



An
Bord
Pleanála

Inspector's Report ABP.301615-18

Development	Permission sought for 20 no. years for the extension of an existing quarry.
Location	Ballinrooaun, Castle Ellis, Enniscorthy, Co. Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	2017/1532
Applicant(s)	Sean & Michael Kelly
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Parties
Appellant(s)	Aidan Cash, James & Elizabeth Cash
Observer(s)	None
Date of Site Inspection	12 th December 2018
Inspector	Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The appeal site is in a rural area situated approximately 2 km north of Curracloe, Co. Wexford.
- 1.2. The local landscape is characterised by undulating topography.
- 1.3. The predominate land-use in the local area is agriculture in the form of grazing.
- 1.4. The size of the appeal site is 8.45 ha (20.9 acres) and the shape of the appeal site is irregular.
- 1.5. There is an active sand quarry on the site situated to the north-east of the proposed development. The appeal site comprises of 3 no. fields situated to the immediate west of the active quarry. There are existing hedgerows situated along the boundaries of the respective fields.
- 1.6. The 3 no. fields slope gently downwards in a southern direction. There is a valley in the centre of the site where the levels of the site fall and then rise again.
- 1.7. The 3 no. fields are currently used for agricultural purposes in the form of grazing.
- 1.8. There is a disused house situated in the south-west corner of the appeal site.
- 1.9. The vehicular access to the appeal site is from a local rural road which is situated to the north of the appeal site.

2.0 Proposed Development

- 2.1.1. Planning permission is sought for the extension to the existing quarry onto lands adjoining to the west.
- 2.1.2. The proposed quarry extension is sought to a maximum depth of c. 38m OD.
- 2.1.3. The proposed extraction will be 100,000 tonnes per annum.
- 2.1.4. The proposed development also includes areas of stockpiling, landscaping and boundary treatment work.
- 2.1.5. The proposal also includes the progressive restoration of the final pit void (extractive area) to original levels through the importation of inert soils.

Additional information was sought for the following;

1. Clarification on how a successful application for an Inert Waste Licence can be demonstrated,
2. Clarification in relation to landscape reprofiling to avoid settlement and preferential gullying,
3. Revised statutory notices to take account of the importation of 1,300,000 tonnes of clean inert material,
4. Readvertised notices shall reference that the proposed restoration / infill will be subject to the requirement to obtain a Waste Licence from the EPA,
5. EIAR shall be revised to specify the type of material proposed for the infill,
6. Clarify locations and methods of storing the overburden,
7. Revised drawings shall demonstrate a minimum of 100m distance from the quarry face to adjoining landholdings,
8. A revised AA Screening shall have regard to the importation of 1,300,000 tonnes of inert soil,
9. Clarify the approximate volumes of water to be used for dust suppression,
10. Clarification in relation to the non-payment of a bond in relation to the existing quarry, i.e. L.A. Ref. 20082323,
11. Clarification in relation to the depth of the proposed quarry relative to the high-water table,
12. Additional photomontage views from the south,
13. Clarify whether the fixed sprinkler system at the entrance gate is a new system as it is outside the application boundary,
14. The statement in Section 12.4.2 of the EIAR that an additional 36 vehicles a day is insignificant needs some addressing.

3.0 Planning Authority Decision

3.1. Wexford County Council decided to **grant** planning permission subject to 24 no. conditions. The conditions are generally standard for the type of development proposed and some of the more notable conditions include;

Condition no. 4 relates to scale of extraction, blasting and depth of extraction.

Condition no. 5 places a time limit on the quarrying.

Condition no. 6 relates to an EPA licence

Condition no. 7 relates to dust emissions

Condition no. 11 relates to noise

Condition no. 16 relates to sightlines

3.2. Planning Authority Reports

3.2.1. The main issues raised in the planner's report are as follows;

Area Planner

- Nearest residential dwelling to proposed extraction is 278m to south and 400m to the north.
- Proposed development could give rise to significant disamenity in relation to noise.
- No blasting.
- Dust generation would not directly affect residential properties.
- Existing extraction and stockpiling has given rise to complaints. Dust mitigation measures therefore required.
- There would be limited visibility of the proposed extraction from the north.
- The site lies within a Landscape of Greater Sensitivity as designated in the current County Development Plan.
- The Screen Hills refers to the local area known for the 'kettle and kame' landscape. The GSI has identified the local area as unique in geology terms.

- The proposed application site does not include any of the 'kettle hole' ponds/lakes which are prevalent elsewhere in the Screen Hills.
- The site will be infilled post extraction.
- The application site lies within the current Screen Hills pNHA and directly adjacent to the Screen Hills cSAC.
- The local area contains 2 no. habitats listed on Annex 1 of the EU Habitats Directive, i.e. Oligotrophic Lakes and Dry Heath formations.
- The AA Screening and EIS submitted with the planning application concludes that there would be no significant effects on the Screen Hills SAC, The Raven SPA, Wexford Harbour and Slob's SPA, and the Slaney River Valley cSAC.
- The inert fill will contain subsoil and stone.
- There appears to be significant dust deposition on the local road from Screen village to the site.
- It is noted that condition no. 9 (bond) of L.A. Ref. 2008/2323 has not been complied with.
- Complaints have been made in relation to stockpiling on an elevated edge.
- It was considered by An Bord Pleanála that there was no overriding public interest / need for the proposed development that warranted ABP to set aside the considerations of the planning inspector.

3.3. Internal Reports;

- Environment Section; - The proposed development is acceptable subject to conditions. The conditions relate to (a) dust / air quality, (b) noise, (c) fuel storage, (d) monitoring on site.
- Fire Officer; - No comments.

3.4. **Third Party Observations**

There were 9 no. third party submissions however six of these submissions were in support of the proposed development. The 3 no. third party submissions opposed to the proposed development raised the following issues;

- Unacceptable noise from lorries.
- Intrusion of privacy from lorries.
- Creation of dust along the public road.
- Deliveries of sand are uncovered.
- Surface water built up along the public road.
- Personal security compromised.
- The front and back of local properties is overlooked from passing lorries.
- The condition of the local road has deteriorated with the quarry development in operation.
- The quarry use has devalued property.
- A previous application was refused permission as the proposal materially contravenes Policy ED09 as the previous proposal will irreversibly alter local features of geological interest.
- Sand migration.
- Diminution of agricultural land.
- Non-compliance with previous permission.

3.5. **Submissions**

There is a submission from a number of prescribed bodies and elected representatives. The submissions from James Brown TD and Cllr. George Lawlor support the proposed development.

There are also submissions from HSE, Environmental Health, An Taisce, Environmental Protection Agency and the Department of Culture, Heritage and Gaeltacht. The submissions can be briefly summarised as follows;

HSE

- EPA licence required.
- Water quality unlikely to be affected by the proposed development.
- No evidence of sand creep from the quarry.

An Taisce

- All issues of planning compliance with 2008/2323 need to be addressed.
- Any consideration of an extension shall be limited to 10 years.

EPA

- Development proposed will require a licence under Class R5 of the Waste Management Act, 1996.
- A determination on a licence will be post planning decision.

Department of Culture, Heritage, and the Gaeltacht

- There may be geological impacts associated with the pNHA.
- Screen Hills is a geological site of national importance.

4.0 Planning History

- L.A. Ref. 2016/0261 – Permission sought for a period of 25 no. years on an area of 15.02 ha to the immediate west for the continued operation of the existing quarry permitted under L.A Ref. 2008/2323. The quarry extension is to a maximum depth of c.37 metres OD and the proposal will not result in an

increase in the permitted extension rate of 125,000 tonnes per annum.
Wexford County Council **refused** permission for the following reasons

- (a) significant adverse impacts on the landscape contrary to objectives L03, L04, L05 and Section 18.16 of the County Development Plan,
- (b) the proposal would give rise to significant adverse impacts and disamenity associated with airborne dust and sand affecting third party land,
- (c) the proposal would have an adverse impact on the natural heritage status of the local area as such the proposal would be contrary to objectives NH01, NH02, ED09 and ED11 and Section 18.16 of the Wexford County Development Plan, 2013 – 2019.

Subsequent to an appeal An Bord Pleanála **refused** permission (appeal ref. 246680) (a) adverse impacts on landscape. The local area is designated a post-glacial landscape of low hills and small lakes which is unique in and to County Wexford, (b) negative impact on visual amenities as proposal would create a significant and unnatural feature in the landscape.

- Section 261a – 2012 – Extraction had taken place to a deeper level than was permitted in 2008/2323. An AA was required for the unauthorised deepening.
- L.A. Ref. 2008/2323 – Planning sought for retention and continued operation including extension of the existing sand and gravel pit to a final overall extracted area of 60 metres OD. Retention is also sought for existing mobile sand and gravel screening plant. The development also includes ancillary works. Wexford County Council granted planning permission for the development.

- Section 261 Ref. Q19 2005 – The Local Authority did not register the quarry as it was considered that the quarrying did not benefit from pre-1964 authorisation.

5.0 Policy Context

5.1. County Development Plan

The operational development plan is the Wexford County Development Plan, 2013 – 2019.

5.1.1. Quarries / Extractive Industry

Section 6.4.5 of the Plan sets out goals / objectives for quarries and the following policy objectives are relevant;

- Objective ED09 – Protection of Natura 2000 sites and candidate sites
- Objective ED11 – Ensure extractive industry sites operate in accordance with best practice

Section 18.16 of the Plan sets out guidance for the management of quarries / extractive industry

5.1.2. Landscape

The appeal site is located within the landscape area 'Screen Hills' which is designated as a 'landscape of greater sensitivity' and these areas are generally more sensitive to development. (An appropriately detailed visual impact assessment is required to ensure that a development will not have an adverse visual impact on a landscape). The following policies are relevant;

- Objective L03 – Ensure developments are not unduly visible in the landscape
- Objective L04 – Require all developments to be appropriate in scale
- Objective LO5 – Prohibit developments likely to have adverse impacts on landscape

5.1.3. Environmental Management

Section 10.3 and 10.4 of the Plan provides guidance in relation to Air Quality and Noise Control respectively. The following policies are relevant;

- Objective AQ04 – Reduce dust and airborne emissions
- Objective N03 – Ensure new development does not result in unacceptable increase in noise level
- Objective N04 – Activities that give rise to excessive noise shall install mitigation measures

5.1.4. Natural Heritage

In relation to the heritage of protected sites the following policies are relevant;

- Objective NH01 – To preserve and protect the integrity of protected sites
- Objective NH02 – Recognise the importance of recommended protected sites, i.e. pNHA and County Geological sites

5.2. **Natural Heritage Designations**

5.2.1. The appeal is not located within a designated Natura 2000 Site.

However, there is a Special Area of Conservation, i.e. the Screen Hills, (site code 000708) located to the immediate south of the appeal site. This SAC has 2 no. qualifying interests and these include;

- Oligotrophic Waters
- Dry Heath

6.0 **National Guidelines**

6.1.1. The Quarries and Ancillary Activities Guidelines for Planning Authorities (April 2004) offers guidance to Planning Authorities on planning for the extractive industry through the development plan process and determining applications for planning

permission for quarrying and ancillary activities. The following sections are relevant to the current appeal.

- Section 3.4 outlines the potential environmental effects caused by quarrying on water supplies and ground water.
- Section 4.7 sets out possible planning conditions.
- Section 4.9 advises on the life of planning permission.

7.0 The Appeal

7.1. The following is the summary of a third-party appeal submitted by **Aidan Cash**;

- It is contended that there is a protected terrestrial mammal species identified in an adjacent field. This terrestrial mammal was identified in L.A. Ref. 2018/0234 and is located less than 100m from the proposed development and this protected mammal has not been planned for in the Ecology report.
- There are also concerns in relation to health and safety as there is no inappropriate signage displayed around the sand quarry site which connects to the appellants' father's land. This signage is required to deter unauthorised or accidental access.

7.2. The following is the summary of a third-party appeal submitted by the agents of **James and Elizabeth Cash**;

- It is contended that the current application the subject of the appeal is a rehash of an application already refused permission.
- It is submitted that the current application should be refused under Section 35 of the Planning and Development Act, 2000 (as amended) i.e. refuse planning permission for past failures to comply.
- The proposed development is located within the Screen Hills Landscape as such the proposed development is contrary to the following County Development Plan policy objectives;

- LO4 – Visual
 - LO5 – Minimise potential adverse impacts
 - L05 – Prohibit developments likely to have significant adverse impacts
 - ED09 – Prohibit extractive industry which would significantly impact on designated areas
- The proposal would create an unnatural feature in the landscape
 - The geological value of the Screen Hills is identified in Volume 3 of the Wexford County Development Plan, 2013 – 2019.
 - The proposed development is contrary to the following County Development Plan objectives;
 - Objective NH01 – Protect integrity of Natura 2000 site
 - Objective NH02 – Recognise the importance of the proposed NHA's and County Geological sites
 - It is contended that the proposed development is inconsistent with Section 18.16 of the Wexford County Development Plan, 2013 – 2019.

Observer related issues

- The mesh screens erected by the applicant are not effective as the sand particles are too fine.
- As such the existing quarry development is not in compliance with condition no. 19 of the L.A. Ref. 2008/2323.
- It is submitted that stockpiling has occurred at the upper limits of quarry which is inconsistent with condition no. 21 of the previous permission.
- Following periods of heavy / prolonged rainfall there has been sand ingress into the appellant's land by rivulet gullies forming down the elevated stockpile heaps.

Diminution of Agriculture land-use

- It is submitted that the adjoining tillage farm has been adversely affected.
- The deposition of sands across the more proximate areas from the quarry is a contributory factor in reduced plant rate success.
- Sand migration adversely affects baled silage.
- Pasture land has been adversely affected by sand deposits.
- The adverse impact of the quarry on adjacent lands was recognised in refusal reason no. 2 in L.A. Ref. 2016/0261.

Previous assessment by An Bord Pleanála

- There is a strong resemblance between the recently refused planning application and the current application before the Board.
- The Planning Inspector in appeal ref. 246680 concluded that given the greater sensitivity the potential for adverse visual impacts should be avoided rather than mitigated.
- The following points were also noted from the Planning Inspector's report;
 - National guidelines recommend that County Development Plan identify where quarrying will not normally be permitted.
 - The proposed development is contrary to County Development Plan policy objective ED09.
 - County Development Plan policy effectively emphasises that quarrying in the pNHA is to be permitted only in exceptional circumstances.
 - The appeal site is centrally located to a pNHA / cSAC.
 - No exceptional circumstances. The policies to protect the pNHA, which are in line with national policy guidance should be upheld and permission refused.

8.0 Responses

First Party Response

The following is the summary of a response submitted by the applicant's agent;

Aidan Cash Appeal

- The appellant attempts to link a recent refusal for a single rural house with the proposed quarry development. The single rural house was refused permission for a number of reasons but one of the reasons related to '*the absence of an ecological report as the application would fail to demonstrate that the proposed development would not impact on a protected species and its habitat*'. This application (20180234) did not include the required documentation as such permission was refused.
- The proposed quarry application included an EIAR which included an ecology chapter and AA Screening. The NPWS and Environment Dept. of Wexford County Council raised no concerns.
- The proposed / existing development is completely fenced off with neighbouring landowner. The applicant has no issue with placing additional signage along northern boundary.
- The HSE has no objections to the proposed development.

Elizabeth and James Cash Appeal

- It is contended that the current application addresses the refusal reasons of the previous application (appeal ref. 246680).
- The applicant has withdrawn the quarry extension from the high point and moved the quarry extension in southerly direction away from the appellant's property.
- As the quarry extension is moved away from the high points it will address the refusal reason that related to Development Plan landscape / visual policies, i.e. L03, L04, L05 and ED09.

- The upper most part of the application site has been moved c. 90 – 100m further south from the previous application boundary location to reduce visual impact.
- It is contended that the existing landforms at the site can be restored to existing levels. However this requires the importation of inert soils to the site. These proposals were discussed with GSI and as such the proposed development will not adversely impact on the geological heritage of the Screen Hills pNHA and therefore addresses policy objective ED09 of the County Development Plan.

Second Party Response

The following is the summary of a response submitted by the Local Authority;

- L.A. Ref. 2018/0234 relates to a one-off house and no ecological impact assessment was submitted with this application. The development was refused for a number of reasons.
- It is submitted that the topic of biodiversity and flora and fauna has been adequately addressed in Chapter 6 of the EIAR of L.A. Ref. 2017/1532.
- At the entry to the quarry there are a number of appropriate safety signs displayed in a conspicuous position.
- The Screen Hills are protected by County Development Plan policies such as NH02.
- An internal provisional report, dated 15/3/2009, notes the impracticalities of designating the entire Screen Hills area as an NHA due to its size.
- The ICH programme identified that the most prominent kames, in terms of elevation and scale, should be protected.
- The GSI concluded that subject to full restoration of the landform topography that the proposed development would not counter the goals of the IGH programme. This would be dependent on a successful application for an inert waste licence.

- The surface of the restored areas will be prone to preferential gullying during heavy rain. After a number of years this could result in scoured surface. The re-profiling measures mentioned in Sections 11.5.1 to 11.5.3 of the EIAR will need to be repeated after three years.
- GSI require that final restoration work is checked against the original topographical survey by Wexford County Council.
- The reduction in extraction from that previously proposed has now given additional separation distance of the quarry edge from adjoining landowners lands to the northern.
- In L.A. Ref. 2008/2323 the permitted extraction was only 20m from the boundary on elevated land. The proposed quarry is about 100m in places from this boundary.
- It is submitted that dust generation is addressed by mitigation measures.
- The applicant is largely compliant with the operating planning permission 2008/2223. The remaining outstanding bond was paid in 2018.
- There are no outstanding enforcement issues relating to the site.
- It is considered that there is sufficient information available to allow a decision to be made on the planning application.
- There are no adverse or residual impacts on the receiving environment predicted as a result of the proposed development.

9.0 **Assessment**

I would consider that the principle issues in this case are as follows;

9.1 Principle of Development

9.2 Planning Assessment

- Landscape and Visual Impact
- Ecology
- Health & Safety

- Section 35
- Stockpiling / loss of agricultural land
- Surface water run-off

9.3 Environmental Impact Assessment

9.4 Appropriate Assessment Screening

9.1. **Principle of Development**

- 9.1.1. The objectives of the use zoning in a development plan is to serve as a guideline for the control of development to achieve the goals set out in this plan. Usually where no specific use zoning is indicated, the primary use can be assumed to be that already existing in the area. In this instance the primary use in the vicinity of the appeal site is predominately agricultural uses and there is also a permitted sand quarry within the applicant's landholding.
- 9.1.2. Chapter 2 of the National Guidelines, 'Quarries and Ancillary Activities, Guidelines for Planning Authorities 2004', advises on development plan strategy and in this regard, it is advised that;
- In areas containing significant aggregate reserves these areas shall be acknowledged for their economic value.
 - Priority should be given to identifying the location of major deposits.
 - Quarries will not be permissible in areas of high landscape value
- 9.1.3. Section 6.4.5 of the Wexford County Development Plan, 2013 – 2019, acknowledges that extractive enterprises can make a significant contribution to the long-term economic well-being of the County and as such the Council will facilitate appropriately sited, designed and well managed extractive enterprises.
- 9.1.4. Policy Objective ED09 of the County Development Plan is relevant as it is an objective to prohibit extractive industry development that could significantly impact

on designated areas. Furthermore Section 18.16 'Extractive Industry' of the County Development Plan advises that the activity should not result in significant adverse impact on designated sites.

- 9.1.5. The County Development Plan sets out Landscape policies that would be relevant to the proposed development. I have referred to these policies in this report in Section 5.1.2 above. The local landscape is referred to as 'kame and kettle' and is characterised by gentle rolling hills and kettle hole lakes which were formed during the retreat of glaciers.
- 9.1.6. The impact that the proposed development would have local designated sites is also an important consideration. The appeal site is located within the Screen Hills pNHA and the eastern and western boundary of the appeal site adjoins the Screen Hills SAC (site code 000708). The Screen Hills SAC has two Annex I habitats consisting of 'Oligotrophic Lakes / Ponds' which are waters containing very few minerals and 'Dry Heath'. The County Development Plan sets out a number of policy objectives relative to these designations and this includes Objective NH01 (to preserve and protect the integrity of protected sites) and Objective NH02 (recognise the importance of recommended protected sites, i.e. pNHA and County Geological sites).
- 9.1.7. There are a several environmental issues that the applicant would have to adequately address to satisfy the Board that the proposed development would not adversely impact on these environmental designations. These environmental issues include noise, air, water, visual amenities and traffic. I will address these environmental issues in the Environmental Impact Assessment below.
- 9.1.8. The general principle of a sand and gravel quarry operating next to an established sand and gravel quarry is acceptable having regard to the Wexford County Development Plan, 2013 – 2019, and the national guidelines, 2004. However, I would consider that there are two specific tests that this application would have to

satisfactorily address. The application would have to address concerns in relation to landscape impacts and secondly concerns in relation to impacts that the proposed development would have on designated sites or a candidate designated site.

- 9.1.9. It is my view that the principle of the proposed quarry development on the subject site is generally acceptable provided the proposal would address concerns outlined above.

9.2. **Planning Assessment**

9.2.1. **Landscape and Visual Impact**

- 9.2.2. The recent planning history relates to appeal ref. 246680 (L.A. Ref. 2016/0261). This previously proposed development sought to continue and complete a quarrying development authorised under permission L.A. Ref. 2008/2323. The implementation of this permission was incomplete due to the downturn in the economy and the subsequent falling demand for sand and gravel reserves. The previous proposal sought to extend the sand pit westwards over an area of approximately 10 ha (approximately 9ha to be extracted).

- 9.2.3. The significant issue with this previous development was the impact that the proposed development would have on the local landscape as the landscape is designated 'Screen Hills Landscape of Greater Sensitivity' in accordance with the provisions of the County Development Plan. The Board refused permission for this previous development as it considered that the proposal would (a) materially contravene Policy ED09 and (b) would be contrary to Objectives L03, L04, L06 and Section 18.16 of the County Development Plan.

- 9.2.4. I have illustrated in table form below some of the key differences between the previously proposed development (appeal ref. 246680) and the current proposal as follows.

<u>Proposal</u>	<u>Appeal ref. 246680</u>	<u>Appeal ref. 301615</u>
Size of application site	15.02 ha	8.45 ha
Area of extraction	9.02 ha	5.83 ha
Annual extraction	125,000 tonnes	100,000 tonnes
Life of the Quarry	22 yrs.	20 yrs.
Maximum depth of extraction	37m A.O.D.	38m A.O.D.

9.2.5. The previous proposal included some fields situated to the north of the current proposal. These fields located to the immediate north are situated on higher ground. It is therefore important to note that the current proposal is situated on a slightly lower level than the most northern fields of the previous proposal. The omission of the northern fields from the proposed development would lessen the visual impact of the proposed development.

9.2.6. I have reviewed the landscape assessment submitted in the application documentation including the EIAR and I have set out an EIA in relation to landscape in Section 9.8 below. I have also had regard to the previous Board Order in relation to appeal ref. 246680 which permission was largely refused having regard to landscape impacts.

9.2.7. Overall, I would conclude that there are significant differences in the current proposal from the previous proposal. I would consider that the reduction in size of the proposed quarry development and the omission of the most northern part of the site combined with the proposed full restoration to pre-quarry level would address the previous refusal reasons. It is my view, based on a visual observation and the documentation available, that the proposed restoration would be an adequate mitigation measure to address potential adverse landscape and visual impacts.

9.2.8. Ecology

9.2.9. The proposed development would have implications for local habitats and a local designated area. The appeal site lies within the designated area 'Screen Hills' pNHA. The local landscape is characterised by rolling hills which are referred to as 'Kettle and Kame'. This landscape was formed in the retreat of the last ice age when glacial deposits were submerged into the landscape which created kettle hole lakes after the glaciers finally retreated.

9.2.10. The proposed quarrying development would effectively alter this landscape by the extraction activities. However, the proposed development includes an infill and restoration process which would effectively restore the landform to its original condition. This proposed restoration is phased and will begin after year no. 4 of the proposed extraction and will be fully complete 20 years after the commencement of the proposed quarry.

9.2.11. The proposed development will involve the removal of the following ecological habitats;

- Recolonising bare ground
- Improved agricultural grassland
- Improved acid grassland
- Scrub
- Hedgerows

9.2.12. However, none of these habitats are of national or regional importance and they would eventually be replaced or restored. I would note the submission on the file from the Geological Survey Ireland, dated 16th March 2018, which concluded that they were satisfied with the proposed restoration. The applicant refers to a nearby application which was refused permission due to inadequate documentation in relation to ecology. I would not consider that the refusal reason in the nearby

application would be a reason for refusing permission in this current case before the Board.

9.2.13. Overall, I would conclude that the proposed development would be acceptable and would not unduly impact of the ecology of the subject site. I have detailed an EIA in relation to ecology in Section 9.3.21 below and an Appropriate Assessment is set out in Section 9.3 below.

9.2.14. Health and Safety

9.2.15. I would note that there are concerns in relation to health and safety and the inadequate provision of signage and as such safety concerns. However, I would consider that this issue can be dealt with by condition, should the Board favour granting permission.

9.2.16. Section 35

9.2.17. I would acknowledge that the appellant claims the applicant has failed to deal with past failures. However, I would note that the outstanding bond is now fully paid in accordance with the additional information response. I would also consider that the appropriate mechanism to deal with unauthorised development is enforcement in accordance with the provisions of the Planning and Development Act, 2000 (as amended), and as the Board has no function in relation to Enforcement this would therefore be the responsibility of the Local Authority.

9.2.18. Surface Water run-off

9.2.19. The appellant outlines concerns in relation surface water run-off from the quarry development to their neighbouring land. This issue largely arose from run-off water from the stockpiling making its way onto the neighbouring land.

9.2.20. However, this issue is largely addressed by strategically placing the stockpiling at the lowest point of the quarry development and at the furthest point from the local receptors. The placing of the stockpiles at the lowest point would eventually prevent run-off to the neighbouring property.

9.2.21. Stockpiling / Loss of Agricultural Land

9.2.22. This issue will largely be addressed by placing the stockpiling at the lowest level of the development and at the furthest point from the local receptors. This will ensure the potential for windblown material is limited.

9.2.23. I would also note that the proposed development includes dust suppression during drought periods. The EIAR includes a number of mitigation measures to address concerns in relation to windblown sand or dust. Finally, the proposed development is set back an extended distance from neighbouring property relative to the previous application.

9.2.24. Overall, I would consider that having regard to proposed stockpiling and mitigation measures that issues in relation to impacts on neighbouring agricultural land are addressed.

9.3. **Environmental Impact Assessment**

9.3.1. **Introduction**

9.3.2. This section sets out an environmental impact assessment (EIA) of the proposed project. I have examined the information submitted by the applicant including the submitted EIAR as well as the written submissions made to the Board.

- 9.3.3. A single EIAR has been prepared in respect of the approved sand and gravel extraction. I am satisfied that the environmental impact of the proposed development is addressed under each environmental factor. A number of the environmental issues relevant to this EIA have already been addressed in the Planning Assessment at Section 9.2 above in this report. This EIA section of the report should therefore, where appropriate, be read in conjunction with the relevant parts of the Planning Assessment.
- 9.3.4. The application is accompanied by an Environmental Impact Assessment Report (EIAR) on the basis that it was considered by the applicant to come within Class 10 of the Fifth Schedule of the Planning and Development Regulations, Part 2(b), that being 'extraction of stone, gravel, sand or clay, where the extraction would be greater than 5 hectares'. The application was lodged on the 23rd of November 2017, and therefore, having regard to the provisions of Circular Letter PL1/2017, the subject application falls within the scope of the amending 2014 EIA Directive (Directive 2014/52/EU) on the basis that the application was lodged after the last date for transposition in May 2017. It does not however, fall within the scope of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018, as the application was lodged prior to these regulations coming into effect on 1st September 2018.
- 9.3.5. The impact of the proposed development is addressed under all relevant headings with respect to the environmental factors listed in Article 3(1) of the 2014 EIA Directive. The EIAR clearly sets out a case regarding the background to and need for the project (Chapter 3). The EIAR also provides detail with regard to the consideration of alternatives (Chapter 4). An overview of the main interactions is provided at Chapter 15 of the EIAR. Chapter 1, Section 1.6 details the main contributors / authors for each environmental factor and their qualifications. The competencies of the experts detailed in the EIAR are considered to be consistent with and appropriate to the requirements of the EIA and amending directive.

9.3.6. The content and scope of the EIAR is considered to be acceptable and in compliance with the requirement of Articles 94 (content of EIS) and 111 (adequacy of EIS content) of the Planning and Development Regulations, 2001 (as amended) and the provisions of the new amending directive.

9.3.7. **Alternatives**

9.3.8. The principle activities of the proposed development will include extraction and restoration of the existing landform. It is evident from the existing quarry operation, which has a permission till April 2019, and according to the application documentation, that there is a good reserve of sand and gravel. The quality of the sand reserve is reportedly high and this is supported by a number of submissions from commercial operators which are attached to the EIAR. The EIAR makes the case that the proposed quarry development is not foot lose on the basis of the existing quality of sands and gravel reserves and the significant capital investment already in place.

9.3.9. EIAR outlines that an alternative location for the proposed quarry would not be viable nor would it make best use of the existing reserves in the local area. The design of the proposed development provides for the full and entire restoration of the landform as currently exists on the site. The design is provided for through the import of inert soils which will be topped with the extracted stored burden and topsoil from the site. In the previous application (appeal ref. 246680) for a quarry extension permission was refused by the Board. It is proposed to address this refusal reason by extending the quarry westwards away from a sensitive receptor and reducing the scale of the extraction area.

9.3.10. The recent planning refusal on the applicant's site is the primary reason informing the location of the proposed development. The revised location is also an attempt to address concerns in relation to visual and landscape impacts as the proposal is situated at a lower level than the previous proposal.

9.3.11. I would conclude that having regard to the existing quarry operation that the options for the relocation of a quarry extension are limited relative to a start-up development. The applicant has revised the location / direction of the proposed extension having regard to issues pertaining to sensitive receptor and visual / landscape implications which arose in the previous application. The design proposal also includes a full landform restoration.

9.3.12. I would conclude having regard to the existing reserves and the capital investment that the consideration of alternatives are reasonable. The main reasons for choosing the proposed site are set out and have been properly assessed and are acceptable.

9.3.13. **Environmental Factors**

9.3.14. The Sections below address each of the environmental factors. The headings used in the EIAR are as follows:

- Population and Human Health
- Ecology
- Lands, Soils and Geology
- Hydrology and Hydrogeology
- Air Quality and Climate
- Noise and Vibration
- Landscape and Visual Impact Assessment
- Traffic and Transport
- Cultural Heritage
- Waste Management
- Interactions

The direct, indirect and cumulative effects of the proposed project on the specified factors is identified, described and assessed in the following sections. In this regard I have examined the EIAR and any supplementary information and the contents of submissions received.

9.3.15. **Population and Human Health**

9.3.16. Chapter 5 of the EIAR deals with Population and Human Health. The EIAR details the local population levels as relatively stable based on comparison census figures in 2011 and 2016. The proposed development would have slight impacts on air and climate, noise, landscape and visual, traffic, water and socio-economic impacts.

9.3.17. The proposed quarry would contribute to employment, both direct and indirect. The indirect employment would include sand related businesses such as turf laying and haulage companies contracted to transport the sand and gravel. The local air quality could be impacted by the dust and fuel emissions from the excavation which may impact on local residences and the environment. The local receptors include rural houses and the local settlement, i.e. Screen, which is located approximately 1km to the west of the subject site.

9.3.18. Additional generation of traffic is not anticipated as the annual extraction rate is capped at 100,000 tonnes per annum which is less than the current maximum rate of annual extraction. Operational impacts will include noise from the extraction and transportation along the local roads. Traffic and Transport impacts are assessed in Chapter 12 of the EIAR. The proposed development will alter the landscape ensuing visual impacts locally. Human health is also open to health and safety risks during construction phase and operation phase, i.e. development phase.

9.3.19. I note that existing mitigation measures for the established quarry in relation to air quality and noise will remain in operation and mitigation measures for the individual environmental considerations are further considered in their individual chapters of the EIAR.

9.3.20. In terms of cumulative impacts, there is potential for disruption to residents and to economic activity in the area due to noise, dust, landscape changes / visual impacts and traffic disruption associated with the proposed development. These potential impacts are addressed in detail under the headings of noise, air quality, landscape and traffic and transport in the relevant sections of the EIAR. I have considered all the written submissions made in relation to population and human health and the relevant contents of the file including the EIAR. I am satisfied that the potential for impacts on population and human health can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the potential for direct or indirect impacts on population and human health can be ruled out. I am also satisfied that cumulative effects are not likely to arise.

9.3.21. **Biodiversity**

9.3.22. Chapter 6 of the EIAR deals with ecology. The existing site, proposed for extraction, is arable farmland and is characterised by rolling landscape and referred to as 'kettle or kame' landscape created by retreating glaciers.

9.3.23. The appeal site itself is used as agricultural land for grazing and the site comprises of approximately 3 no. fields all lying to the immediate south of an internal access track. The 3 no. fields comprise of a larger field situated on the eastern side of the appeal site and two smaller fields situated on the western site of the subject site.

9.3.24. The field boundaries are comprised of mature hedgerows and the gradient the appeal site falls gently in a southwards direction. There is a depression, or the appearance of a small valley, located approximately in the centre of the subject site, roughly in the location where the boundaries of the 3 no. fields adjoin. There was no water body present in the depression at the time of my site inspection. The overall site contains no water body, pooling or stream / river within or adjoining the appeal site. In the south-west corner of the appeal site there are the remains of a disused house.

9.3.25. In terms of designations the appeal site is located within the Screen Hills pNHA and the western and eastern boundary of the appeal site adjoins the Screen Hills SAC (site code 000708). The Screen Hills SAC has two Annex I habitats and consisting of 'oligotrophic lakes / ponds' which are waters containing very few minerals' and 'dry heath'.

9.3.26. I noted from my site inspection that the primary vegetation on the appeal site was grassland and the established hedgerows. The submitted EIAR has identified a number of botanical habitats on the site and these include the following;

- Recolonising bare ground (ED3)
- Improved agricultural grassland (GA1)
- Improved acid grassland (GS3)
- Scrub (WS1)
- Hedgerows (WL1)

9.3.27. These habitats listed in the EIAR are not of national importance. However, the proposed development would involve the removal of these habitats. Potential impacts to biodiversity associated with the proposed development include disturbance of habitats and species, permanent habitat loss, modification and change of habitat composition over project life.

9.3.28. In terms of mammals the EIAR included survey work and a desk-top review of the local area. The survey work identified, rabbits primarily and some foxes. A badger was identified but there are no badger setts on the site. The appeal site would offer good commuting potential for these mammals.

9.3.29. There is limited potential for bat roosting on the subject site however the EIAR notes that the disused house situated to the south-west corner of the appeal site may offer some opportunities. However, following the bat survey, the EIAR concluded that

there was no evidence of bat activity at the disused house. The EIAR also noted that the large field sizes meant that bat activity is likely to be localised and occasional. The EIAR survey identified the presence of five bat species on the site and this is recorded in Table 6.6 of the EIAR. I would conclude that there is potential for bat commuting within the appeal site however there is no evidence of any habitats on site.

- 9.3.30. I would concur with the avian assessment as presented in Section 6.3.2.3 of the EIAR. An Annex I bird species, i.e. peregrine falcon, was identified in a site survey, however the EIAR notes that the appeal site would not offer typical nesting sites as nesting for the peregrine falcon tends to occur in rock quarries which tend to have steep cliff faces as opposed to sand and gravel quarry cliff faces.
- 9.3.31. Mitigation measures described in the EIAR include maintaining the field boundaries around the margins of the site which will facilitate continued wildlife mobility. Other measures include timing of development activities to ensure no clash with roosting birds / mammals and birds active in nocturnal period and habitat removal will be carried out outside the bird breeding season. Other measures relate to appropriate storage of topsoil, appropriate storage and disposal of edible and putrescible wastes. It is also intended to retain a portion of the exposed vertical sand face to encourage nesting sand martins.
- 9.3.32. I have considered all the written submissions made in relation to biodiversity and the relevant contents of the file including the EIAR. I am satisfied that impacts that are predicted to arise in relation to biodiversity are of a local scale and that these impacts can be avoided, managed and / or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of biodiversity. I am also satisfied that significant cumulative impacts are not likely to arise, and that approval should not be withheld on the grounds of such cumulative effects.

9.3.33. **Land, Soil and Geology**

9.3.34. Chapter 7 deals with Land, Soil and Geology. The EIAR describes that the assessment includes a desk top survey, site walkover, geological assessment, geotechnical, geomorphological assessment and consultations.

9.3.35. The proposed development will involve extraction and infill and the restoration of a landform. The local landscape is well drained low-lying hills used for grazing. The local landscape is defined by a glacial deposition feature (kame & kettle) which is effectively an undulating landscape. The scale of the extraction is 5.83 ha and is situated to the west of the existing quarry.

9.3.36. In terms of land there will be a direct loss of 5.83 area of existing farmland. The loss of agricultural land will effectively be for a period of 20 years until the existing landform is fully restored.

9.3.37. In relation to soil a direct impact of the proposed development would be the removal of soil as part of the excavation. Prior to the extraction of sand, the upper 3.3m of soil will be stripped and stored on site and used for progressive restoration. There are also activities associated with the compaction of soil due to haulage vehicles travelling from the quarry to their onward destination. The contamination of soil could be caused during operation stage by hydrocarbon leaks. A hydrocarbon leak would have negative short-to-medium term moderate impact on the vegetation and earth materials on-site. The first 3 no. years of the proposed development will be solely excavation and in year no. 4 the filling of the landscape will commence on a phased basis. The filling of the site will be from inert soil and the EIAR outlines that all imported inert soil will be imported from pre-approved external sites.

9.3.38. The overburden excavation will consist of about 3.3m in depth, i.e. 0.3m topsoil and 3m sandy soil which will be reused for the infill during the restoration phase. The maximum depth of the proposed quarry will be 38m AOD. The proposal will entail that any excavation will be a minimum of 5m above the water table at all times

9.3.39. The mitigation measures relate to the stability of the temporary cliff faces, removal of overburden in favourable climatic conditions, controls on refuelling machinery, maintenance of machinery, detailed quality control of imported inert soil and full restoration of landform.

9.3.40. I am satisfied that the impacts that are predicted to arise in relation to soil and geology are of a local scale and that these impacts can be managed and / or mitigated by measures that form part of the operation of the proposed development, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of soils and geology. I am also satisfied that significant cumulative impacts are not likely to arise, and that approval should not be withheld on the grounds of such cumulative effects.

9.3.41. **Hydrology and Hydrogeology**

9.3.42. Chapter 8 of the EIAR deals with Hydrology and Hydrogeology. The EIAR describes that Newtown Formation underlies the proposed area for excavation and is classified by the GSI as a 'poor aquifer' – bedrock which is generally unproductive except for local zones. There are no water bodies on the appeal site nor are there any streams / rivers flowing along any of the boundaries of the appeal site.

9.3.43. It is proposed that the annual excavation rate will be 100,000 tonnes per annum and it is also proposed that the depth of the quarry will be 38m AOD. The proposal will entail that any excavation will be a minimum of 5m above the water table at all times.

9.3.44. In relation to surface water the sandy soil present on the site ensures good permeability as such surface water will flow towards the ground water. This will ensure that there are no ground water flood risks or pooling of water on site. Section 8.6.6 of the EIAR outlines that the results of ground water monitoring show ground water is generally good quality. I would note that there are no water supply

requirements required on site as washrooms and toilets are provided on a nearby farm.

9.3.45. The EIAR describes that there is limited potential for the generation of surface water from the proposed excavation due to the permeability of the existing soils. There is potential for imported surface water runoff from the imported inert soil to impact on ground water quality and the surface water of a local stream. There are possible impacts on ground water quality due to the risk of contamination or accidental oil spillage during the operational phase.

9.3.46. A principle mitigation measure will be a design which ensures that the maximum depth of the proposed excavation will be 5 metres above the water table. There will be no impact on ground water quantity as the maximum depth of the proposed excavation will be 38m A.O.D. which is 5m above water table at all times. There will also be mitigation by avoidance as there is no discharge to surface waters and other mitigation measures include refuelling off-site, wheel-wash facility, sensitive storage of overburden material and monitoring of ground water.

9.3.47. In terms of cumulative impacts, there are no other large-scale developments proposed in the immediate vicinity of the site or other quarrying activities in close proximity. Having regard to the mitigation measures proposed, I consider that the likelihood for cumulative impacts is negligible. I have considered all of the written submissions made in relation to hydrology and hydrogeology and the relevant contents of the file including the EIAR. I am satisfied that the impacts identified would be avoided by implementation of the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of water and that cumulative effects are not likely to arise.

9.3.48. **Air Quality & Climate**

9.3.49. Chapter 9 of the EIAR relates to Air Quality and Climate. The EIAR includes details of local meteorological conditions.

9.3.50. There is an existing quarry on site and as such there are established measures to mitigate adverse impacts on air quality and climate.

9.3.51. The proposed quarry will include a number of operational impacts and these include the following;

- Extraction from mechanical excavators
- Screening of excavated material
- Internal haulage of extracted material
- Stockpiling of material

9.3.52. In relation to air quality the primary implications of the proposed development are dust generation resulting in dust particles becoming airborne and this is dependent on meteorological conditions such as wind and precipitation. Dust generation may occur at the proposed development site due to the removal of the overburden, excavation, the loading of the aggregates and the re-suspension of dust during the movement of vehicles on-site.

9.3.53. In relation to impacts on climate the vehicle movement to and from the site will give rise to CO₂ emissions which is a harmful gas contributing to global warming.

9.3.54. In relation to the impacts on air quality it is relevant to consider the operations at the proposed quarry site. It is anticipated that the proposed quarry operation will extract a maximum of 100,000 tonnes of material per annum from the 5.83 (ha) site.

9.3.55. Therefore, in relation to air quality there is significant potential for dust generation. Dust monitoring was undertaken on the environs of the site as indicated in Figure 9.2 of the EIAR. The results of the dust monitoring are illustrated in Table 9.3 of the EIAR and it is evident that the values recorded are significantly below the limit value of 350mg/(m²*day). The proposed development will be similar to the existing development however the annual extraction rate will be less than is currently permitted.

9.3.56. The mitigation measures will include limiting speed limits, spraying of haul routes, a pumped water wheel and underbody washing facility installed of the entrance / exit gate, a fixed sprinkler system installed at the exit gate, all plant and stockpiles to be situated at the lowest level of the extraction area, road sweeping and appropriate covering of extracted material.

9.3.57. I have considered all of the submissions made in relation to air quality including the EIAR. Having regard to the above, I am satisfied that impacts in relation to air quality would be avoided, managed and/or mitigated by measures that form part of the proposed development, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of cultural heritage. I am also satisfied that significant cumulative impacts are not likely to arise and that approval should not be withheld on the grounds of such cumulative effects.

9.3.58. **Noise and Vibration**

9.3.59. Chapter no. 10 deals with Noise and Vibration. The EIAR includes a noise prediction modelling. I note that that the background noise at the noise sensitive locations is consistently 40.5dB, however the development noise at the NSL's ranges from 46.4dB to 54.1dB. Therefore, in some cases there is a significant increase in noise relative to the established background noise.

- 9.3.60. There is an established working quarry and established on-site activities include excavator, material screening, loading and vehicle movements along internal haul routes. The existing working quarrying is close to completion and the established quarry face provides attenuation of noise generating activities described above.
- 9.3.61. I would note from the EPA guidelines 'Guidelines for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4)', 2016, that the typical limit value for noise from licensed sites is 55dB.
- 9.3.62. I noted from my site inspection that the quarry development noise was not audible from the wider area. In terms of assessing the noise impacts of the existing quarry I used Figure 10.1 of the EIAR as a reference. From a point west of NSL1, and the locations NSL1, NSL4 and NSL3 the existing operation of the quarry was not audible at the time of my site inspection.
- 9.3.63. The mitigation measures include the application of sound reduction techniques. These include limiting the operational activities to avoid night time noise and operations are prohibited on Sunday and after 1pm on a Saturday. Other measures include placing the stockpiling between noise generation and receivers, use of dampening techniques, the use of rubber pads for vibrating plant, lubrication of machinery and regular visual inspections and maintenance.
- 9.3.64. There are no cumulative impacts anticipated with no other extractive industry sites within proximity to the appeal site or other large-scale activities that would generate significant noise impact. I have considered all of the submissions made in relation to noise including the EIAR. Having regard to the above, I am satisfied that impacts in relation to noise would be avoided, managed and/or mitigated by measures that form part of the proposed development, by the proposed mitigation measures and with suitable conditions including set level values. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise I am also satisfied that significant cumulative impacts are not likely to

arise and that approval should not be withheld on the grounds of such cumulative effects.

9.3.65. **Landscape and Visual Impact Assessment**

9.3.66. Chapter 11 of the EIAR deals with Landscape and Visual Impact. The established landscape is kettle and kame characterised by gentle rolling hills and kettle hole lakes. The proposed extraction would have a significant impact on the local landscape in the short to medium term. I would acknowledge, in accordance with the provisions of the County Development Plan, that the appeal site is located within a designated landscape area 'Screen Hills' which is afforded the designation of '*landscape of greater sensitivity*'. These areas are generally more sensitive to development.

9.3.67. The life of the proposed development is 20 years. It is proposed to extract 100,000 tonnes of material annually for 14 years. The top 3.3 metres (0.3m topsoil and 3m sandy topsoil) of the proposed excavation will be removed and stockpiled locally for the restoration phase. The proposed restoration will be phased and will commence at year no. 4 and will continue alongside the excavation for years no. 4 – 14. The proposed development will solely consist of restoration in the years 15 – 20. It is intended that full restoration levels will match the original (i.e. non-quarried) ground surface.

9.3.68. Figure 11.8 'Bare Ground' of the EIAR outlines a map within a 5km radius of the appeal site. This map indicates the 'theoretical visibility' of the appeal site over distances up to 5km from the appeal site. It is evident from the map that a significant portion of site is visible from the west of the appeal site. It is also important to note that this is a 'bare ground map' and therefore takes no account of existing vegetation including hedgerows which are likely to impede on visibility of the appeal site within a 5km radius.

- 9.3.69. The principle landscape mitigation measures will include filling and restoration to pre-quarry level. This will involve the importation of inert soil for filling and the reuse of the existing overburden which will be stockpiled on site during excavation.
- 9.3.70. The EIAR included a photomontage booklet which assesses the visual impact of the proposed development from 9 no. viewing points. A 'Landscape Value and Sensitivity' assessment was used to categorise the receiving landscape and a 'magnitude of landscape impacts' was used to assess the impact on the landscape. The results of the two assessments were used to form a matrix which identified overall impacts which are recorded in Table 11.3 of the EIAR.
- 9.3.71. In terms of visual impacts, I visually inspected the site from the local roads to determine the visibility of the existing and proposed development from the local area. I noted that there was limited visibility of the existing quarry development and the adjoining appeal site from the local road situated to the west of the appeal site. There was also limited visibility of the subject site from the south of Screen village and also from the road to the south of the appeal site. I also noted that there was no visibility of the appeal site from the local road to the north of the appeal site. The lack of visibility of the appeal site is largely due to the nature of the local landscape, i.e. rolling hills.
- 9.3.72. The submitted photomontages demonstrated that the site was partially visible from the local road to the south and west. However, the photomontage document also illustrated that the landscape restoration proposed would ensure that overall visual impact was low-negligible. The 9 no. views returned a visual impact of generally negligible after 20 years. I have also had regard to the supplementary photomontage booklet and I would consider, based on these photomontages, that the visual impacts from the wider area are not significant.
- 9.3.73. In terms of cumulative impact there are no similar quarrying activities in close proximity to the site or similar large-scale activities in the vicinity. I have considered all of the written submissions made in relation to landscape and visual impacts

including the EIAR. I am satisfied that landscape and visual impacts would be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect landscape and visual impacts and that significant cumulative impacts are not likely to arise.

9.3.74. **Traffic and Transport**

9.3.75. Chapter 12 of the EIAR deals with Traffic and Transport. A significant feature of the proposed quarry extension is hauling / transporting excavated material from the site. The proposed development also includes the importation of inert soil which will also require the movement of lorries along local access roads.

9.3.76. There is an established vehicular access serving the existing quarry. This vehicular access is off the L-7003-1, which is a local access road connecting the quarry to Screen village. There is an established quarry in use and the annual extraction rate is 125,000 tonnes per year whereas the proposed extension quarry extraction rate is 100,000 tonnes per year.

9.3.77. The EIAR sets out traffic modelling projections for the proposed quarry. It is estimated that the annual average daily traffic is approximately 44 vehicles (including staff movements). I would note there are no objections to traffic and transport elements of the proposed development from the Local Authority.

9.3.78. I would note, as stated in the EIAR, that the traffic generation from the proposed quarry extension would be less than the existing quarry development. As such I would consider existing vehicular entrance and local road network would accommodate the proposed development.

9.3.79. I have considered all of the submissions made in relation to traffic and transport including the EIAR. Having regard to the above, I am satisfied that impacts in

relation to traffic and transport would be avoided, managed and/or mitigated by measures that form part of the proposed development, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of traffic and transport. I am also satisfied that significant cumulative impacts are not likely to arise and that approval should not be withheld on the grounds of such cumulative effects.

9.3.80. **Cultural Heritage**

9.3.81. Chapter 13 of the EIAR describes the effects of the proposed development on cultural heritage. The EIAR assessment of cultural heritage included a desk-top review of archaeological sources and a field inspection.

9.3.82. In relation to cultural heritage there are no recorded archaeological sites, architectural heritage or cultural heritage within the proposed development site. In relation to cultural heritage the proposed development is not likely to have any direct / indirect impacts on archeological sites given the context of the appeal site however there is the potential during the construction stage of the proposed development impacting on unknown archaeological environment and in this instance, I would recommend archaeological monitoring conditions to any grant of permission, should the Board favour granting permission.

9.3.83. The mitigation measures recommended in the EIAR include that all ground disturbances, such as topsoil stripping, be monitored by a suitably qualified archaeologist.

9.3.84. I have considered all of the submissions made in relation to cultural heritage including the EIAR. Having regard to the above, I am satisfied that impacts in relation to cultural heritage would be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed

development would not have any unacceptable direct or indirect impacts in terms of cultural heritage. I am also satisfied that significant cumulative impacts are not likely to arise and that approval should not be withheld on the grounds of such cumulative effects.

9.3.85. **Waste Management**

9.3.86. The overburden (consisting of topsoil and subsoil (i.e. 3.3m in depth) will be extracted and not transported off site. This topsoil and subsoil will be stockpiled on site and used in the reinstatement works as required. The EIAR concludes that the stockpiled topsoil and subsoil is not waste and constitutes a valuable material.

9.3.87. The existing quarry will extract approximately 125,000 tonnes per annum. The proposed quarry will extract less than this extraction rate as such the overall impact is less.

9.3.88. I have considered all of the submissions made in relation to cultural heritage including the EIAR. Having regard to the above, I am satisfied that impacts in relation to cultural heritage would be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of cultural heritage. I am also satisfied that significant cumulative impacts are not likely to arise and that approval should not be withheld on the grounds of such cumulative effects.

9.3.89. **Interactions**

9.3.90. Chapter 15 relates to interactions between the various components analysed in the EIAR. The various interactions identified are...

- Human beings and air

- Human beings and noise
- Human beings and landscape
- Human beings and Water
- Human beings and Traffic
- Biodiversity and Air
- Biodiversity and Landscape
- Soils/Geology and Water
- Soils/Geology and Landscape
- Soils/Geology and Cultural Heritage
- Air / Climate and Traffic and Transport
- Noise and Traffic and Transport
- Landscape and Cultural Heritage

9.3.91. I have considered the interrelationships between factors and whether these may as a whole affect the environment, even though the effects may be acceptable when considered on an individual basis. Table 15.1 of the EIAR provides a matrix of the impact interactions. The potential arises for population and human health to interact with other factors including biodiversity, land, soil, water, air and climate, traffic and transport, cultural heritage and the landscape. Biodiversity could impact on land, soil, water, air and climate. The details of all other interrelationships are set out under Table 15.1, which I have considered and are noted above.

9.3.92. I am satisfied that effects as a result of interactions, indirect and cumulative effects can be avoided, managed and / or mitigated by the measures which form part of the proposed development, the proposed mitigations measures detailed in the EIAR, and with suitable conditions. There is, therefore, nothing to prevent the approval for the development on the grounds of significant effects as a result of interactions between the environmental factors and as a result of cumulative impacts.

9.3.93. Reasoned Conclusion on the Significant Effects

9.3.94. Having regard to the examination of environmental information contained above, to the EIAR and supplementary information provided by the applicant and the submissions from the observer and prescribed bodies, the contents of which I have noted, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Impacts on **population and human health** as a result of **noise, dust and traffic during** the operational phase. The potential impacts would be mitigated by mitigation measures, such as the limiting of hours and appropriate emission limit values.
- Impacts on **Biodiversity** are likely to arise due to the removal of habitat and disturbance associated with noise and human activity on site. The impacts arising from the removal of habitat and disturbance would be mitigated by progressive restoration of the site to full restoration.
- **Landscape and Visual** impacts would arise on the landscape from the extraction area proposed. The full restoration to pre-quarry level would mitigate potential adverse landscape and visual impacts.
- **Positive significant impacts** would arise during the operational phase and benefits would include employment and economic benefits.

9.4. Appropriate Assessment Screening

9.4.1. The following Natura 2000 designated sites are located within a 10km radius of the appeal site.

Designated Site	Site Code	Distance (km)
Screen Hills SAC	000708	0
The Raven SPA	004019	2.3

The Wexford Harbour & Slobs SPA	004076	2.3
Raven Point Nature Reserve SAC	000710	3.7
Slaney River Valley SAC	000781	4.9
Long Bank SAC	002161	9.1
Kilmuckridge-Tinnaberna SAC	001741	10.1
Blackwater Bank SAC	002953	10.3

9.4.2. The submitted AA Screening assessment outlines that there is no hydrological pathway from the appeal site to the following designated sites;

- The Long Bank SAC
- Blackwater Bank SAC
- Kilmuckridge-Tinnaberna SAC
- The Sand Point Nature Reserve SAC

9.4.3. There is a hydrological link to the Wexford Harbour and Slobs SPA and Slaney River Valley SAC via draining groundwater. The proposed development is located approximately 0.3km north-east from the source of Glenbough Stream. The stream is likely fed by groundwater. The Glenbough Stream joins the Sinnottsmill River which in turns flows to the River Sow and eventually to the north-east channel of the lower estuary and Slaney River at Wexford Harbour. However, having regard to environmental controls as outlined in Section 4.1 of the EIAR the potential for adverse impacts on groundwater are limited. Some relevant environmental controls include ground water monitoring and re-fuelling off site. The nature of the proposed development would ensure that there is limited run-off water potential. It is important

to note that any surface water run-off would largely flow towards ground water as the site itself, given the sand and gravel nature, is highly permeable.

- 9.4.4. The subject site has no hydrological links to The Raven SPA however the proposed development has the potential to impact on designated water birds through disturbance or replacement. It is important to note that the proposed development will not include any lighting nor does the proposed development include blasting as the quarry relates to sand extraction only. The absence of lighting and blasting would generally ensure limited impact on the SPA and also allowing for the separation distance of approximately 2.3km it is unlikely that the proposed development would adversely impact on the SPA.
- 9.4.5. The appeal site is located immediately north of a designated SAC, i.e. Screen Hills SAC (site code 000708). The eastern boundary of the easternmost field adjoins the SAC and two smaller fields situated on the western side of the appeal site also adjoin the boundary of the SAC.
- 9.4.6. The qualifying interests for the Screen Hills SAC are as follows;
- Oligotrophic Waters
 - Dry Heath
- 9.4.7. I noted from my site inspection that none of these oligotrophic lakes / ponds are located along the boundary of the appeal site. These lakes are effectively referred to as kettle hole lakes found in hollows between small hills. The level of nutrients in these lakes / ponds is generally low as such algae production is low which allows for clear waters. The waters can be influenced by nutrient input from adjoining land. Some of the plant species found in these lakes can be rare in Ireland. Windblown sand would only have a limited impact on these lakes.

- 9.4.8. The second qualifying interest is a dry heath. A heath vegetation is a shrubland habitat found mainly on free-draining infertile land. I noted from a visual observation of the appeal site that none of this type of vegetation was visible on the appeal site or adjoining the appeal site.
- 9.4.9. The proposed development involves the extraction of sand and gravel deposits to a maximum depth of 38 A.O.D. It is proposed that the maximum extraction will be a minimum of 5m above the water table. In addition, I would note that the top 3.3m of overburden will be removed and stockpiled on the site for the restoration phase. The permeability of the sand deposits will be high and as such limited surface water runoff is expected from the excavation. There is a potential for imported surface water runoff from the imported inert soil to impact on ground water quality and surface water for a local stream. However, the importation of this inert soil will be imported from pre-approved external sites and will be subject to characterisation testing prior to arrival and visual inspections at the quarry.
- 9.4.10. The local authority completed an AA Screening Report which concluded no element of the proposed project alone or in combination is likely to give rise to any impacts on the Natura 2000 sites. The Local Authority concluded that significant impacts can be ruled out and a Stage 2 AA is not required. It is also important to note that in the previous appeal (appeal ref. 246680) that the reporting Inspector and the Board determined that the then proposed quarry, larger in scale than the current proposal, would not be likely to have a significant effect on any European Sites and as such an Stage 2 AA was not required.
- 9.4.11. It is reasonable to conclude that based on the information on the file, which I consider adequate 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 any European Sites, i.e. site code 000708, site code 004019, site code 004076 and site code 00781, in view of the sites conservation objectives and a stage 2 AA is therefore not required.

10.0 Recommendation

10.1. I recommend a grant of permission subject to the following conditions.

11.0 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,
- b) the provisions of the Planning and Development Regulations, 2001, as amended,
- c) the 'Quarries and Ancillary Activities, Guidelines for Planning Authorities', issued by the Department of the Environment, Heritage and Local Government, in April 2004,
- d) the provisions of the Wexford County Development Plan 2013 – 2019,
- e) the Environmental Impact Assessment Report submitted with the application to develop the quarry,
- f) the Appropriate Assessment Screening Report submitted with the application to develop the quarry,
- g) the nature and scale of the development the subject of this application to develop the quarry,
- h) the planning history of the site,

Environmental Impact Assessment

The Board had regard to the Environmental Impact Assessment Report submitted with the application, and completed an Environmental Impact Assessment in relation

to the proposed development in question, and considered that the assessment and conclusions of the Inspector's Report were satisfactory in identifying the environmental effects of the development to be undertaken. The Board adopted the Inspector's Report and agreed with the Inspector's conclusions in relation to the acceptability of mitigation measures and residual effects, which would be acceptable on the environment.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board, accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of 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 Wexford Harbour and Slobbs SPA (004076) and Slaney River Valley SAC (000781), Screen Hills SAC (site code 000708), The Raven SPA (site code 004019) or any other European site, in view of the site's Conservation Objectives.

Conclusion

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health or would not pose an unacceptable risk of environmental pollution. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 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 details submitted on the 21st day of February 2018, 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. Mitigation and monitoring measures outlined in the Environmental Impact Assessment Report submitted with this application, shall be carried out in full, except where otherwise required by condition attached to this permission.

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

3. This grant of planning permission for further extraction of sand & gravel, relates only to the areas outlined on the drawings submitted on the 23rd day of November 2017 and the 21st day of February 2018. All extraction and processing operations on site shall cease 20 years from the date of the grant of permission. All plant and machinery shall cease operation and shall be removed from site within 20 years of the date of this grant of planning permission. Restoration of the site shall be in accordance with the restoration plan submitted on the 23rd day of November 2017 and as amended by the further plans received on the 21st day of February

2018 and shall be completed within 20 years of the date of grant of permission unless, prior to the end of that period, planning permission is granted for the continuance of use.

Reason: In the interests of orderly development and to ensure the appropriate restoration of the site.

4. (a) The phasing of extraction on site shall as indicated in the phasing plan submitted and the extraction volumes on site shall not exceed 100,000 tonnes per annum. (b) The maximum depth of extraction shall be 38M A.O.D.

Reason: In the interest of clarity and to limit the extent of the development to the extraction level proposed.

5. No extraction of aggregates shall take place below the level of the water table and shall be confined to a minimum of 5m above the winter water table level as specified.

Reason: To protect groundwater in the area.

6. Final restoration contours shall match the original topographical survey submitted to Wexford County Council on the 21st February 2018. Upon completion of restoration the applicant shall submit to Wexford County Council Planning Section for their written agreement a digital topographical survey of the final restored contours.

Reason: To ensure full restoration of the landscape.

7. The applicant shall submit to the planning authority evidence of having obtained the required EPA Licence to allow for the importation of inert fill material to carry out the restoration works. In the event of an EPA waste licence not being in place by the end of the third year of extraction no further extraction works shall be carried out and the planning authority shall be notified and restoration proposals shall be submitted for their agreement prior to closure of the quarry.

Reason: In the interests of orderly development, having regard to Section 34 (n) of the Planning and Development Act, 2000 (as amended).

8. The developer shall facilitate the preservation, recording and protection of archaeological materials or features which exist within the site. In this regard, the applicant is required to engage the services of a suitably qualified archaeologist to monitor all topsoil stripping within this site. Having completed this initial monitoring, the archaeologist shall submit a written report to the Planning Authority and to the National Monument Section of the Department of Culture, Heritage and the Gaeltacht. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required. In the event of archaeological material being uncovered during the course of such monitoring, the archaeologist shall have works ceased in the vicinity of such material pending receipt of advice from the National Monuments section of the Department of Culture, Heritage and the Gaeltacht with regard to additional mitigation measures that may be required and these requirements shall be implemented in full. Following completion of all monitoring and other possible archaeological investigation the archaeologist shall prepare a report for submission to the Planning Authority and the Department of Culture, Heritage and the Gaeltacht.

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.

9. 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 commencement of development. This shall include proposals for the following:

- (a) suppression of on-site noise,
- (b) on-going monitoring of sound emissions at dwellings in the vicinity,
- (c) suppression of on-site dust,
- (d) safety measures for the land above the extended quarry void; to include warning signs and stock-proof fencing/hedgerows,
- (e) management of all landscaping,
- (f) monitoring of ground and surface water quality, levels and discharges,
- (g) details of site manager, contact numbers (including out-of-hours) and public information signs at the entrance to the site.

Reason: In order to safeguard local amenities.

10. No groundwater or surface water shall be discharged to the adjoining road network, or to adjacent lands.

Reason: In order to protect groundwater and surface water quality in the area, and in the interest of traffic safety.

11. (a) Activities at the site shall not give rise to noise levels off-site, at noise sensitive locations, which exceed the following sound pressure limits (Leq,T):

Day 55dB(A)LAeq(30 minutes) (08:00 hours to 22:00 hours).

Night 45dB(A)LAeq(30 minutes) (22:00 hours to 08:00 hours).

Noise levels shall be measured at the noise monitoring locations. Monitoring results shall be submitted to the Planning Authority on a quarterly basis per year.

(b) There shall be no tonal or impulsive noise at noise sensitive receptors during night-time hours due to activities carried out on site.

Reason: To control emissions from the facility and provide for the protection of the environment.

12. All HGVs departing the quarry void shall do so via a wheel-wash. 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.

13.

(a) Dust levels at the site boundaries shall not exceed $350\text{mg}/\text{m}^2/\text{day}$, averaged over a continuous period of 30 days (Bergerhoff Gauge).

(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 commencement of any quarrying works on the 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 amenities of the area.

14. The site shall be effectively secured at all times with appropriate warning signage displayed to prevent and deter unauthorised or accidental access. The access gate shall be closed and locked when there is no authorised person at the quarry.

Reason: In the interest of public safety and proper planning and sustainable development.

15. The quarry extension shall only operate between 0800 hours and 1800 hours, Monday to Friday and between 0900 hours and 1400 hours on Saturdays. The internal operation of the mortar batching plant, bagging hall and storage hall and the tile manufacturing plant are the only operations allowed to be accrued out outside of these specified hours.

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

16. The developer shall submit, every second year, for the twenty-year lifetime of the permission to further develop the quarry, an aerial photograph which adequately enables the planning authority to assess the progress of the phases of extraction. The first such shall be submitted two years from the date of this order.

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

17. a. The developer shall monitor and record groundwater, surface water flow, noise, ground vibration, and dust deposition levels at monitoring and recording stations, the location of which shall be agreed in writing with the planning authority prior to commencement of development. Monitoring results shall be

submitted to the planning authority on an annual basis for groundwater, surface water, noise and ground vibration.

b. On an annual basis, for the lifetime of the facility (within two months of each year end), the developer shall submit to the planning authority five copies of an environmental audit. Independent environmental auditors approved of in writing by the planning authority shall carry out this audit. This audit shall be carried out at the expense of the developer and shall be made available for public inspection at the offices of the planning authority and at such other locations as may be agreed in writing with the authority. This report shall contain:

(i) A written record derived from the on-site weighbridge of the quantity of material leaving the site. This quantity shall be specified in tonnes.

(ii) An annual topographical survey carried out by an independent qualified surveyor approved in writing by the planning authority. This survey shall show all areas excavated and restored. On the basis of this a full materials balance shall be provided to the planning authority.

(iii) A record of groundwater levels measured at monthly intervals.

(iv) A written record of all complaints, including actions taken in response to each complaint.

(c) In addition to this annual audit, the developer shall submit quarterly reports with full records of dust monitoring, noise monitoring, surface water quality monitoring, and groundwater monitoring. Details of such information shall be agreed in writing with the planning authority. Notwithstanding this requirement, all incidents where levels of noise or dust exceed specified levels shall be notified to the planning authority within two working days. Incidents of surface or groundwater pollution or incidents that may result in

groundwater pollution, shall be notified to the planning authority without delay.

(d) Following submission of the audit or of such reports, or where such incidents occur, the developer shall comply with any requirements that the planning authority may impose in writing in order to bring the development in compliance with the conditions of this permission.

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

18. No blasting shall take place on site.

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

19. 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.

20. 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 restoration 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.

Kenneth Moloney
Planning Inspector
30th January 2019