established and any bare or exposed soils are re-seeded. Thereafter restored lands will be left largely unattended to become naturally recolonised by native vegetation. It is

envisaged that over time the infilled site will return to a heathland / grassland habitat similar to that which originally existed prior to quarrying.

2.6 A programme of environmental monitoring to record air noise and water emissions is outlined.

2.7 In response to the Council's request for additional information the first party confirmed details of proposed improvements to sightlines at the proposed entrance and reiterated a willingness to make a reasonable financial contribution for improvement works to the R755 Regional Road between Kilmacanogue and Calary Quarry and a costing in respect of the works was outlined. Further clarification was also provided in respect of water management.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 By order dated 10/3/2017 Wicklow County Council decided to grant permission and 9 conditions were attached thereto including:

- Condition 2. Development Contribution of €68,805 in accordance with the Council's Development Contribution Scheme.
- Condition 3. Special Contribution of €139,480 in respect of road improvement works to the R755.
- Condition 4. Bond. €20,000
- Condition 5. No other works shall commence on site until:
 - a) The improvement works to the R755 have been completed and this has been confirmed in writing by the Planning Authority.

- b) Full details of the location and standard of water supply to serve the staff welfare facilities have been submitted for the written approval of the Planning Authority.
- c) The improvements to the existing entrance have been carried out by the developer to the written satisfaction of the roads authority.
- Condition 6(a) The height of filling shall not exceed the levels detailed on the plans and cross sections.
 - (b) A series of three benchmarks shall be established within the perimeter of the site within six weeks from the date of this order and maintained in order to enable the height of filling to be monitored.
 - (c) Following completion of the development the developer shall submit to the Planning Authority a topographical survey of the site carried out by an independent qualified surveyor, detailing the finished level of fill.
- Condition 7. Operating hours 07:30 to 19:00 Monday to Friday 07:30 to 15:00 Saturday.
- Condition 8. Operator to maintain adjoining public roadway in a clean state free from mud and debris.
- Condition 9. Details of all advertising signage to be agreed.

3.2 Planning Authority Reports

3.2.1 Planning Reports

3.2.1.1 Initial report of Assistant Planner deemed the principle of development to be consistent with waste policy objectives of the development plan. Further information required in relation to road improvement works, traffic safety assessment of R755, details of signage and markings, boundary treatment and clarification of improvements to entrance, surface water and wastewater management and water supply. Planner's second report notes inaccuracies in traffic speed survey information and recommends seeking clarification of additional information in relation to access and water supply.

3.2.1.2 Senior Engineer notes that increase in traffic over and above what would be possible under previous permission 06/6189 is not significant and noting the proposal to carry out improvement works to provide adequate sightlines and provide for improvements to the R755. Report also refers to the need for such inert facilities in the GDA and the benefit of large inert facilities as opposed to small rural “land reclamation” facilities. Recommends permission subject to conditions including special contribution of €139,480 for road improvements.

3.2.1.3 Noting the recommendation of Senior Engineer final report of Assistant planner recommends a number of conditions in the event of permission.

3.2.2 Other Technical Reports

3.2.2.1 Executive Engineer Roads report seeks clarification in respect of road improvement works, boundary treatment and signage. Wheel wash facilities to be installed. Following submission of additional information report recommends that road widening and sightline improvement works be carried out prior to works.

3.2.2.2 Waste Management Section Report notes a major shortage of suitable and/or authorised sites in Wicklow – South Dublin area to take waste soil from current and future development sites in the south Dublin and North Wicklow area and asserts that the site is suitable. The current appearance of the pit has a negative impact on the landscape and is a potential health and safety hazard. Surface water discharge quality and traffic are the main issues arising. Further information required on dewatering. AA screening assessment conclusions are accepted. Second report following submission of additional information waste management section report indicates no objection.

3.2.2.3 Water and Environmental Section Reports request details of wastewater treatment and water supply source for staff facilities.

3.2.3 Prescribed Bodies

3.2.3.1. EPA submission notes that the proposed development will require a licence under the waste Management Act. EIS appears to address key points in relation to the environmental aspects of the proposed activity which relate to the matters that come within the functions of the agency and appears to address the direct and indirect effects of the development on the aspects of the environment listed in Section 40(2A)(a) of the Waste Management Act. If and when a licence application is received by the Agency all matters to do with emissions to the environment from the activities proposed will be considered by the agency. Should the agency decide to grant a licence in respect of the activity as proposed, it will incorporate conditions that will ensure that appropriate National and EU standards are applied and that Best Available Techniques (BAT) will be used in the carrying on of activities. In accordance with Section 42(1D)(d) of the Waste Management Acts, the Agency cannot issue a proposed determination on a licence application relating to the development until a planning decision is made.

3.2.3.2 Submission from Department of Arts Heritage and the Gaeltacht in relation to nature conservation, asserts that the greatest risk to native flora and fauna and to the Natura 2000 sites from “inert” soil lies in the possible spread of invasive alien species. Three of particular concern are Japanese Knotweed *Fallopia japonica*, Himalayan Balsam *Impatiens glanduifera*, Three-cornered Leek *Allium triquetrum*. All three species are spread by moving soil which contains parts of the plants and they carry the potential to cause serious environmental problems. Under Regulation 49 of the EU (Birds and Natural Habitats) Regulations 2011, it is an offence to allow or cause the dispersal of these and a number of other species and any movement of soil containing these species requires a licence. The application shows no awareness of invasive alien species or the potential spread through the movement of infected soil. The Department requests further information in the form of an assessment of the environmental impacts of invasive species and the production of an invasive species management plan.

3.2.3.3 Department submission in relation to heritage recommends conditions regarding archaeological monitoring.

3.2.3.4 Environmental Health Officer's report. Monitoring of dust noise surface water and ground water and appropriate levels to be agreed with Wicklow County Council.

3.2.4 Third Party Observations

3.2.4.1 Submission from George O Rourke, Lambay Diving Service observes that the quarry has been a wonderful scenic attraction for many years and used for recreational purposes and undertake wildlife surveys up to recently when Roadstone made it too difficult to continue. Site presents a unique opportunity to create a recreational fun / sports adventure park.

3.2.4.2 John McNulty Bray Adventures. Quarry surrounded by SPA. Loss of potential of lake as a recreational facility for this and future generations.

3.2.4.3 Albert Kerr, 92 Seachrest, Bray (the Appellant) objects to loss of potential as a public recreational facility to support all kinds of sporting activities in the community. The receiving environment is not appropriate for a waste recovery facility on basis of traffic, noise and dust. Requirement for centre of gravity analysis. Negative impact on flora and fauna. Alternative use strategy.

4 Planning History

- Application details indicate that the site was operated by Wicklow County Council prior to 1064. Roadstone commenced quarrying at the site in 1973.
- **177/1426** Permission for change to quarry entrance.
- **93/638** Retention of existing toilet facilities and septic tank.
- **QY31**. Section 261 Quarry Registration. Planning application and EIS required.
- **PL27.224400 (06/6189)** Operation of existing quarry (11.3ha) and future extraction area 6.0 hectares within overall application area of 17.3ha.

Permission granted for continued operation of existing quarry. Refusal of permission for expansion of extraction area. Appeal of refusal withdrawn and appeal of conditions resulted in modified conditions.

- **PL27.234495 08/1650** Extension of 4.5hectarees to the existing Calary Quarry Refused for the following reason.

“Having regard to the scale and form of the quarry extension proposed and its location,

- (a) In an area designated as an area of Outstanding Natural Beauty in the Wicklow County Development Plan 2004-2010,*
- (b) Within an area encompassed by listed prospect number 8 (prospect from Long Hill) prospect of Bray Head, Great Sugarloaf and the coast, as set out in the Wicklow County Development Plan 2014-2010 and clearly visible from this location and,*
- (c) On the eastern slopes of the Great Sugarloaf, a landmark of significant landscape, amenity and tourism value which is indicated in the said Development Plan as an area to be considered for a Special Amenity Area Order,*

It is considered that the proposed development would have a significant and long term negative impact on the character of the area and on its vital, tourist and recreational amenities and would be contrary to the provisions of paragraph 5,4,2 of the Development Plan , as it relates to extractive industry in areas of outstanding natural beauty where the landscape quality shall remain the overriding priority, in that it has not been clearly indicated that the economic benefits of the development will outweigh adverse environmental consequences. The proposed development would, therefore, interfere with the character of a landscape sand with a prospect of special amenity value both of which are necessary to preserve and would be contrary to the proper planning and sustainable development of the area.”

27WW0373 WPL87 Effluent Discharge Licence Discharge of treated trade effluent from the site water management system to Killough River.

Section 261A Review. – Substitute Consent Not Required.

5 Policy Context

5.1 National Waste Report: “A Resource Opportunity – Waste Management Policy in Ireland” (DOECLG, July 2012) recognises the necessity to include landfill in certain circumstances. This mandates local authorities to develop waste management plans in compliance with the Waste Framework Directive.

5.2 Eastern Midlands Regional Waste Management Plan 2015-2020.

5.2.1 Wicklow is one of 12 local authority areas in the Eastern Midland Waste Region. Section 7.3 of the Plan addresses priority waste streams including construction and demolition waste.

5.2.2 Section 11.2.2 presents an overview of construction and demolition waste management activities within the region. It identifies that in 2012, 41% of all recorded C&D Waste collected and managed in the region comprised inert soil and stones. Backfilling of inert waste meets the recovery definition of the Waste Framework Directive and may be subject to permissions by local authorities and EPA licences – specifically where it occurs in worked out quarries.

5.2.3 Policy E13 “Future authorisations by local authorities, the EPA and An Bord Pleanála must take account of the scale and availability of existing backfilling capacity.

5.2.4 EH14 The local authorities will co-ordinate the future authorisations of backfilling sites in the region to ensure balanced development serves local and regional needs with a preference for large restoration sites ahead of smaller scale sites with shorter life spans. All proposed sites for backfilling activities must comply with environmental protection criteria set out in the plan.”

5.2.5 The plan refers to the need for better coordination between local authorities in the region to ensure that facilities are planned and developed at suitable sites which do not present a risk to European designated sites and existing biodiversity and habitats. It is recommended that the lead authority liaise with relevant stakeholders (including the EPA and DAHG) to ensure appropriate measures are in place for the control and spread of invasive alien species at backfilling sites within the region.

5.3 Development Plan - Wicklow County Development Plan 2016-2022

5.3.1 The Strategy in respect of waste is *“To promote and facilitate best practice in prevention, re-use, recovery, recycling and disposal of all waste and environmental emissions produced in the County.”*

Policy WE3 is *“To facilitate the development of existing and new waste recovery facilities and in particular to facilitate the development of green waste recovery sites.”*

Policy WE6 *“To facilitate the development of sites, services and facilities necessary to achieve implementation of the objectives of the Regional Waste Management Plan.”*

5.3.2 Listed Prospect of Special Amenity Value or Special Interest 10. R755 at Calary. Prospect of Ballyremon commons and Calary upper.

NH52 *“To protect listed views and prospects from development that would either obstruct the view / prospect from the identified vantage point or form an obtrusive or incongruous feature in that view/ prospect.”*

5.3.3 The Great Sugar Loaf is listed as a County Geological Site.

5.3.4 The site is located within an Area of Outstanding Natural Beauty. The Northern Hills.

Policy NH50 requires that *“Any application for permission in the AONB which may have the potential to significantly adversely impact the landscape area shall be accompanied by a Landscape / Visual Impact Assessment, which shall include, inter alia, an evaluation of visibility and prominence of the proposed development in its immediate environs and in the wider landscape, a series of photos or photomontages of the site / development from clearly identified vantage points, an evaluation of impacts on any listed view prospects and an assessment of vegetation / land cover type in the area (with particular regard to commercial forestry plantations which may be felled thus altering character / visibility). The Assessment shall demonstrate that landscape aspects have been anticipated and avoided to a level consistent with the sensitivity of the landscape and the nature of the designation.”*

Policy NH51 *“To resist development that would significantly or unnecessarily alter the natural landscape and topography, including land infilling / reclamation projects or projects involving significant landscape remodelling, unless it can be demonstrated that the development would enhance the landscape / or not give rise to adverse impact.”*

5.4 Natural Heritage Designations

5.4.1 There are no designated SAC s or SPAs within immediately contiguous to the site. There are a number of nearby protected sites including the following:

- Glen of the Downs SAC (Site Code 000719) 2.3km SW
- Wicklow Mountains SPA (Site Code 004040) 2.5km west southwest
- Wicklow Mountains SAC (Site Code 002122) 3.2km west
- Knocksink Wood SAC (Site Code 000725) 4.6km north
- Carriggower Bog SAC (Site Code 000716) 4.6km south
- Bray Head SAC (Site Code 000714) 5.2km east northeast
- Balyman Glen SAC (Site Code 000713) 5.4km north
- Murrough Wetlands SAC (Site Code 002249) 8.7km southeast
- Morrough SPA (Site Code 004186) 9.5km southeast
- Rockabill to Dalkey Island SAC (Site Code 003000) 11.6km north northeast
- Dalkey Island SPA (Site Code 004172) 13.7km north northeast
- Glenasmole Valley SAC (Site Code 001209) 14km northwest

6 The Appeal

6.1 Grounds of Appeal

6.1.1 The appeal is submitted by Albert Kerr, 92 Seacrest, Bray and grounds are summarised as follows:

- Appeal made as a representative of a group of environmentally concerned local people and activity, and sporting groups who consider that permission negates a unique opportunity to create a public recreational facility.
- The site presents potential to create an amenity that would be commercially impossible to create on a greenfield site and as a man-made residual from quarrying activity which could bring pleasure and adventure to the region at viable cost.
- On the basis of location within a landscape designated as a Mountain and Lakeshore Area of Outstanding Natural Beauty with several listed views and prospects within a 5km radius and proximity to SPAs NHAs and SACs, the site is not suitable for the development of a waste recovery facility.
- Negative impact of noise, dust and traffic.
- Centre of gravity analysis should be carried out. Alternative locations are available.
- EIR does not identify the source of the inert waste.
- Negative impact on flora and fauna.
- Alternative Use strategy. Favourable consideration should be given to a community driven public/ private amenity.

6.2 Applicant's Response

6.2.1 The First party response submission by SLR Consulting Ltd on behalf of Roadstone is summarised as follows:

- Note that the appeal is submitted in the name of only one individual. Only two other parties made a submission to Wicklow County Council and neither elected to appeal the decision.
- Extant waterbody is a flooded quarry void - not a lake.
- Quarry was at no time abandoned by Roadstone. It is estimated that up to 3.276 million tonnes of extractable rock remains within the extraction area approved under Permission 06/6189 and PL27.224400.

- Notwithstanding the existence of an extractable rock resource, operations at the quarry were temporarily suspended in 2010 in response to sharp downturn in the construction sector.
- The long term visual effects of the development would be positive. In a do nothing scenario the existing quarry faces would remain bare and visible in the wider landscape.
- Backfilling will restore the landform to its original state.
- The site is not for sale. Appellant provides no details on how and by whom the site would be acquired, funded, developed, operated and maintained.
- Tourism and recreational facilities are generally best located in towns and villages
- Proposed inert waste comprises largely soil, stones and broken rock. The nature of such waste is that it is stable non-polluting.
- Stage 1 Appropriate Assessment Screening Report and EIS conclude that the temporary effects of development would be within acceptable levels and will result in a net beneficial effect.
- Roadstone have committed to making a financial contribution to road improvements. Traffic levels arising will not exceed levels previously generated by the approved quarry development.
- No guidelines or policies regarding requirements for centre of gravity analysis. In the context of the proximity principle, based on experience at inert soil waste recovery site at Fassaroe, there is a significant demand for inert waste recovery in the Greater Dublin Area and along the N11 corridor. Following the closure of Fassaroe to inert waste Calary Quarry is the next quarry of sufficient scale along the N11 corridor that could facilitate waste recovery from south Dublin and North East Wicklow.
- Assessment of the effects of the development on ecology are well explored in EIS and AA screening report. Habitat and species survey indicated that no buzzards, frogs or newts were observed or previously recorded and the site provide low quality terrestrial habitat for amphibians.

- Development provides an opportunity to create habitat features that will benefit wildlife in the long term.
- No requirement in the EIS guidelines to consider alternative uses. Development of a community diving amenity would have other environmental effects arising from the need for supporting infrastructure.
- Proposal is consistent with policies and objectives of the Regional Waste Management Plan and Wicklow County Development Plan.
- It is not within the scope of the development management system to adopt a position on the desirability or viability of prospective alternative development or land use at a particular location. Such considerations are addressed in the development plan making process.

6.3 Planning Authority Response

6.3.1 The Planning Authority did not respond to the grounds of appeal.

6.4 Observations

6.4.1 Observations are submitted by John Brady TD in support of the grounds of third party appeal. The proposal will result in the complete destruction of wildlife habitat on the landscape as well as those under water in addition to destroying a spectacular lake with magnificent views. Lake has the potential to be a public recreational facility for the County.

6.5 Further Response

6.5.1 Submission from Albert Kerr, in response to first party response to the appeal is summarised as follows:

- Appeal is supported by a wide group of persons and groups. Public meeting held in respect of the proposal 16 July 2016 indicated strong public support for retention of the lake.
- Submission is accompanied by letters of support from Wicklow Aquanauts Sub Aqua Club, Queen of Peace Adventure Youth Club, Bray Adventurers,

The Army Diving Group, Irish Underwater Council, Ocean Divers, Lambay Diving Services.

- Assume that it is not economically viable to continue quarrying operations.
- Reiterate contention that the site is a “scenic lake” with significant amenity potential.
- Appellant has sought on several occasions to discuss the acquisition of the site however has been unable to make headway.
- Permission for this waste disposal facility will result in a missed opportunity,
- Is An Bord Pleanála satisfied that the applicant has carried out a comprehensive review of alternative locations?
- Lake has established its own unique habitat. Enclosed testimonials regarding observation of frogs, and newts and buzzards.
- Question whether further extraction would require permission.
- Question the extent of analysis of alternative locations, designs and processes.
- Application raises significant issues and deserves and oral hearing.
- Application fails to recognise the significant amenity that has been accidentally created and proposes an inappropriate and unnecessarily intrusive environmental use for the future which should not be permitted.

6.6 EPA

6.6.1 Submission from the EPA notes that a Waste License application was made by Roadstone (Register No W0293-01) on 8th July 2016 for a soil recovery activity. The EIS submitted with the Licence application appears to be the same as that submitted with the planning application. The agency has determined that the license application must be made subject to an EIA as respects the matters that come within the functions of the Agency in accordance with Section 40(2A) and Section 42(1G) (a) of the Waste Management Act. The EIS will be considered by the agency as part of its

assessment and further consultation with the planning authority will be undertaken. The Board will be required to provide documentation relating to EIS under Section 173B4 of the Planning and Development Act 2000 as amended. The licence is currently under assessment with regard to all matters to do with emissions to the environment from the activity proposed, the licence application documentation and EIS will be considered. Where the Agency is of the opinion that the activities as proposed cannot be carried on or cannot be effectively regulated under a licence then the Agency cannot grant a licence for such an activity. Should the Agency decide to grant a licence in respect of the activity as proposed it will incorporate conditions that will ensure that appropriate national and EU standards are applied and that Best Available Techniques (BAT) will be used in the carrying on of the activities. In this regards refer to BAT Guidance Notes: BAT guidance note – waste sector (Transfer and materials Recovery) December 2011 and National legislation regarding emissions. In accordance with Section 42(1D)(d) of the Waste Management Acts, the Agency cannot issue a proposed determination on a licence application relating to the development until a planning decision has been made.

7 Assessment

- 7.1 An application for a waste licence has been lodged with the EPA (Register No W0293-01) but has not been determined at the time of writing. Section 257 of the Planning and Development Act 2000, as amended, amends the Waste Management Act, 1996, to provide that where a waste licence under the Waste Management Act has been granted or will be required that the Board shall not, where it decides to grant permission, impose conditions relating to emissions from the operation of the activity including prevention, limitation, elimination, abatement or reduction of these emissions. The Board may refuse permission where the proposed development would be contrary to the proper

planning and sustainable development of the area having regard to environmental impacts. In regard to the third party a request for an Oral Hearing of the case, I note that The Board decided to determine the appeal without recourse to an oral hearing on the basis that there is sufficient information on the appeal file to enable a reasoned and informed assessment of the matters raised in the appeal. From my review of the file, all relevant documents and inspection of the site and its environs, I consider that the main issues for deliberation may be considered under the following broad headings:

- Principle of Development – Waste Management and Policy Considerations
- Traffic Impact, Visual Impact & Impact on the Amenities of the area
- Ecology
- Hydrology and Hydrogeology
- Environmental Impact Assessment
- Appropriate Assessment

7.2 Principle of Development and Waste Management Policy Considerations

7.2.1 The Waste Management Acts established a waste hierarchy in the order of (a) prevention, (b) preparation for re-use (c) recycling, (d) other recovery and (e) disposal. The current national policy which articulates this five tier hierarchy is the document “A Resource Opportunity – Waste Management Policy in Ireland” (DOECLG, July 2012) which acknowledges the necessity to include landfill in certain circumstances. The Eastern-Midlands Region Waste Management Plan 2015-2021 is the relevant Waste Management Plan for County Wicklow and states that backfilling of inert waste meets the recovery definition of the Waste Framework Directive and may be subject to permissions by local authorities and EPA licences – specifically where it occurs in worked out quarries. Policies E13 “Future authorisations by local authorities, the EPA and An Bord Pleanála must take account of the scale and availability of existing backfilling capacity. EH14 The local authorities will co-ordinate the future authorisations of backfilling sites in the region to ensure balanced development serves local and regional needs with a preference for

large restoration sites ahead of smaller scale sites with shorter life spans. All proposed sites for backfilling activities must comply with environmental protection criteria set out in the plan.”

7.2.2 The Wicklow County Development Plan 2016-2022 commits the planning authority to have regard to the waste management hierarchy and have regard to the waste management plan. In consideration of the current proposal in the context of the specific policies and objectives of the County Development Plan Development Plan, I note that the Council’s strategy in respect of waste is “*To promote and facilitate best practice in prevention, re-use, recovery, recycling and disposal of all waste and environmental emissions produced in the County.*”

Policy WE3 is to facilitate the development of existing and new waste recovery facilities and in particular to facilitate the development of green waste recovery sites. **Policy WE6** is to facilitate the development of sites, services and facilities necessary to achieve implementation of the objectives of the Regional Waste Management Plan. The proposed development providing for the recovery of soil and stone in the backfilling and restoration of the existing quarry void at Calary Quarry is consistent with the stated waste objectives of the plan. I consider that the principle of the proposed development is supported by local planning policies pertaining to waste management. On this basis I consider that there is no objection in principle to the development as proposed subject to consideration of detailed matters.

7.2.3 On the matters raised in the third party appeal with regard to a “centre of gravity” analysis assumed to be a reference to the proximity principle, I note the information provided by the first party with regard to the demand for inert waste recovery within the Greater Dublin Area and along the N11 corridor and this is reiterated within the technical reports of the Senior Engineer and Environment Section of Wicklow County Council and is also referenced in the Eastern-Midlands Region Waste Management Plan 2015-2021 which stresses a preference for large restoration sites ahead of smaller scale sites with shorter lifespans. The appeal site provides for a waste recovery facility

of significant scale strategically located along the N11 corridor which can therefore facilitate waste recovery from the South Dublin North East Wicklow area. In my view the first party has within the application and appeal justified the need for the propose development and this is clearly supported at Local Authority level.

7.2.4 On the issue of the potential for the site to become a recreational tourist attraction, I would concur with the comments of the first party that it is not within the scope of the development management system to deliberate on the desirability or viability of prospective alternative development proposals and it is therefore appropriate to consider the application as proposed in its detail on its own planning merit. As regards the matter of location within an Area of Outstanding Natural Beauty this designation does not automatically preclude the development of a waste facility.

7.3 Traffic Impact, Visual Impact and Impact on the Amenities of the Area.

7.3.1 As regards the level of traffic arising, the applicant identified a number of remedial measures including localised road widening and improvements to the pavement. The applicant is willing to make a special financial contribution towards these works. Sightlines at the entrance are currently deficient and it is proposed to upgrade and improve them as part of the development. This will involve regrading of the existing screening berms to the north and south of the entrance to provide a sight distance of 120m in both directions. In terms of development trip generation, it is estimated that the importation of approximately 3,280,000 tonnes of material translates to 182,200 HGV round trips at 18 tonnes per load over the lifetime of the facility. The minimum time for completion of backfilling would be the order of 12 years. An assumed upper bound intake of 300,000 tonnes per year equates to 6 HGVs on average per hour (12 HGVs 2 way). The applicant outlined indicative proposals for improvement works along the R755 and provided costings in relation to same. The Council imposed condition 3

requiring the payment of a special contribution to amount €139,480 and the first party has not appealed this condition. I consider that subject to the access improvements in respect of the achievement of sightlines as proposed and to provision for improvements to the R755 to address road capacity and safety implications, the additional traffic generated by the proposed development can be accommodated and the proposed development is acceptable from a traffic and transport perspective.

7.3.2 As regards the visual and landscape impact this is addressed in Chapter 10 of the EIS. In relation to landscape sensitivity, the location within a Mountain and Lakeshore Area of Outstanding Natural Beauty is set out and listed views and prospects within a 5km radius. The site is also visible from sections of the Wicklow Way and other popular walking routes around the site, most notably the ascent to the Great Sugar Loaf. The upper section of the eastern quarry face is visible in some views from Powerscourt House and Gardens approximately 4km to the northwest. I would tend to concur with the conclusions of the assessment that in regard to the impact on the local landscape character and designated views and prospects the proposed development will not have a permanent negative impact or potentially interfere with protected views prospects or important tourist sites. Whilst there will be a temporary major /moderate negative visual impact on the landscape character and established views from the locality, such impact is acceptable in view of the long term positive visual impact which will result on completion of waste recovery activities. The final landform will integrate with the surrounding landscape and in this regard result in a positive impact in the longer terms on completion of works.

7.3.3 As regards impact on residential amenity, I note the assessment of noise and dust impacts. Subject to good practice mitigation measures as outlined any impact are considered to be minimal. As regards cultural heritage on the basis of the history of quarrying on the site the proposed development will have no

direct or indirect impact on any items of cultural heritage including archaeological resources and architectural heritage.

7.4 Ecology

7.4.1 As regards impact on flora and fauna, the site comprises an established quarry void which currently supports habitats that are ubiquitous, anthropogenic, of intrinsically low nature conservation values and of low ecological value. The proposed backfilling of the quarry resulting in the loss of this habitat is not deemed to be significant. In the long term, it is proposed to re-establish the former heathland grassland habitat on the site. As regards fauna the current site is of limited value. Whilst the site is identified as forming part of the territory for peregrine falcon it is considered that the development will not impact on the distribution or local population status of peregrine falcon or on any other individual or group of species.

7.4.2 I note the concerns raised in the submissions of the Department of the Arts Heritage and the Gaeltacht in relation to the possible spread of invasive species. Three of particular concern being Japanese Knotweed *Fallopia japonica*, Himalayan Balsam *Impatiens glandulifera*, Three Cornered Leek *Allium triquetrum*. The Department submission expresses concern that the application provides no information with regard to invasive species or the potential spread through the movement of infected soil. I note that the Planning Authority did not address this issue in their request for additional information I consider that a requirement to provide for assessment and formulation of an invasive species management plan can be addressed by way of condition.

7.5 Hydrology and Hydrogeology

7.5.1 As regards impact on hydrology and hydrogeology this is addressed in chapter 6 of the EIS. The mitigation measures in respect of groundwater and surface water protection are outlined and further clarified in the response to

the request for additional information. A surface water management system to include settlement ponds, a grit trap and hydrocarbon interceptor are proposed. I note that in accordance with Section 257 of the Planning and Development Act 2000 as amended “*where a waste license has been granted or is or will be required in relation to an activity, a planning authority or An Bord Pleanála shall not, where it decides to grant a permission under Section 34 of the Act in respect of any development comprising the activity or for the purposes of that activity, subject the permission to conditions which are for the purposes of –controlling emissions from the operation of the activity, including the prevention, limitation, elimination, abatement or reduction of those emissions, or controlling emissions related to or following the cessation of the operation of the activity.*”

7.5.2 As regards water management systems it is noted that there are two distinct water management phases. The first phase involves dewatering of the quarry void prior to commencement of recovery activities and the second phase deals with the management of surface water run-off during the backfilling process. It is proposed to install two secondary settlement ponds (105m³ and 48m³) at the application site to treat waters being discharged off site. The rate of discharge during dewatering will be within the limits of discharge licence issued in 2009 (WPL87) (Condition 2.1 states that the volume of treated effluent shall not normally exceed 805m³ / day subject to a summer maximum discharge limit of 1,600m³/day (April to September) and the winter maximum limit of 2,000m³ / day (October to March). Settlement pond retention time during dewatering will be of the order of 4.5 hours at normal discharge rate reducing to 2.3 hours at the maximum summer discharge rate and 1.8 at the maximum winter discharge rate. As water ponded in the quarry void has very low baseline levels of suspended solids the proposed ponds and interceptor are predicted to be sufficient to effectively manage the surface water / stormwater run-off which will arise during the dewatering phase. The proposed secondary treatment ponds provide final polishing of ponded quarry waters and have a storage capacity of 153m³. All water discharged off site will be routed through an appropriately sized hydrocarbon interceptor.

7.5.3 Surface water management during backfilling and restoration will be based on same water management principles. Any surface water runoff or groundwater ingress arising within the application site will be captured in the quarry void and discharged to the Killough River. A sump on the quarry floor will collect runoff a number of primary settlement ponds (in series) at higher levels designed to provide at least 24 hours prior to discharge. The maximum rate of pumping will be in line with 2009 discharge licence. If necessary additional treatment can be provided by extending the storage capacity and the area of the sump within the quarry void providing for primary settlement in order to comply with the target emission limit for suspended solids. In the unlikely event that further treatment is required consideration could be given to the employment of specialist water treatment technologies (e.g. Siltbuster) to ensure concentrations are maintained below licensed limit. Note that the water management strategy outlined has proven effective in treating surface water runoff at similar established soil recovery facilities at Both Fasseroe and Huntstown.

7.5.4 I consider that the details provided in relation to the impact on hydrology and hydrogeology are sufficient and detailed mitigation measures outlined. Based I note that conditions in relation to the control of emissions arising from the operation will be appropriately addressed by waste licence.

7.6 Environmental Impact Assessment

7.6.1 On the matter of the Environmental Impact Assessment, the proposed development falls within the category of prescribed development for the purposes of Part 10 under Schedule 5. Part 2 (11)(b) of the Planning and Development Regulations 2001:

“Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.”

In this regard Environmental Impact Assessment is required.

7.6.2 I note that the provisions of Circular Letter 1/2017 issued by the Department of Housing Planning Community and Local Government (DHPCLG) setting out the transitional arrangements in advance of the commencement of the transposing legislation in respect of the EIA Directive 2014*52/EU, (Transposition date 16th May 2017). The Circular Letter 1/2017 provides that “where an application was made for planning permission or a scoping opinion before 16 May 2017, the 2011 Directive will apply to the whole process.

7.6.3 Compliance with Requirements of Articles 94 & 111 of the Planning and Development Regulations 2001 (as amended)

7.6.3.1 I consider that the EIS in overall terms, is in compliance with Articles 94 and 111 of the Planning and Development Regulations, 2001, as amended. To this extent I would observe that-

The EIS contains the information specified in paragraph 1 of Schedule 6 of the Regulations. The EIS-

- Describes the proposal, including the site and the development’s design and size;
- Describes the measures envisaged to avoid, reduce and, if possible, remedy significant adverse effects;
- Provides the data necessary to identify and assess the main effects the project is likely to have on the environment;
- Outlines the main alternatives studied and the main reasons for the choice of site and development, taking into account the effects on the environment.
- The EIS contains the relevant information specified in paragraph 2 of Schedule 6 of the Regulations. This includes-
- A description of the physical characteristics of the project and its land use requirements;
- The main characteristics of the process to be pursued;
- The emissions arising;
- A description of the aspects of the environment likely to be significantly affected by the proposal;

- A description of the likely significant effects on the environment resulting from the development's existence, the development's use of natural resources, the emission of pollutants and creation of nuisances, and
- a description of the forecasting methods used; and
- There is an adequate summary of the EIS in non-technical language.
- There is an indication of any difficulties (technical deficiencies or lack of know-how) encountered by the developer in compiling the required information (1.92 - no technical difficulties were encountered).

7.6.3.2 The submitted EIS focuses on the significant direct and indirect effects arising from the proposed development. The main likely effects can be identified under the range of headings as follows:

Human Beings

- Employment and economic impact
- Health and Safety impacts.
- Noise and Dust.
- Visual impact
- Traffic

Ecology - Flora & Fauna

- Effects on SPA, SAC pNHA
- Impacts on on-site habitats.
- Species impact.
- Avifauna disturbance.

Soils and Geology

- Potential soil contamination from imported material
- Impact on drainage patterns
- **Water.**
- Sediment release
- Contaminated soil, fuel or chemical spillage
- Groundwater flow regime
- Water quality

Air Quality and Climate,

- Dust

- Climate Change.

Noise

- Traffic
- Residential / rural amenity

Landscape and Visual Impact

- Mountain and Lakeshore Area of Outstanding Natural Beauty
- Impact on landscape character.
- Impact on listed views and prospects.

Cultural Heritage

- Effects on archaeology.
- Impact on structures of heritage significance.

Material Assets

- Tourism and amenity.
- Impact on local road network.
- Impact on land use

7.6.3.3 Interactions Chapter 14 deals with the interaction of the foregoing.

Matrix Table 14.1. seeks to identify interactions between various aspects of the environment.

The effects of the interactions between humans and air quality, the visual landscape, flora & fauna and water and soils; and landscape and the natural environment are implicit in the range of preceding issues listed.

7.6.3.4 As regards alternatives, (1.9 of EIS) consideration is given to site selection.

Strategic location of the site close to high capacity national road infrastructure is noted in terms of accessibility to large urban population centres in south Co Dublin, and North Wicklow. In relation to the “Do nothing” option consideration is feasible in environmental factor appraisals.

7.6.3.5 Assessment of the Likely Significant Effects Identified having Regard to the Mitigation Measures Proposed

The assessment preceding this section of the report under the relevant headings fully considers the range of relevant likely significant effects with due

regard given to the mitigation measures proposed to be applied if the to address the range of potential significant impacts arising from the proposed development.

7.6.3.6 Conclusions Regarding the Acceptability or Otherwise of the Likely Residual Effects Identified

The conclusions regarding the acceptability of the likely main residual effects of this proposal are clearly addressed under the various headings of the main assessment. The principal areas of concern relate to water contamination, invasive species and traffic impacts.

7.6.3.7 I consider that the EIS is adequate and is of an acceptable standard that the document is generally in compliance with the provisions of Article 94 and Schedule 6 of the Planning and Development Regulations 2001. I have noted the points made in the EIS in relation to the choice of the site for the proposed development.

7.6.3.8 I consider that the EIS has correctly identified the likely significant environmental impacts. Of those identified I consider that protection of surface and ground water and the traffic impacts to be the most significant. I note the issue of invasive species which is not addressed in any detail and in this regard I consider that the requirement to provide for an invasive species management plan should be required by condition. The EIS identifies a number of mitigation measures to protect ground water quality and the measures identified in the EIS are reasonable, clearly stated and implementable. The EIS notes that in light of the permitted traffic loading, noise dust arising from the established quarry use the implications of the proposed development are not significant. The EIS sets out a number of mitigation measures to mitigate impacts on nearby sensitive uses during operational phase which will appropriately address the impacts arising. Having regard to the foregoing I conclude that the proposed development would not give rise to unreasonable significant environmental impacts.

7.7 Appropriate Assessment - Screening

7.7.1 The obligation to undertake appropriate assessment derives from Article 6(3) and 6(4) of the Habitats Directive. Essentially it involves a case by case examination for a Natura 2000 site and its conservation objectives.

Appropriate Assessment involves consideration of whether the plan or project alone or in combination with other projects or plans will adversely affect the integrity of a European site in view of the site's conservation objectives and includes consideration of any mitigation measures to avoid reduce or offset negative effects. This determination must be carried out before a decision is made or consent given for the proposed plan or project. Consent can only be given after having determined that the proposed development would not adversely affect the integrity of a European Site in view of its conservation objectives.

7.7.2 The application is accompanied by a Stage 1 Screening Assessment document which identifies 12 Natura 2000 sites within a 15km radius of the site namely:

- Glen of the Downs SAC (Site Code 000719) 2.3km SW
- Wicklow Mountains SPA (Site Code 004040) 2.5km west southwest
- Wicklow Mountains SAC (Site Code 002122) 3.2km west
- Knocksink Wood SAC (Site Code 000725) 4.6km north
- Carriggower Bog SAC (Site Code 000716) 4.6km south
- Bray Head SAC (Site Code 000714) 5.2km east northeast
- Balyman Glen SAC (Site Code 000713) 5.4km north
- Murrough Wetlands SAC (Site Code 002249) 8.7km southeast
- Morrough SPA (Site Code 004186) 9.5km southeast
- Rockabill to Dalkey Island SAC (Site Code 003000) 11.6km north northeast
- Dalkey Island SPA (Site Code 004172) 13.7km north northeast
- Glenasmole Valley SAC (Site Code 001209) 14km northwest

7.7.3 Using the source pathway receptor model to identify the European Sites which could potentially be affected the screening document notes that the Killough

River which would directly receive any approved discharge from dewatering of the existing flooded quarry void or surface water runoff groundwater inflow arising during the operation of the inert soil recovery facility and the Glencree River do not flow thorough or have hydrological connectivity with any Natura 2000 sites. The following Natura 2000 sites are screened out on the basis of there being no source pathway receptor link.

- The Glen of the Downs SAC
- Wicklow Mountains SAC
- Knocksink Wood SAC
- Carriggower Bog SAC
- Bray Head SAC
- Balyman Glen SAC
- Murrough Wetlands SAC
- Morrough SPA
- Rockabill to Dalkey Island SAC
- Dalkey Island SPA
- Glenasmole Valley SAC

7.7.4 On the basis of proximity (2.5km) there is a possibility of connectivity between the Calary Quarry and the qualifying bird species for which the Wicklow Mountains were classified as an SPA. Noting the conservation objectives for the Wicklow Mountains SPA, the Wicklow Mountains SPA is an extensive upland site comprising a substantial part of the Wicklow Mountains. The site is a SPA under the EU Birds Directive of special conservation interest for the following species: Merlin and Peregrine both species that are listed on Annex 1 of the EU Birds Directive. The Conservation objectives for the Wicklow Mountain SPA Generic Conservation Objectives 215/8/201) is to maintain or restore the favourable conservation status of the bird species of special conservation interest for this SPA. The favourable conservation status of a species is achieved when the population dynamics data on the species concerned indicates that it is maintaining itself on a long term basis and is a viable component of its natural habitat and the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future;

and there is and will probably continue to be a sufficiently large habitat to maintain its populations on a long term basis.

7.7.5 Having reviewed the conservation objectives the next step is to identify the potential, a) likely and b) significant effects (direct or indirect) of the project along on the European sites solely within the context of the sites conservation objectives. The assessment of potential connectivity between the site and Wicklow Mountains SPA and review of the potential hazards based on the scale and nature of the project and potential connectivity with the Wicklow Mountains SPA that might affect the interest features for which the Natura site has been identified include:

- Direct loss of potential peregrine alternative nesting site
- Loss damage disturbance and fragmentation of potential merlin foraging habitat
- Noise and visual disturbance.

7.7.6 As regards potential loss of potential peregrine alternative nesting site, the backfilling of the quarry void will not result in any loss of any confirmed site used for breeding purposes by peregrines. As the site has not been or is not currently used for breeding by peregrines no effects are predicted on the population status of this species at the Wicklow Mountains SPA as a result of the project. On this basis no likely significant effect is predicted.

7.7.7 As regards habitat loss, damage or fragmentation of potential merlin foraging habitat, Calary quarry is assessed as providing low quality foraging opportunities for merlin, with habitats not supporting the abundance of small birds for prey and the site is too confined to provide optimum conditions for chasing prey. Given the availability of alternative and extensive higher quality foraging habitat in the wider surrounding area particularly the Great Sugar Loaf, the loss of the site for foraging habitat will not have any effects on the distribution or status of the local population in light of the conservation

objectives for this species. On this basis no likely significant effect is predicted.

7.7.8 As regards the effects of noise and visual disturbance on peregrine and merlin, it is unlikely that the level of disturbance generated at the application site would significantly change the territorial behaviour or affect the distribution and status of the local peregrine or merlin population. On this basis no likely significant effect is predicted.

7.7.9 The screening assessment concludes that the proposed development will not have any stand-alone significant effects or in combination with other plans or project on the Wicklow Mountains SPA or any of the qualifying bird species for the site has been designated.

7.7.10 It is reasonable to conclude on the basis of the AA screening assessment, the other information submitted with the application and appeal, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Wicklow Mountains SPA (004040) or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

8.1 Having regard to the foregoing I conclude that the proposed development is in accordance with the provisions of the Eastern-Midlands Region Waste Management Plan 2015-2021 and the Wicklow County Development Plan 2016 – 2022. Having regard to the planning history of the site and its permitted use as a quarry and subject to the mitigation measures as outlined within the appeal documentation I consider that the proposed development would not give rise to water pollution, traffic hazard or injury to the visual amenity of the area or the residential amenity of property in the vicinity. I

therefore recommend a grant of permission subject to the conditions set out below.

9.0 Reasons and Considerations

- 9.1 Having regard to the provisions of the Eastern-Midlands Region Waste Management Plan 2015-2021, to the provisions of the Wicklow County Development Plan 2016 – 2022, to the planning history of the site and the its permitted use as a quarry and subject to compliance with the conditions set out below it is considered that the proposed development would not give rise to water pollution, traffic hazard or injury to the visual amenity of the area or the residential amenity of property in the vicinity. Therefore, the proposed development would accord with the proper planning and sustainable development of the area.
- 9.2 The Board noted the Stage 1 Appropriate Assessment Screening report submitted with the application and the Appropriate Assessment screening carried out by the Inspector. The Board accepted and adopted the Inspector's screening assessment and conclusions in respect of the identification of the European sites which could potentially be affected by the proposed development, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' 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 Wicklow Mountains SPA (Site Code 004040) or any other European site, in view of the sites' Conservation Objectives, and that a Stage 2 Appropriate Assessment and submission of a Natura Impact Statement is not, therefore, required.
- 9.3 The Board considered that the Environmental Impact Statement submitted with the application, the report, assessment and conclusions of the Inspector with regard to this file and other submissions on file, was adequate in

identifying and describing the direct, indirect, secondary and cumulative effects of the proposed development. The Board completed an environmental impact assessment, and agreed with the Inspector in her assessment of the likely significant effects of the proposed development, and agreed with his conclusions on the acceptability of the mitigation measures proposed and residual effects. The Board adopted the report of the Inspector. The Board concluded that, subject to the implementation of the mitigation measures proposed, and subject to the following conditions, the effect of the proposed development on the environment would be acceptable.

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 18th day of January 2017 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. The developer shall establish, maintain and implement an invasive species management plan, to include the species, Japanese Knotweed, Giant Knotweed, Bohemian Knotweed, Himalayan Balsam and Three Cornered Leek and any other relevant invasive species, having regard to relevant published guidance and codes of practice. The operator shall maintain evidence of having obtained the advice and implemented the recommendations of an independent and appropriately qualified consultant, in the establishment of the plan and any amendments to it. Details of the invasive species management plan shall be submitted for the written agreement of the planning authority prior to the

commencement of development.

Reason: In the interest of nature conservation and to prevent the possible spread of invasive species.

3. The developer shall submit annually for the lifetime of this grant of permission a record of the quantity of material imported into the site and details, including drawings, which facilitates the planning authority to monitor the progress of the phases of restoration.

Reason: In order to facilitate monitoring and control of the development by the planning authority.

4. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. 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 who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the 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 site and to secure the preservation and protection of any remains that may exist within the site.

5. Water supply and drainage arrangements, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development.

6. 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 commencement of development.

Reason: In the interest of traffic safety.

7. Operations shall occur between 0700 hours and 1900 hours, Monday to Friday and between 0700 hours and 1500 hours on Saturdays only. No activity shall take place outside these hours or on Sundays or public holidays.

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

8. A maximum of 3,280,000 tonnes of material shall be imported into the site within the lifetime of this grant of permission. A maximum of 300,000 shall be imported in any one year.

Reason: To limit traffic impacts in the interest of road safety and residential amenity.

9. Only clean, uncontaminated soil and stones shall be imported into the site.

Reason: In the interest of amenity.

10. A wheel-wash facility shall be provided adjacent to the site exit, the location and details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety and convenience, and to protect the amenities of the area.

11. The site shall be screened in accordance with a scheme of screening measures and boundary treatment in respect of the site, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the timeframe, specific locations, and final form and height of proposed screening berms, details of all planting proposed on existing and proposed screen berms, details of the ongoing care and management of such planting, details of a phased programme of landscaping within the site and details of an adequate barrier to prevent unrestricted access to the site from adjacent lands.

Reason: In the interest of visual amenity and to safeguard the amenities of residential property in the vicinity during the operating phase of the

development.

12. The developer shall pay the sum of €68,805 (sixth eight thousand eight hundred and five euro, updated at the time of payment in accordance with the changes in the wholesale Price Index – Buildings Construction (Capital Goods) published by the Central Statistics Office) to the planning authority as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of road improvement works to the R755. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or in default of such agreement shall be referred to the Board for determination.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

13. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

14. Prior to commencement of development, 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 An Bord Pleanála for determination.

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

Brid Maxwell
Planning Inspector

14th November 2017