



An
Bord
Pleanála

Inspector's Report ABP305461-19

Development	25 year permission for continuation of use of quarrying activity and processing of rock, construct a crushing, screening and washing plant, landscaping, restoration of quarry on completion of quarrying, all associated works.
Location	Balleese Wood, Rathdrum, County Wicklow.
Planning Authority	Wicklow County Council.
Planning Authority Reg. Ref.	18/972.
Applicant(s)	Plazamont Limited/Dan Morrissey & Co.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party.
Appellant	Vincent Gleeson.
Observers	None.
Date of Site Inspection	27 th August 2020.
Inspector	Hugh Mannion.

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
4.0 Planning History.....	10
5.0 Policy Context.....	10
6.0 The Appeal	13
6.1. Grounds of Appeal	13
6.2. Applicant Response	13
6.3. Planning Authority Response	14
6.4. Observations	14
6.5. Further Responses.....	14
7.0 Assessment.....	14
8.0 Environmental Impact Assessment.....	22
9.0 Reasoned Conclusions.....	42
10.0 Appropriate Assessment.....	43
11.0 Recommendation	49
12.0 Reasons and Considerations	49

1.0 Site Location and Description

- 1.1. The application site has a stated area of 35ha and is part of a larger quarrying operation of about 45ha at Balleese Wood, Rathdrum, County Wicklow. The site is irregularly shaped but very generally can be thought of as having a western boundary along the Dublin/Rosslare railway line and the Avonmore River. To the southeast is a stream which passes under the railway line into the Avonmore River and east of the stream is woodland outside the application site. To the northeast is agricultural land. The site is accessed from the north over a sequence of roads. The first is the R752 Rathdrum to Gleanely Road. The next, the L1152, has a junction with the R752 beside a bridge over the Dublin/Rosslare railway and this local road continues south east to a junction with the L5151. About 1km south along the L5151 it takes a sharp right turn to the east and at this point there is a junction with a minor road which, about 300m further south gives access to the application site. Within the application site is a further internal road which runs south parallel to the Avonmore River and the railway line. The area is rural in character with houses adjoining the local road network. Both the L1152, the L5151 and quarry access roads are narrow without median lines or footpaths.
- 1.2. Within the site an internal road gives access to staff carparking, site offices and a weighbridge. Quarrying activity is being carried out and there are extensive areas of worked out quarry floor with stockpiles of aggregate set aside. To the east of the access road is a block plant and block storage area and south of this an asphalt plant. There are is a surface water pond/sump from which water is pumped up-hill to settlement lagoons in the southern triangle of the site. Avondale House, the former residence of Charles Stewart Parnell is located to the southwest on the other side of the railway and river. Rathdrum village is about one km to the northwest.

2.0 Proposed Development

- 2.1. The application refers to a 25 year permission for the continuation of quarrying activity including extraction and processing of rock by drilling, blasting, crushing, screening and washing on 35ha, erection of a fixed crushing, screening and washing

plant, landscaping of the quarry during operational phase and restoration of the quarry on completion of extraction and all associated ancillary facilities and works at Balleese Wood, Rathdrum, County Wicklow.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to 27 conditions.

Condition 2 granted an extraction period of 25 years and a further 2 years for landscaping/reinstatement.

Condition 6 required a special contribution towards road improvement works to the local road network.

Condition 8 required that quarry works finish a minimum of 4m above the water table.

Condition 9 required that only clean uncontaminated surface water be discharged to surface waters. Water from areas likely to be contaminated by hydrocarbons must be discharged through settlement ponds and interceptors.

Condition 13 required road improvement at the quarry road junction with the quarry access road/L5151 to be carried out by the applicant.

Condition 15 required that the haulage route shall be the L1152 to the R752.

Condition 17 limited working hours to 8am to 6pm Monday to Friday and 8am to 2pm Saturday.

Condition 18 limited noise emissions.

Condition 24 required dust suppression and monitoring.

Condition 27 referenced protection of sand martin nesting sites.

Condition 28 required submission of a restoration programme.

Condition 29 required archaeological monitoring of the quarrying operations.

3.2. **Planning Authority Reports**

3.3. Planning Reports. Initially the planning authority sought further information as follows;

3.4. **Roads Section**

1. Please submit further details to demonstrate that the quarry operator has a sufficient legal entitlement/right of way to access the quarry site along the existing private access road leading to the quarry site which takes its access from the Balleese Road (L5151). Please note that this entitlement/right of way has been contested in a third-party submission.
2. Concerns have been raised in relation to the use of the local road network by HGVs going from/to the quarry. In this regard, you should submit details of the haulage route between the quarry and the Regional Road network and identify what measures would be put in place to ensure that this haulage route is used. Any measures should be implementable and easily enforced.
3. It is considered by the Roads Authority that the Traffic and Transport Assessment for the proposed development is not adequate and that road/junction alignment works in excess of the provision of signage and line markings are required. Please therefore submit further details to address the following concerns:
 - (a) The comment in Section 12.3.1 of the EIAR that 'forward visibility for traffic on the R752 to see a vehicle waiting to turn right onto the L1152 is reasonable based on the observed speed (although it is less than 90 metres)' is too vague and no specific measure for the forward visibility has been provided nor have details of observed vehicle speeds.
 - (b) In the same section reference is made to eastbound speeds as being 'relatively low' and westbound traffic speeds being 'higher' but no specific speeds have been provided.
 - (c) In reference to Junction 2 it is stated that visibility splays available on site are 'significantly less' than the TII requirements. No measures have been provided.

- (d) The detail provided in relation to Balleese Road/L5151 and L1152 is not adequate. Both roads are narrow with sharp bends and poor forward visibility in places. Given the scale of the proposed development and the length of time which the applicant is proposing to operate the facility, a full detailed assessment of the roads and junctions between the site and R752 is required. This assessment should be carried out by a suitably qualified person.
- (e) It is not considered that the traffic surveys carried out are adequate. At a minimum two 24hr traffic counts would be necessary on the L1152 and R752 (one during the week and one at a weekend).

Where the response to the above items identifies any particular concerns with the said network in terms of width or alignment, mitigation measures should be proposed.

3.5. Tourism and Population

- 4. Please submit a planning statement outlining whether or not the proposed development will give rise to any detrimental impacts on Avondale House and Forest Park as a major tourist destination for County Wicklow. The statement should focus on issues such as noise, dust and visual amenity.
- 5. Section 5 of the EIAR does not assess impacts arising from the proposed development on the population of Rathdrum Village. Please submit further details to address this.

3.6. Appropriate Assessment

- 6. The EIAR has identified potential impacts on the Clara Vale pNHA via groundwater connectivity. It is further stated that strict adherence to mitigation measures would avoid such impacts. However, the submitted Appropriate Assessment Screening Statement document states that Stage 2 Appropriate Assessment is not required. In this regard, it is noted that Clara Vale is also an SAC and that mitigation measures cannot be taken into account to screen out Appropriate Assessment. You are therefore requested to clarify the apparent anomaly. In particular, you are requested to clarify the potential risk of adverse impacts on the Clara Vale SAC due to groundwater connectivity

having regard to the location of the Clara Vale SAC relative to the quarry and the conservation objectives of the Clara Vale SAC.

3.7. Surface Water Disposal

7. Please submit three further rounds of baseline monitoring results for both the discharge to the Newbawn stream and from the Newbawn Stream itself, as per the two rounds already submitted. The additional parameters of Mercury, Cadmium, Chromium and individual Chromium species and Total Petroleum Hydrocarbons shall be included.
8. Please submit an assimilative capacity assessment for the receiving water for all parameters measured including the extra parameters above and include all calculations.
9. Please clarify if a full retention oil interceptor is already in place on site and what sizing calculation were used to ensure it functions properly in relation to the peak flow through the settlement ponds from the pump in the sump having regard to the greater quarry area in the proposal.
10. If a full retention oil interceptor is proposed, please submit calculations and specifications as above to demonstrate the system will function properly for the flows generated on the site.

3.8. Noise

11. Given elevated fast weighted noise levels, when compared to very low background noise levels recorded at the noise sensitive receptors, please clarify what tonal or impact noise nuisance exist at the noise sensitive receptors from the existing and proposed development and what mitigation measures might be employed to reduce any nuisance should it exist. All calculations should be submitted.

3.9. Effluent Treatment/Wastewater Disposal

12. Please clarify if the wash water leakage from the screening plant and run-off from the cement batching plant pumped into the lagoon system have any connectivity with the overflow to the three settlement ponds that discharge to the Newbawn Stream.

13. The EIAR states on Page 8-37 that there will be no discharge of wastewater at the site and that all wastewater will be contained and moved off site. It would appear from site inspection that effluent is currently being treated on site. Please clarify this situation and submit details as how the domestic type wastewater generated from the staff using the proposed site, and any offices or canteen facilities is collected and disposed of. Population equivalents shall be submitted.

If there is an existing treatment system on site please submit details showing that the existing system is in compliance with NSAI (SR)6 of 975/1991 or with the EPA Guidelines 2009. A site plan showing the exact layout of the septic tank, distribution chamber and percolation trenches should be submitted. The applicant should also confirm that the correct design of percolation pipes has been installed as per the above documents. If the effluent treatment system on site does not comply with the requirements of SR6 please submit amended details to upgrade the system in accordance with EPA Code of Practice 2009.

14. Please submit details showing that suitable and an adequate number of toilets, water closets and wash hand basins are provided for all the workers using this facility.

3.10. Drinking Water Supply

15. Please submit details showing that a potable water supply and suitable canteen facilities are provided for the workers. These should include test results showing the water supply source complies with the requirements of the EC (Drinking Water) Regulations 2014 (SI 122 of 2014), the well location indicated on the site plan and the potable water drinking points available to the workers.

3.11. Fuel Storage

16. Please submit specifications for any fuels or chemical storage containers and associate bunds serving the proposed site. This should include age, materials, integrity test results or any certifications.

3.12. **Site Restoration**

17. Please submit a timeframe for the completion of the restoration plan, in accordance with the stated proposal to restore the site to a mixture of woodland and agriculture use once the quarrying activities have ceased.

3.13. **Biodiversity**

18. Please clarify what measures are to be implemented on site to mitigate against any negative impacts arising from the proposed development on the sand martin colony as identified in the EIAR.
19. Please submit amended details to provide a 10-metre-wide buffer zone to all watercourses on site.

3.13.1. **Other Technical Reports**

The **Arklow Area Engineer** reported that residents on the L1113 and L1153 from the Beehive Pub on the N11 to the application site has complained about the lorry traffic on these roads, the damage to the road surfaces and that a requirement to access the site from the R752 at Rathdrum should be considered.

The **Heritage Officer** commented that the mitigation measures in relation to archaeology were acceptable and the no unacceptable ecological impacts would arise from the proposed development.

The **Transport and Roads Infrastructure** section commented that the Traffic and Transport assessment should clarify the visibility at the junction of the R752 and L1152, traffic speeds on the local road network, the assessment of the carrying capacity (speed and visibility) of the R752 and L1152 over the lifetime of the proposed development should be better assessed. The traffic surveys carried out on the local road network are inadequate.

The **Environmental Health Officer** sought additional information in relation to the existing septic tank on site, sanitary facilities for staff potable water supply and canteen facilities.

The **Waste Management Section** reported no objection to the extension to the quarrying activity. The report stated that there would be significant extension to

activity in area and depth. The conclusion set out in the EIS that the proposed works would not negatively impact on surface or ground water is reasonable. The conclusion of the Appropriate Assessment screening submitted that 8 of the 9 Natura 2000 sites can be screened out is reasonable. The remaining Nature 2000 site, the Vale of Clara (Rathdrum Wood) SAC was subject to AA. Subject to best practice in the operation of the quarry the conclusion that the proposed development would not adversely impact on the SAC is reasonable.

The **HSE** reported no objections.

Transport Infrastructure Ireland reported no comments on the application.

The **Department of Culture, Heritage and the Gaeltacht** recommended that in the event of a grant of planning permission that a condition be attached requiring archaeological monitoring of the works.

An Taisce stated that issues of planning compliance should be addressed.

4.0 **Planning History**

Permission was granted under PL27/5/89123 for quarrying on this site subject to 15 conditions (appeal file attached).

5.0 **Policy Context**

- 5.1. The Eastern and Midland Regional Spatial and Economic Strategy 2019-2031 (RSES) is the applicable regional strategy for Wicklow adopted by the Eastern and Midland Regional Assembly. The RSES's economic vision for the region is for growth that is sustainable, competitive, inclusive and resilient. This requires the development of a strong economic base that is supported by enterprise, innovation and skills. The aim is for a vibrant and diversified enterprise base with strong and healthy clusters that bring technology innovations to national and global markets, with a responsive and efficient labour market.
- 5.2. The Wicklow County Development Plan 2016-2022 is the applicable county development plan for the area. The relevant objectives are;
- 5.3. **RUR1** To permit the development of employment generating developments in rural areas, where it is proven that the proposed development requires to be located in a

rural area (e.g. dependent on an existing local resource) and will have a positive impact on the location.

- 5.4. In relation to extractive industry the Plan states that the strategic objective is “to support and facilitate the exploitation of County Wicklow’s natural aggregate resources in a manner, which does not unduly impinge on the environmental quality, and the visual and residential amenity of an area.”

EX1 To facilitate and encourage the exploration and exploitation of minerals in the County in a manner, which is consistent with the principle of sustainability and protection of residential, environmental and tourism amenities.

EX2 To encourage the use, development and diversification of the County’s indigenous natural dimensional rock industry, particularly where it can be shown to benefit processing, craft or other related industries.

EX3 To support and facilitate the development of related and spin-off industries of the extractive industry such as craft and monumental stone industries and the development of mining and industrial tourism heritage. Consideration will be given to the development of such related industries within or in association with existing operations of worked out mines or quarries, at locations such as the disused granite quarries at Ballyknockan, where this does not conflict with other objectives of the plan.

EX4 To have regard to the following guidance documents (as may be amended, replaced or supplemented) in the assessment of planning applications for quarries and ancillary facilities:

- ‘Quarries and Ancillary Activities: Guidelines for Planning Authorities’ (2004, DoEHLG);
- ‘Environmental Management Guidelines – Environmental Management in the Extractive Industry (Non-Scheduled Minerals)’, EPA 2006;
- ‘Archaeological Code of Practice between the DoEHLG and the Irish Concrete Federation’ 2009;
- ‘Geological Heritage Guidelines for the Extractive Industry’, 2008; and

- 'Wildlife, Habitats and the Extractive Industry – Guidelines for the protection of biodiversity within the extractive industry', NPWS 2009.

5.5. In relation to roads infrastructure the Plan sets out objectives;

TR14 To improve public roads in the County as necessary, including associated bridges and other ancillary structures, as funding allows, having due regard to both the transportation needs of the County and the protection of natural habitats.

TR15 Traffic Impact Assessments will be required for new developments in accordance with the thresholds set out in the 'Design Manual for Roads and Bridges' the 'Traffic & Transport Assessment Guidelines' (TII) and the Design Manual for Urban Roads and Streets (DoECLG & DoTTS).

TR16 Road Safety Audits and/or Road Safety Impact Assessments shall be required at the discretion of the Planning Authority but shall generally be required where new road construction or a permanent change o the existing road layout is proposed.

TR28 To continue to improve local roads to the appropriate standards (given the location), consistent with predicted traffic flow and in accordance with Government policy and the Roads Programme adopted by the Council.

TR31 To improve local road links to the regional and national road network and between towns and villages, to facilitate the sharing of employment and community facilities between settlements.

TR32 Where a proposed development is adjoining future development lands or provides the only possible access route to other lands, new roads will be required to be designed to ensure that future access to other lands can be facilitated.

TR33 Rural local roads shall be protected from inappropriate development and road capacity shall be reserved for necessary rural development.

5.6. **Natural Heritage Designations**

The Clara Vale pNHA is coterminous with the Clara Vale SAC which is addressed in the AA screening report below.

6.0 The Appeal

6.1. Grounds of Appeal

- The appellant owns the access lane to the quarry. The quarry operator is trespassing on this lane. The use of the public road by quarry related trucks give rises to health and safety issues.
- The quarry has reduced the value of the appellant's property, blasting shakes his house. Blasting operations are not notified to the appellant.
- The appellant's well has been affected.
- The quarry operates between 5.30am and 8pm giving rise to excessive noise.
- Dust negatively impacts on the amenity of the appellant's house which is 150 yards from the quarry boundary.
- Quarry related traffic on the local road (the L5151) runs 5.5 days per week, when the noise and dust monitoring as being carried out the plant on site as shut down.
- The quarry and proposed development have a significant negative visual impact on the area.

6.2. Applicant Response

- The access road referred to by the appellant is a public road, marked on OS maps and used by the public, Coillte and CIE to access their lands.
- The quarry has been in existence for over 100 years. The applicant bought the quarry as a going concern in 1983 and received planning permission under PL27/5/89123. There is no increase in production levels or impact on the roads network from that previously permitted – this matter is covered in the EIAR and further information submitted with the application.
- The noise and dust emissions are monitored and are within the threshold set by the extractive industry.
- The closest quarrying activity to the appellant's house is 450m distant.

- The permitted working hours are 7am to 6pm Monday to Friday and 7am to 2pm on Saturday.
- The EIAR dealt with noise impacts. Noise and vibration will not impact on nearby houses. Advance warning calls will be given of blasting activity.
- The timescale sought in the application reflects the expected reserves in the quarry.
- A hydrologist assessed the application and since the development does not impact on the water table the appellant's wells could not have be impacted.
- The visual impact of the proposed quarry will be the same as the previously permitted quarrying operations.

6.3. **Planning Authority Response**

No comment was received from the planning authority.

6.4. **Observations**

No observations were received.

6.5. **Further Responses**

None.

7.0 **Assessment**

7.1. **Planning Assessment.**

7.2. The planning assessment will address the planning policy context, title to the access lane/road, impact on local road network, impacts on residential amenity (noise, dust, blasting operations), impact on property values, impact on wells, and visual amenity.

7.3. **Planning Policy.**

7.4. The County Development Plan seeks to facilitate and encourage the exploration and exploitation of minerals in the County in a manner which is consistent with the

principle of sustainability and protection of residential, environmental and tourism amenities.

- 7.5. Subject to the matters assessed below and having particular regard to the planning history of the site I conclude that the proposed development is consistent with the County Development Plan policy in relation to development in rural areas.
- 7.6. **Legal Title**
- 7.7. The appeal is somewhat ambiguous but makes the point that in using the adjoining road (L5151) and the lane which leads from the L5151 to the quarry that the quarry activity is disrupting access to the appellant's property and that the lane to the quarry is in the appellant's ownership. Attached to the appeal is an annotated aerial photo which indicates 'Gleasons Lane' as moving north away from the quarry. The applicant states that the 300m of road from the quarry entrance to a junction with L5152 is a public road, marked on the OS maps and used by CIE and Coilte.
- 7.8. The Development Management Guidelines (paragraph 5.13) make the point that where questions of title to land arise in applications the planning authority should request the applicant for permission to confirm that they have sufficient legal interest to make an application/carry out development. In the present case the planning authority raised the issue by way of a request for additional information (point 1 of the FI request issued on 23/10/2018). The applicant responded that the quarry has been accessed over this road since the applicant purchased the quarry in 1983 and that although the appellant has disputed this that the appeal is vexatious on this point. The planning authority considered the matter and decided that the applicant has sufficient legal interest to make the application.
- 7.9. This point was raised previously with the Board under PL27/5/89123 where the Board decided to grant permission.
- 7.10. I carried out a site inspection including of the road network in the area and noted that the quarry access road from its junction with the L5151 is properly metalled and the surface treatment is indistinguishable from the local public roads and that there are no gates separating the access road from the wider network except at the quarry entrance. I agree with the applicant that the L5151 is a public road. Having regard to section 34 (13) of the Planning and Development Act which provides that a person shall not be entitled solely by reason of a grant of planning permission to carry out

development, to the request for further information made by the planning authority and the applicant's response thereto, the observable conditions on the local road network and the submissions on file I conclude that the applicant has sufficient legal interest to make an application and it is appropriate that the Board decide the case on its planning merits.

7.11. Impact on Road Network.

7.12. The appeal makes the point that the traffic on the local road network is excessive.

7.13. The planning authority's reports (Arklow Area Engineer) refers to complaints of excessive traffic on the local road network including the L-1113 which links the area of the application site east to the M11 and the Transport and Roads Infrastructure Office sought additional information in relation to the capacity of the haulage route between the quarry and the regional road network. Specifically, the further information request requested further detail on the junction of the R752 with the L1152, the speeds prevailing on the road network, visibility conditions at the junction of L1152 and L5151, and the adequacy of the traffic surveys.

7.14. The main haulage route is identified in the EIAR as being from the R755 west of Rathdrum, over the Avonmore river bridge in Rathdrum village on the R752 to the junction with the L1152, along the L1152 to its junction with the L5151 and then along the L5151 south to the quarry entrance. The applicant states that 85% of the trucks serving the quarry use this route while 15% use alternative routes. The drivers will be instructed to use this route only in future and the applicant states his belief that use of the eastern access along the L1152 towards the M11 is by trucks from other quarries.

7.15. The applicant addressed the junction of the R752 and the L1152. This junction is somewhat difficult because of the relationship of the junction with the adjoining road bridge of the Dublin/Rosslare railway line. Road improvements at this junction would be expensive and the available solution is for CIE to keep the trees/vegetation trimmed back so that the views of the junction would be unimpaired from truck driver cabs. In any case the junction has operated relatively safely in the last 10 years for which figures are available.

7.16. In relation to the speeds on the R752 at this junction there is little observed difference between 64.5 km/h going east and 62.06km/h going west.

- 7.17. In relation the junction 2 as identified in the EIAR (the junction of the L1152 and L5151) the visibility from a setback of 2.4m is 36m to the centre of the road to the west and 46m to the centre of the road to the east (these points are illustrated in the attached drawings submitted with the response to the further information request).
- 7.18. In relation to road improvements works on the L1152 and the L5151 the applicant responded that he has no legal title to lands along or adjoining these roads and would not be in a position to carry out upgrade works to them.
- 7.19. In relation to the adequacy of the traffic surveys undertaken by the applicant in preparation of the application the raw data is submitted as appendix D in the additional information response.
- 7.20. The planning authority's Transport Report reviewed the further information submitted and concluded that the submission was inadequate, that additional signage warning road users of the quarry should be required, that there is deficiency in the sightlines at the L1152/L5151 junction and the junction of the quarry access road with the L5151 road is also inadequate. These points were raised as clarification of further information with the applicant and the applicant responded on 17th July 2019. The applicant's response may be summarised as;
- The applicant is willing to make a financial contribution to the planning authority's road improvement plans.
 - New/additional road signage will be provided as illustrated in the submission and may be conditioned in a grant of permission.
 - Additional detailed drawings of the road junction are submitted.
- 7.21. I conducted a site inspection including of the road network in the area and all the roads referenced in the application/appeal. The road network is deficient in some respects. However, the existing quarry is permitted under PL27/5/89123 and quarrying is a site-specific activity with no scope for alternative development locations. The junction of the quarry access road with the L5151 and the junction of the L5151 road with the L1152 would benefit from additional warning signage but I take the applicant's point that he does not own the L5151 or adjoining lands and therefore that he is not in a position to carry out structural works to these roads. I consider, as does the planning authority, that the L1152 from its junction with the

L5151 junction to the junction with the R752 is adequate. In relation to the junction of the L1152 and the R752 the applicant makes a valid point that these lands are not within his ownership/control and it therefore not in a position to carry out remedial works.

7.22. The speed limit at the R752/L1152 junction is 80kms per hour. I parked in a layby to observe this junction as part of my site visit and I concur with the applicant that traffic along the R752 is relatively slow because it is either approaching the railway bridge going west towards Rathdrum or coming off the bridge going east towards Gleanely. Having regard to these factors and the case made by the applicant that as a continuation of permitted quarrying the application will not intensify truck traffic on the road network I consider that the proposed development will not materially impact on traffic safety on the local road network in a manner as to give rise to traffic hazard. In the event that permission is granted that applicant should be required to make a contribution to the planning authority in relation to works which would improve public safety on the public road network.

7.23. **Residential Amenity**

7.24. The appeal makes the point that the proposed development seriously injures the residential amenity of houses in the area through the creation of dust, noise and vibration. This point was also raised in the planning authority's request for additional information (point 5 – impacts on population of area) and addressed in the applicant's response.

7.25. Plate 11.1 in the EIAR maps the more noise producing areas of the application site and maps noise sensitive locations outside the application site. The applicant makes the point that all the noise monitoring was undertaken at a point when most of the plant/machinery was operational and quarrying activity was taking place thereby giving an accurate picture of the noise environment.

7.26. Table 11.1 sets out the main sources of noise within the quarry (including plant and machinery) and gives a noise value for each. Table 11.2 gives a noise value for two addition sources not operating at the time of the survey. Table 11.3 lists the monitoring locations and their distance from the quarry and table 11.5 gives the recorded noise levels for these locations. The standards for assessing the noise impacts are those of the EPA Guidance note for Noise in relation to Scheduled

Activities (1996) which recommend that noise limits at the nearest noise sensitive location should not exceed 55dBA LAeq (1 hour) daytime 8am to 8pm and 45dBA LAeq (1 hour) daytime 8pm to 8am.

- 7.27. The EIAR states that the noise emanating from zones 1 and 2 (see plate 11.1) will not move any closer to receptors and increase their exposure to noise levels. This appears to be a reasonable assumption as most of the noise sources in these zones are the fixed plant and machinery which will continue to operate. Additional noise will be related to the new quarrying activity proposed for zone 3 closer to the northern and eastern boundaries. Truck noise will not increase as the level of activity within the overall site will not increase as working areas move from exhausted quarrying areas to the newly permitted areas. Table 11.3 sets out the predicted noise levels in zone 3 and the modelling predicts that noise levels will be below the guideline limits.
- 7.28. The application also sets out noise mitigation measures for the quarrying activity including the creation of berms, locating the noisiest fixed plant on the quarry floor in zone 2 as far as possible from receptors, fitting mobile plant with silencers and when changing plant and machinery including noise values as a factor in the decision making in relation to buying the new equipment.
- 7.29. Measures to limit the generation of ground vibration from blasting are also set out in the EIAR (see section 11.12.4). These include introducing standard blast management procedures to limit vibration impacts, appointment of a Drilling and Blasting Manager to oversee and manage/monitor blasting operations, monitoring of ground vibrations and air overpressure be carried out and results used to inform practice for further blasting operations and other measures detailed in the EIAR. The application concludes that there will be adverse impact on the surrounding area subject to the mitigation measures being applied.
- 7.30. The quarry has operated for a number of years and received planning permission in 1983 and 1993 (PL27/5/89123). The material submitted with the application is an accurate description of the existing machinery and workings on site and the noise and vibration assessments have regard to the appropriate guidance. The HSE report submitted with the planning authority's file states that the noise and vibration should be limited to the levels provided for in the application. The planning authority's pollution control office reviewed the EIAR and additional information and

recommended conditions relating to noise control generally in line with the advice set out in the EPA Guidance for Scheduled Activities (1996). Having regard to these factors I conclude that the proposed development is capable of being operated within the guideline limits for quarrying and ancillary activities and that, subject to appropriate conditions, will not seriously injure the amenity of property in the area through noise pollution or vibration.

- 7.31. The appeal makes the point that the proposed development gives rise to dust which negatively impacts on the residential amenity and value of property in the area. The EIAR identifies the sources of dust as arising from the quarrying activities and the movement of overburden especially associated with berm construction. Berm construction and overburden removal will be undertaken in periods when wind will not give rise to windblown dust and there is some moisture in the air thus reducing the level of windblown dust. Another source of dust is blasting which occurs on average once per month. The machinery used in this process is fitted with dust and noise suppression systems that ensure that dust from this source is imperceptible. The operational phase dust suppression measures set out in the EIAR include keeping internal roads in good condition, limiting machinery speeds within the site, spraying water on disturbed areas during dry periods, covering trucks transporting dusty materials and monitoring dust deposition at the locations set out in figure 10.1 in the EIAR.
- 7.32. The planning authority's pollution control section recommended a condition to monitor dust deposition at the site boundary but did not otherwise object to the application.
- 7.33. It may be noted that the dust deposition monitoring results presented in table 10.3 of the EIAR are almost a decade old and may not be a reliable guide to more recent years. Nevertheless, there is a permitted quarry within the overall site and the application sets out reasonable measures to limit the release of dust and suppress dust being generated within the site. Having regard to the material set out in the application, the location of the quarry in a rural area with a dispersed pattern of housing development I conclude that a condition limiting dust deposition and requiring monitoring is adequate to protect the amenity of the area.

7.34. In relation to devaluation of property in the vicinity I consider that the measures set out in the application, including measures to limit dust deposition, noise and vibration impacts, are reasonable and achievable and sufficient to ensure that there will be no devaluation of property in the area.

7.35. **Avondale House.**

7.36. The appeal makes the case that the proposed development may give rise to negative impacts on Avondale House. Avondale House is a protected structure and the former home of Charles Stewart Parnell located about 350m to the south west of the site boundary and separated from the site by the Avonmore river and the Dublin/Rosslare railway. The impacts are assessed in the EIAR and no mitigation is required. An Taisce reported no objections to the proposed development in respect of Avondale House. Having regard to these factors, and in particular the separation distance between the quarry and the house I conclude that there are no likely significant impacts arising from the proposed development in relation to this protected structure.

7.37. **Water table/wells.**

7.38. The appeal makes the point that wells in the area are affected by the quarrying operations. The HSE, Area Engineer or the Environmental Health Officer reported no objection to the proposed development on grounds of alterations to the ground water table.

7.39. The application makes the point that no works are proposed below the existing water table and that therefore no dewatering is proposed. The planning authority imposed a condition that aggregate extraction be limited to 4m above the water table. Having regard to these factors I conclude that the proposed development will not impact on the water table in the area or on water levels in wells in the area.

7.40. **Visual Amenity.**

7.41. The appeal makes the point that the proposed development will have a negative impact on the visual amenity of the area.

7.42. The application site is within the 'South East Mountain Lowlands' area designated in the Wicklow County Development Plan which is not an Area of Outstanding Natural Beauty. The views of special amenity value or special interest and those in the

vicinity of the quarry are the views from the L6154 and Mottee Stone Connery, Avoca, from the L2167 Kilmacoo, Parnell Drive, from the R755 at Rathdrum Catholic Church and from the R752 above Rathdrum Mills. The zone of visual influence (ZVI) of the application site is illustrated on plate 13.4. of the EIAR and table 13.10 summarises the visual impacts that would arise from the viewpoints adopted for the purposes of visual assessment and find that there are no impacts arising from the quarry. The expected visual impacts are documented in a series of 9 photos taken from vantage points mapped on Plate 13.4 in the EAIR.

7.43. Having regard to;

- The undulating nature of the surrounding landscape where the application site is located including substantial woodland and roadside hedge screening,
- the visual impact assessment set out in the application,
- my site inspection including of vantage points of the surrounding landscape from the public road network in the area,
- the existing and permitted use of the site for quarrying activity,
- the mitigation measures set out in the application including berm construction, revegetation of the worked-out areas and re-contouring of the site to ensure medium slopes within the site,
- the removal of all plant and machinery following cessation of quarrying activity,
- and subject to the submission of a detailed site restoration plan,

7.44. I conclude that the proposed continuation of quarrying and ancillary activity will not seriously injure the visual or recreational amenity of the area.

8.0 Environmental Impact Assessment

8.1. The EIAR is broken down into 17 sections.

1. Introduction
2. Screening, scoping and alternatives.
3. Planning and Legislative Framework.

4. Project description.
5. Population and human health
6. Biodiversity
7. Land, soils and geology
8. Water
9. Climate.
10. Air
11. Noise and vibration
12. Traffic
13. Landscaping and restoration.
14. Material assets.
15. Cultural Heritage.
16. Interactions
17. Impact and Mitigation Summary.

8.2. **Chapter 1 Introduction**

- 8.3. The application refers to the continuation of quarrying activity including the extraction and processing of rock by drilling, blasting crushing, screening and washing on about 35ha at Balleese Wood, Rathdrum, County Wicklow. The application includes the erection of fixed crushing, screening and washing plant, landscaping of the quarry during operational phase and restoration on completion of quarrying activities, associated facilities and works for a period of 25 years.
- 8.4. There is a pre-63 area of operations outside the application site but within the overall landholding. The quarry dates from the early 1900s.
- 8.5. The preparation of the EIAR has had regard to the Guidelines on the Information to be contained in Environmental Impact Statements (EPA 2002), Advice Notes on Current Practice in the Preparation of Environmental Impact Statements (EPA 2003), Guidance for Planning Authorities and An Bord Pleanála on carrying out EIA

(DOEHLG 2013), Draft Revised Guidelines on the on the Information to be contained in Environmental Impact Statements (EPA 2015), Draft Advice notes for Preparing Environmental Impact Statements (EPA 2015) and Draft Guidelines on the Information to be contained in Environmental Impact Assessment Reports (EPA 2017). Table 1.1 in the EIAR classifies the types of effects assessed in the report and Table 1.2 details the study team who contributed to the EIAR.

- 8.6. This chapter states that any technical difficulties encountered are detailed in the relevant chapter.
- 8.7. **Chapter 2 Screening, scoping and alternatives.**
- 8.8. The proposed development was screened in for the purposes of EIAR as it exceeds the threshold of 25ha set out in Class 19, Part 1 Schedule 5 of the Planning and Development Regulations 2001 as amended.
- 8.9. Section 2.2 sets out the list of consultees engaged with in the preparation of the EIAR.
- 8.10. Consideration of alternatives is addressed at 2.3 and three options (A, B and C) are accessed having regard to listed advantages and disadvantages. Option A is the chosen option and is the basis of the current application for the continuation of quarrying activity on 35ha of which 19ha has been subject to extraction and down to a maximum depth of 72mOD.
- 8.11. This EIAR is submitted as part of the planning application having regard to article 3 of the 2014 EIA Directive. Article 3 provides that an environmental impact assessment shall identify, describe and assess in an appropriate manner, in the light of each individual case, the direct and indirect significant effects of a project on;
- a) population and human health
 - b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
 - c) land, soil, water, air and climate
 - d) material assets, cultural heritage and the landscape
 - e) the interaction between the factors referred to in points (a) to (d).

- 8.12. This EIAR provides the information required by the Directive in 17 chapters along with a Non-technical Summary and appendices.
- 8.13. I consider that the introduction adequately summarises the legislative background and provides a rationale for the preparation of an EIAR. Table 1.2 sets out the qualifications and expertise of the persons who prepared/contributed to the EIAR. In relation to Article 3(2) of the Directive I am satisfied, having regard to the individual aspects on the application assessed in each chapter and the mitigation measures proposed that the proposed development is not susceptible to major accidents.
- 8.14. Details of the consultations carried out by the applicant as part of the preparation of the application and EIAR are set out in Chapter 2 and are considered adequate. I am satisfied that the participation of the public has been adequate with adequate timelines afforded for submissions which were received by the planning authority and are on the file.
- 8.15. Having reviewed the EIAR I am satisfied that the report, as amended by the further information submitted by the applicant to the planning authority complies with article 94 of the Planning and Development Regulations 2001, as amended, and includes the information specified in Schedule 6. The report includes a non-technical summary. I consider that the report adequately identifies, describes and assesses the likely significant effects on the environment.
- 8.16. **Chapter 3 Planning and Legislative background.**
- 8.17. This chapter summarises the planning policy background to the application. The National Planning Framework (NPF) seeks to achieve a better balance of social, economic, physical development within the regions in the country in particular by balancing the growth between the east of the country and other regions. Project Ireland 2020 states that aggregates and minerals extraction are important for domestic development and as export materials and that the planning system should act to protect these resources and facilitate their use in ways which are compatible with air and water quality standards, natural and cultural heritage, residential amenity and post extraction site rehabilitation.
- 8.18. The Wicklow County Development Plan 2016-2022 supports rural economic development including through support for extractive industry. The main relevant economic and community development goals are identified as;

- Develop infrastructure and measures that are positive and supportive to investment, enterprise, innovation and knowledge creation in strategic locations.
- Sustain existing enterprise and develop quality employment and income opportunities for the wide range of employment needs in the County, with possibilities for reversing commuting patterns.
- Capitalise on Wicklow's unique attributes and proximity to the Dublin market, excellent quality of life, human capital, tourism, landscape, marine, agricultural and forestry resources.

8.19. In relation specifically to extractive industry the County Development Plan includes the following objectives.

EX1 To facilitate and encourage the exploration and exploitation of minerals in the County in a manner, which is consistent with the principle of sustainability and protection of residential, environmental and tourism amenities.

EX2 To encourage the use, development and diversification of the County's indigenous natural dimensional rock industry, particularly where it can be shown to benefit processing, craft or other related industries.

EX3 To support and facilitate the development of related and spin-off industries of the extractive industry such as craft and monumental stone industries and the development of the mining and industrial tourism heritage. Consideration will be given to the development of such related industries within or in association with existing operations of worked out mines or quarries, at locations such as the disused granite quarries at Ballyknockan, where this does not conflict with other objectives and objectives of the plan.

EX4 To have regard to the following guidance documents (as may be amended, replaced or supplemented) in the assessment of planning applications for quarries and ancillary facilities:

- 'Quarries and Ancillary Activities: Guidelines for Planning Authorities' (2004, DoEHLG);

- ‘Environmental Management Guidelines – Environmental Management in the Extractive Industry (Non-Scheduled Minerals)’, EPA 2006;
- ‘Archaeological Code of Practice between the DoEHLG and the Irish Concrete Federation’ 2009;
- ‘Geological Heritage Guidelines for the Extractive Industry’, 2008; and
- ‘Wildlife, Habitats and the Extractive Industry – Guidelines for the protection of biodiversity within the extractive industry’, NPWS 2009.

- 8.20. The County Development Plan also includes policies in relation to tourism, community development, infrastructure development, heritage including built heritage and the various chapters of the EIAR demonstrate compliance with the Development Plan policy aims in these areas.
- 8.21. The Rathdrum Local Area Plan recognises Rathdrum as a level 5 settlement within the County’s Settlement Hierarchy and these towns are credited with providing important social and economic services to their hinterlands.
- 8.22. I have considered this chapter of the EIAR. I am satisfied that the policy background is properly summarised and is supportive of the proposed development subject to the considerations set out in County Development Plan in relation to protection of residential amenity, water and air quality and road safety.
- 8.23. **Chapter 4 sets out a project description.**
- 8.24. The site is in east Wicklow about 12miles southwest of Wicklow town. Access is over a series of local roads from the R752. The current levels within the quarry vary from 65mOD in the southern tip of the application site to 125mOD at its northern end. The lowest level of the extracted area is 78mOD in the area of the asphalt plant. There are three water courses in the area; the Mountlusk stream flows along the northeast site boundary to a confluence with the Newbawn stream flowing from the east, these then jointly flow into the Avonmore River which flows south along the western site boundary.
- 8.25. The existing quarry has an area of 6.6ha while the application site is 35ha. The entrance and ancillary quarrying facilities are within the existing quarry. The extraction area will be extracted to a maximum depth of 72mOD and the available resource is about 4.23 million m³. The application refers to;

- Continuation of quarrying including extraction and processing of rock by drilling, blasting, crushing, screening and washing within the application site of 35ha,
- Erection of fixed crushing, screening and washing plant,
- Landscaping and construction of berms during the operational phases and restoration of the site after extraction,
- All associated facilities,

All over a permitted period of 25 years.

- 8.26. I have considered this chapter of the EIAR. I am satisfied that the description of the area and the proposed development are accurate.
- 8.27. **Chapter 5 deals with population and human health.**
- 8.28. Chapter 5 deals with human health which is also addressed in the chapters on water, air, noise and vibration, traffic, and landscape and restoration.
- 8.29. The receiving environment comprises the Balleese Wood area with a population of about 320 people about 50% of whom have jobs. Housing is in the form of farmhouses and one-off dwellings. Noise, vibration and dust deposition are discussed later in the EIAR but measures have been adopted to minimise these impacts.
- 8.30. The criteria to assess human health impacts are set out in table 5.7 and range from imperceptible to profound. Imperceptible is where there are no significant human health impact, slight is where there is a small impact, moderate where there is small impact on health but not on morbidity or mortality, a significant impact arises where there is potential for an individual human health impact, very significant where there are group health impacts and profound where the health of whole communities is put at risk.
- 8.31. In relation to human health impacts arising from water the EIAR (section 5.3.4.4) states that water is collected in the quarry sump, augmented by water drawn from an on-site well and recycled after use in quarry related activities. The applicant will apply for a discharge licence for the water which is discharged to the Newbawn stream from the application site. There will no effect on water quality standards and

therefore on human health from this source. Noise and vibration have the capacity to impact on human health and is addressed separately in chapter 11 of the EIAR. The report concludes, subject to the mitigation measures set out in chapter 11, there will be no significant impact on human health arising from noise and vibration. Dust deposition, following mitigation measures, is expected to stay within the limit of 350mg/m²/day which is the limit required in EPA advice. The maximum number of truckloads of aggregate per day is already limited to 70 and the number of trucks using the local road network will not be increased on foot of this application.

8.32. I have considered this chapter and other submissions in relation to population and human health. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on population and human health.

8.33. **Biodiversity**

8.34. Chapter 6 addresses biodiversity. The EIAR details the publicly available material from a number of sources (including Wicklow County Council, EPA, NPWS, Birdwatch Ireland, Conservation Ireland) and consultations carried out in preparation of this Chapter.

8.35. The receiving environment comprises 35ha and is part of an existing quarry for a total area of 41.6ha. The existing working quarry has a weighbridge, wheel wash, office buildings, maintenance workshops, asphalt plant, concrete batching plant, block yard, storage buildings, processing infrastructure, associated stockpiling areas and ancillary plant and infrastructure. The habitats on site are classified as buildings and artificial surfaces, spoil and bare ground, recolonising bare ground, active quarries and mines, other artificial lakes and ponds, depositing lowland river, improved agricultural grassland, wet grassland, mixed broadleaf woodland, scattered trees and parkland, treelines and scrub.

8.36. A fauna survey recorded the bird species on site and identified three species listed as amber conservation status in the Birds of Conservation Concern¹, sand martin, robin and goldcrest. There were no protected mammals recorded on site. No bat

¹ <https://birdwatchireland.ie/app/uploads/2019/09/BOCCI.pdf>

survey was carried out because the study was carried out in January (bat surveys are regarded as unreliable in months outside May/September when bats are most active) however based on available published evidence it is concluded that the site is of local importance for bat populations. The common frog was recorded on site and the site may accommodate the viviparous lizard. The report concludes that the site is of local importance to these species. Table 6-13 applies the source-pathway-receptor model to an assessment of the impacts on natural heritage areas (NHA), habitats within the site, water quality and aquatic ecology, amphibians and reptiles, birds, mammals and bats.

- 8.37. The potential impacts within the site will be an imperceptible in the long term as these habitats are generally of low ecological value. The report concludes that there is no hydrological connection between the application site and any NHA and that there are no potential impacts on these areas.
- 8.38. There is a pair of peregrine falcons breeding in the older part of the quarry. Section 6.5.2 sets out mitigation measures to minimise the impacts on these birds. These mitigation measures include limiting blasting to outside the peregrine falcon breeding season of February 1 to July 31. A minimum buffer zone of 125m will be maintained between any identified nesting site and blasting location. To further protect birds no vegetation clearance will take place between March 1 and August 31.
- 8.39. Section 6.5.2 sets out mitigation measures in relation to surface and groundwater protection. Adequate measures will be used to control the release of suspended solids in run-off from the operational quarry. These measures will be specified in a water quality management plan to be drawn up prior to commencement of works in consultation with Inland Fisheries and the NPWS. Fuel tanks will be bunded, leaks identified and fixed as soon as possible and a separation distance of 50m will be maintained between these tanks and surface watercourse.
- 8.40. In relation to groundwater protection mitigation measures will include keeping hydraulic oils or lubricants away from gullies or drains, no hydraulic oils or lubricants will be stored within the application site, an emergency response kit will be kept on site to prevent petroleum products leaching into groundwater. Groundwater quality and levels will be monitored to assess any adverse impact on the ground and surface water.

- 8.41. Table 6.15 summarises the impacts on the general bird population as imperceptible post mitigation and not significant in the long-term. Likewise, no significant long-term impacts are predicted for the peregrine falcons. No significant long-term impacts on water quality are expected.
- 8.42. I have considered this chapter and all of the submissions in relation to biodiversity. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on air and climate.
- 8.43. **Land, Soils and Geology.**
- 8.44. Chapter 7 addresses land, soils and geology.
- 8.45. The receiving environment is described as comprising 35ha of a 41.6ha working quarry. Of this 35ha about 19.1ha will be subject to quarrying works and 15.9 will remain as a buffer zone and/or for overburden storage. The Avonmore River is the main watercourse in the area running south to the west of the site. The Mountlusk stream runs along the north-eastern boundary, has a confluence with the Newbawn stream which then flows in a south-western direction along the site boundary. The topography varies from a low of 65mOD to a high point of 125mOD. Agricultural lands adjoin the north-east boundary, woodland and forestry adjoin the western, southern and south-eastern boundaries. The soils on site are shallow well drained mineral soils that are typically acidic. The commercially significant underlying rock is metadolerite which is used in the making of concrete products, ready-mix concrete, roads and general aggregate.
- 8.46. The predicted construction phase impacts will arise from berm construction, vehicle and plant accidental spillages, works relating to slope stability and the siting of fixed crushing and screening plant. The report sets out mitigation measures which will ensure a competent contractor will install machinery on site, the compilation of a construction and environmental management plan, the carrying out of overburden removal and berm construction in weather suitable for these works and the preservation of an appropriate buffer zone on the quarry boundaries.

8.47. The impacts arising from the operational phase of the proposed development are identified as;

- loss of land,
- overburden removal,
- extraction of bedrock,
- accidental spillages,
- changes to the stability of quarry faces,
- waste generation,
- impact on sites of geological heritage interest.

8.48. There will be a moderate long-term impact from the removal of overburden, but this is mitigated by the eventual restoration of the worked-out quarry. The extraction of rock will give rise to a deepening of the quarry floor and extension of the quarry void in a north-eastern direction. This will result in a significant long-term impact which will be mitigated by the repositioning of overburden and its re-vegetation within the site. Works will be carried out in compliance with the relevant safety, health and welfare at work regulations and a buffer will be maintained along the external boundary sufficient to ensure stability of quarry faces. Waste generation will be minimal as all overburden will be used for berm building. There will be no impact on any site of geological interest as the nearest such site is 1.9kms north of the quarry.

8.49. Construction phase mitigation measures are proposed as follows;

- employment of a competent construction phase contractor to erect the crushing and screening plant,
- the compilation of a CEMP,
- confinement of overburden stripping and berm construction to dry periods,
- and maintenance of a suitable buffer zone around the site.

8.50. The operational phase mitigation measures are proposed as follows;

- safe storage of overburden which will be used for post completion restoration works,
- minimising stockpiles and handling to limit silt run-off in water,
- refuelling and fuel storage will be appropriately managed,
- refuelling trays will be used,
- accidental spills will be suitably managed,
- stability of the quarry faces, and quality of aggregate will be assessed by a qualified geologist, and,
- the worked-out site will be restored in accordance with a plan.

8.51. The residual impact will be the worked-out quarry void which will be subject to restoration.

8.52. I have considered this chapter of the EIAR and the written submissions made in relation to land, soils and geology. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on land, soils and geology.

8.53. **Water**

8.54. Water is addressed in Chapter 8 of the EIAR. The site is partially a working quarry. There is no dewatering because the site is elevated over the local water table. All effective rainfall (rainfall minus evaporation) ponds on the quarry floors and is eventually collected in a sump in the southern part of the site. From there it is pumped vertically up to a higher elevation close to the southern site boundary where it is used in aggregate washing/processing. Wash water is recycled and where there is excess water, particularly in wet periods, surface water eventually discharges via network of settlement ponds to the Newbawn River which flows along the south-eastern site boundary and then into the Avonmore River. Elements of the site on the western and eastern site boundaries drain to the Avonmore and Newbawn Rivers respectively. Figure 8.4 illustrates these arrangements.

- 8.55. The potential impacts arising during the extraction phase are examined using the source/pathway/receptor model where the site is the source, the pathway is runoff/discharged to adjoining drainage routes and the receptor downstream surface waters and habitats.
- 8.56. Extraction phase mitigation measures can be summarised as;
- prior to commencing of overburden stripping silt fencing will be fixed down slope of the working areas and all surface water from new working areas to be directed through this fencing and settlement ponds before being directed to the quarry floor.
 - All works of stripping and landscaping earthworks will be undertaken under the supervision of a suitably qualified person.
 - Stripping works will be carried out in periods of low rainfall and stabilising planting (trees and grasses) will be carried out as soon as possible to minimise ongoing erosion.
 - Good construction practice (regular plant maintenance, dust suppression and wheelwashing) will reduce sediment mobilisation.
- 8.57. No significant impacts on water quality are predicted from this activity.
- 8.58. The EIAR recognises that explosives commonly used in quarrying operations can release nitrogen into the on-site surface water system which can provide a pathway to the downstream surface waters. Using a standard methodology the EIAR concludes that additional N will be low and below environmental quality standards and that no mitigation measures are necessary.
- 8.59. In relation to ground water levels the EIAR states that the proposed excavation will be limited to 72mOD which is 4m above the water table at 68mOD and no dewatering is required. No impact on groundwater levels is anticipated. 7 wells are identified within 500m of the application site, but all are up-gradient of the site and no impacts are expected on these wells.
- 8.60. In relation to groundwater quality the potential impacts are identified as arising from oil/fuel spills and leaks. The mitigation measures proposed include regular servicing of plant and machinery, the use of drip trays/drip trays and storage of oils/fuels in bunded areas with 110% capacity. Where surface water is eventually discharged

from the site it will do so through oil interceptors. Having regard to these measures no significant effect is predicted on ground or surface water quality.

- 8.61. There are no expected impacts on the hydrogeology of the area.
- 8.62. I have this chapter of the EIAR and all the submissions on file in relation to water including the submission of additional information. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on the water environment.
- 8.63. **Chapter 9 of the EIAR address climate.**
- 8.64. The existing situation is described as a typical Irish climate strongly influenced by proximity to the sea. In the summer dry continental air is interspersed with Atlantic frontal systems and in winter is dominated by Atlantic frontal systems. Table 9.2, Table 9.3 and Table 9.4 give, respectively, annual average rainfall for the Casement Aerodrome, mean temperatures Celsius at Casement Aerodrome, and evaporation at Casement Aerodrome. Table 9.5 gives average long-term rainfall at Rathdrum.
- 8.65. Expected impacts are considered under construction phase impacts and operational phase impacts. Mitigation measures to reduce the impact on climate of the existing quarrying operation are in place and will be continued in the extended quarry. These mitigation measures can be summarised as:
- Adherence to good on-site operational practice such as switching off all plant and machinery when not in use.
 - Regular plant servicing which ensures efficient fuel use.
 - Plant and/or vehicles are chosen/purchased for their energy consumption and emissions properties.
- 8.66. Construction phase impacts are identified as arising from construction of berms and erection of plant. Emissions such as CO₂ and N₂O will arise in this phase but these will be short term and are assessed as comprising an imperceptible impact. Operational phase impacts will also give rise to CO₂ and N₂O emissions but no new plant or machinery, except for the fixed processing plant, will be necessary in order to increase the level of extraction because this is a continuation of an existing

quarrying operation. Therefore, the emissions and impact on climate is assessed as slight in the long-term.

8.67. No residual impacts are predicted.

8.68. I have considered this chapter of the EIAR all the written submissions on file in relation to climate. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects climate.

8.69. **Chapter 10 deals with air quality impacts.**

8.70. Impacts on air are identified as arising from dust emitted from the site and CO₂ and N₂O coming from the use of plant and machinery.

8.71. Construction phase impacts on air quality are identified as arising from the construction of berms using displaced overburden and the reinstatement of disturbed areas on completion of extraction. Exhaust from machinery will produce CO₂ and N₂O but this will occur over a short period and the impact will be imperceptible. The construction phase mitigation measures proposed may be summarised as:

- Confining overburden stripping and berm construction as far as possible to dry weather to minimise fugitive dust.
- Limiting vehicle speeds on haul roads to prevent dust generation.
- On-site management of activity to prevent dust blowing about.

8.72. Operational phase impacts on air quality will arise from overburden stripping, landscaping and berm construction, drilling and blasting, processing of material and transport of material. The mitigation measures to limit impacts on air quality during the operational phase may be summarised as:

- Limiting soil handling activity to dry weather periods.
- Maintenance of good internal roads and speed limits on moving vehicles.
- Spraying disturbed surface during particularly dry periods.
- Transport of materials likely to give rise to windblown dust in covered vehicles.

- Monitoring of dust deposition levels at the points illustrated in Figure 10.1 attached to this chapter of the EIAR.

8.73. There is another quarry 2.1kms to the east but no significant cumulative impact with this quarry and the proposed quarry extension is predicted. No residual adverse impact on air quality is identified.

8.74. I have considered this chapter of the EIAR, the further information submitted to the planning authority and the other submission on file in relation to air quality. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on air quality.

8.75. **Chapter 11 deals with noise and vibration**

8.76. Plate 11.1 of the EIAR illustrates the three main noise source areas within the quarry and the location of 5 noise monitors located outside the application site. The survey underlying the assessment was carried out during the working hours of the existing quarry. Table 11.1 lists the vehicles/plant operating during the survey period and the noise levels recorded, Table 11.2 lists the plant on site and/or proposed for the site but not operational and the predicted noise outputs. Tables 11.3 and 11.4 records the distance between the noise sensitive receptors and the noise sources. Table 11.5 records the noise levels at the noise sensitive receptors when the quarry was operating². Plate 11.2 illustrates the extent of the proposed quarry extension (yellow line). Table 11.6 predicts the cumulative noise levels arising from the proposed quarrying activity and plant/machinery and concludes that the predicted levels are well within the EPA Guidelines.

8.77. The mitigation measures proposed to limit noise impacts can be summarised as:

- The provision of a 3m high berm along the extraction site boundary.
- Replacing reversing beepers with beepers that are not audible at receptors.
- The location of fixed crushing and screening plant away from the site boundary.
- Ensuring maintenance of machinery and turning off machinery when not in use.

² In one case the quarry was closed.

- Choosing replacement machinery for its noise reduction qualities.
- 8.78. Ground vibrations from blasting are a result of the amount of charge used, the medium (material) between blast and receptor and the distance between the blast and receptor. The quarry operator is familiar with the materials occurring on site, employs the most up-to-date technology, will apply the mitigation set out in the EIAR and thereby the blast impacts can be mitigated and maintained within accepted blast vibration limits.
- 8.79. Air blast (over-pressure) noise is a result of the type and quantity of explosives used in the quarry, the degree and type of confinement and method of initiation. These factors are within the control of the developer. Other factors such as atmospheric conditions and the local geology/topography are outside the developer's control. The applicant proposes to limit the air over-pressure level to 125dB (Lin peak) with a 95% confidence limit which is well below 133dB which is within the EPA recommended limit.
- 8.80. Mitigation measures in relation to vibration, over-pressure noise and flyrock are set out and may be summarised as:
- Good blast management procedures to minimise impacts.
 - Monitoring and logging blast operations.
 - Monitoring ground vibrations and air over-pressures.
- 8.81. The mitigation measures will ensure the long-term noise impacts are within the limits set by the planning authority and within the EPA environmental management guidelines.
- 8.82. I have considered this chapter of the EIAR, the additional information submitted with the application and all the submissions on file in relation noise and vibration. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects arising from noise and vibration.

- 8.83. **Chapter 12 addresses traffic.**
- 8.84. The EIAR maps the local road network on Figure 15.1 and summarises the roads likely to be affected by the proposed development as the R752 from Rathdrum to the junction of the R752/L1152 (Junction 1), the L1152 to the junction with the L5151 (Junction 2) and the L5151 junction with the quarry access (Junction 3).
- 8.85. The EIAR relies on TII estimates for traffic growth generally in the 15 years from 2018 to 2033. The report adopts a base year of 2018. Applying this model, the report estimates a 20% growth in traffic on the road network. Quarry specific traffic will go from an average of 70 to/from the quarry and 25 staff to/from the site to 140 loads and 50 cars (Table 12.5). The impacts on the local road network are predicted to be that 47% of all HGV trips on the R752 will be quarry related falling to 43% in 2033, that the quarry will account for 79% of HGV trips on the L1152 and 94% of HGV trips on the L5151.
- 8.86. There is no bus service serving the quarry and cycling to work is not feasible for staff.
- 8.87. The mitigation measures outlined for Junction 1, the R752/L1152, junction are,
- Provision of a 'stop' road markings,
 - repainting of the solid centre line through the junction,
 - provision of warning signs on the northbound/southbound junction approaches.
- 8.88. The mitigation measure for the L1152/L5151 (junction 2) is the provision of a 'stop' road markings in accordance with Traffic Signal Manual. The mitigation measure for quarry access with the L5151 (junction 3) is the provision of 'stop' road markings in accordance with Traffic Signal Manual.
- 8.89. The EIAR concludes that the proposed development will have no additional impacts on the local road network.
- 8.90. I have considered this chapter of the EIAR and additional information submitted with the application, and the submissions on file in relation to traffic impacts. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development

would not have any unacceptable direct, indirect or cumulative effects arising from traffic.

8.91. Chapter 13 addresses landscape and restoration.

8.92. The EIAR states that the application site is within the 'South East Mountain Lowlands' landscape area as designated in the Wicklow County Development Plan. This is not an Area of Outstanding Natural Beauty to which the highest protection applies. The plan lists views of special amenity value or special interest and those in the vicinity of the quarry are the views from the L6154 and Mottee Stone Connery, Avoca, from the L2167 Kilmacoo, Parnell Drive, from the R755 at Rathdrum Catholic Church and from the R752 above Rathdrum Mills. The zone of visual influence (ZVI) of the application site is illustrated on plate 13.4. Table 13.10 summarises the visual impacts that would arise from the viewpoints adopted for the purposes of visual assessment and find that there are no impacts arising from the quarry.

8.93. The visual impact mitigation measures set out in the EIAR include a landscape and restoration plan which will ensure that the workings are not visible from the surrounding road network or houses. When overburden is stripped it will be stored and planted with grass to form temporary berms, permanent berms will be constructed along the north-eastern and northern boundaries to screen the quarry and planted with appropriate tree/shrub species. A three-phase quarry restoration plan will be carried out. Phase 1 will involve the benching of the worked-out quarry face with a 70° slope with a maximum height of 18/20m, each bench will be 5m wide and covered with a layer of topsoil to allow for natural regeneration. Phase 2 will involve the removal of all plant and machinery of the site, covering the quarry floor with subsoil, provision of appropriate planting and an access road around the side of the quarry to allow for access and maintenance. Phase 3 will see the removal of all fixed plant and its reuse elsewhere or sale as scrap.

8.94. No residual impacts are expected.

8.95. I have considered this chapter of the EIAR and the written submissions on file in relation to landscape impacts. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that

the proposed development would not have an unacceptable direct, indirect or cumulative effects on the landscape of the area.

8.96. Chapter 14 deals with **material assets**.

8.97. These are identified as residential buildings, geological resources, land, roads and traffic, public utilities, groundwater and water supplies, scenic routes and views, tourism, archaeology and waste. Mitigation measures are discussed in individual chapters on each topic.

8.98. The sole residual impact is identified as the permanent loss of a geological resource by the creation of a quarry void.

8.99. I have considered this chapter of the EIAR and the written submissions on file in relation to material assets. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have an unacceptable direct, indirect or cumulative effect material assets.

8.100. Chapter 15 addressed **archaeology and cultural heritage**. There is no identified archaeology within the application site but as mitigation for potential remains soil stripping works should be monitored. There are no protected structures within the application site. There are 10 protected structures within the study area but none are impacted upon by the proposed development and no mitigation measures are required.

8.101. I have considered all of the EIAR and submissions made in relation to archaeology and cultural heritage. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on archaeology and cultural heritage.

8.102. **Interactions between Factors and Cumulative Impacts**

8.103. Chapter 16 of the EIAR evaluates the potential interactions which the proposed development may have on the receiving environment and sensitive receptors. Table 16.1 illustrates the interactions assessed for this project. While there are potential

impacts arising between the elements discussed in previous chapters of the EIAR it is concluded having regard to the assessment carried out and the mitigation measures set out previously that there are no residual or cumulative significant impacts arising from the interactions of the elements assessed.

8.104. Overall, I consider that the EIAR document has satisfactorily addressed interactions. I am also satisfied that the proposed development is not likely to result in significant impacts in terms of interaction of individual environmental factors. I am satisfied that the cumulative assessment reasonably assesses the impacts of the proposed development.

9.0 Reasoned Conclusions.

9.1. Having regard to the examination of environmental information contained above, and to the submissions on file the main significant direct and indirect effects of the proposed development on the environment are as follows:

- The depth of quarrying will be limited to 72m OD which is 4m above the water table. Therefore, there will be no pumping of ground water or dewatering arising from the proposed development and no impact on the wells in the area. Surface water within the site will be used in the processing of aggregate and recycled. Where surface water is discharged from the site it will do so following settlement out of suspended solids and removal of contaminants.
- Because the application is for a continuation of quarrying activity within a landholding which has an established and permitted quarrying use the levels of quarry related vehicular traffic on the adjoining road network. Mitigation of impacts on the road network and the adjoining land uses (including residential uses) will include limiting traffic to the haul route set out in the EIAR, dust and suppression, additional road signage and a contribution towards road improvements required by the planning authority.

10.0 **Appropriate Assessment.**

10.1. The applicant has submitted an AA screening exercise with the application. The report identifies 9 Natura 2000 sites within 15kms of the application site. These are;

1. Vale of Clara (Rathdrum Wood SAC) (000733).
2. Deputy's Pass Nature Reserve SAC (000717)
3. Wicklow Mountains SPA (0004040).
4. Buckronev Brittas Dunes and Fen SAC (0007290).
5. Magherabeg Dunes SAC (001766).
6. Wicklow Mountain SAC (002122).
7. Murrough Wetlands SAC (002249).
8. The Murrough SPA (004186)
9. Wicklow Head SPA (004127).

10.2. The Vale of Clara (Rathdrum Wood SAC) (000733) is 3.5 kms north of the application site and is subject to the conservation objective to maintain or restore the favourable conservation condition of the habitat old sessile oak woods with Ilex and Blechnum in the British Isles.

10.3. The applicant concluded in the screening report (table 5.7) that there is a hydrological connection between the SAC and the application site by way of underground flow paths. The screening report concludes that strict adherence to best practice will ensure that the continuation of quarrying activity will not result in significant effects on the SAC. This matter was raised by way of point 6 of the request for additional information and the planning authority stated that mitigation measures may not be used to avoid the provision of a NIS and carrying out a Stage 2 Appropriate Assessment. The applicant responded that The Clara Vale SAC is 3.5kms north of the application site and that the direction of ground and surface water flow is the north to south and there is no pathway between the application site and the SAC. Therefore, it can be concluded that the proposed development would not be likely to have a significant effect on the Clara Vale SAC.

- 10.4. I have carried out a site inspection of the adjoining surface water bodies (the Avonmore River and Newbawn stream) which flow north to south and I consider that the material in the EIAR, the AA screening report and the applicant's response to the additional information request in relation to ground water flow is sufficient to conclude that there is no hydrological or hydrogeological connection between the SAC and the application site. I consider that the reference in the applicant's AA screening report to relying on best working practices as the basis for screening out the necessity for AA is unnecessary since the qualifying habitat (old sessile oak woods) cannot be impacted upon by surface or ground waters located south of the SAC and flowing south away from the SAC. On this basis it is reasonable to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Clara Vale SAC (000733) or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.
- 10.5. The Deputy's Pass Nature Reserve SAC (000717) located 4.7kms southwest of the application site and is subject to the conservation objective to maintain or restore the favourable conservation condition the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected and the habitat is old sessile oak woods with Ilex and Blechnum. The Screening exercise states that the SAC is upstream of the application site and has no hydrological connection to the application site and is screened out on this basis. Having regard to the nature of the qualifying interest for which the SAC has been designated, the separation distance from the application and the absence of a hydrological connection I consider it reasonable to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Deputy's Pass Nature Reserve SAC (000717).
- 10.6. The Wicklow Mountains SPA (004040) is 10.3kmns distant from the application site is subject to the conservation objective to maintain or restore the favourable conservation condition of the bird species listed as conservation interests for this SPA; these are the merlin and peregrine falcon. The Screening report states that there is no hydrological pathway between the application site and the SPA. Having regard to the nature of the qualifying interest for which the SAC has been

designated, the separation distance from the application site and the absence of a hydrological connection I consider it reasonable to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Wicklow Mountains SPA (004040).

10.7. The Buckroney Brittas Dunes and Fen SAC (0007290) is located 11.6kms distant from the application site and is subject to the conservation objective to maintain the habitats and species within the Natura 2000 site at favourable conservation condition which will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level. The qualifying interests are;

- Annual vegetation of drift lines
- Perennial vegetation of stony banks
- Mediterranean salt meadows (*Juncetalia maritimi*)
- Embryonic shifting dunes
- Shifting dunes along the shoreline with *Ammophila Arenaria* (white dunes)
- Fixed coastal dunes with herbaceous vegetation (grey dunes)
- Atlantic decalcified fixed dunes (Calluno-Ulicetea)
- Dunes with *Salix repens ssp. argentea* (Salicion arenariae)
- Humid dune slacks
- Alkaline fens

10.8. The screening report states that there is no hydrological pathway between the application site and the SPA. Having regard to the nature of the qualifying interests for which the SAC has been designated, the separation distance from the application and the absence of a hydrological connection I consider it reasonable to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Buckroney Brittas Dunes and Fen SAC (0007290).

10.9. The Magherabeg Dunes SAC (001766) is 12.3kms west of the application site and is subject to the conservation objective to maintain the habitats within the Natura 2000 site at favourable conservation condition which will contribute to the overall

maintenance of favourable conservation status of those habitats at a national level.

The qualifying interests are;

- Annual vegetation of drift lines
- Embryonic shifting dunes
- Shifting dunes along the shoreline with *Ammophila Arenaria* (white dunes)
- Fixed coastal dunes with herbaceous vegetation (grey dunes)
- Atlantic decalcified fixed dunes (Calluno-Ulicetea)
- Petrifying springs with tufa formation.

10.10. The screening report states that there is no hydrological pathway between the application site and the SAC. Having regard to the nature of the qualifying interests for which the SAC has been designated, the separation distance from the application site and the absence of a hydrological connection I consider it reasonable to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Magherabeg Dunes SAC (001766).

10.11. The Wicklow Mountains SAC is about 12.5kms distant from the application site and is designated with the objective to maintain the habitats and species within the Natura 2000 site at favourable conservation condition which will contribute to the overall maintenance of the favourable conservation status of those habitats and species at a national level. The qualifying interest species is the otter. The qualifying habitats are;

- Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae)
- Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea
- Natural dystrophic lakes and ponds
- Northern Atlantic wet heaths with *Erica tetralix*
- European dry heaths

- Alpine and Boreal heaths
- Calaminarian grasslands of the *Violetalia calaminariae*
- Species-rich *Nardus* grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)
- Blanket bogs (* if active bog)
- Siliceous scree of the montane to snow levels (*Androsacetalia alpinae* and *Galeopsietalia ladani*)
- Calcareous rocky slopes with chasmophytic vegetation
- Siliceous rocky slopes with chasmophytic vegetation
- Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles

10.12. The Screening report states that there is no hydrological pathway between the application site and the SAC. Having regard to the nature of the qualifying interests for which the SAC has been designated, the separation distance from the application and the absence of a hydrological connection I consider it reasonable to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Wicklow Mountains SAC (002122).

10.13. The Murrough Wetlands SAC (002249) is 13.5kms northwest from the application site and is subject to the objective to maintain or restore the favourable conservation condition of the habitats/qualifying interests for which the SAC has been designated. The qualifying interests are;

- Annual vegetation of drift lines
- Perennial vegetation of stony banks
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)
- Mediterranean salt meadows (*Juncetalia maritimi*)
- Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae*, and
- Alkaline fens.

- 10.14. The screening report states that the separation distance and the absence of a hydrological pathway between the application site and the SAC allows for the ruling out of effects on the SAC. Having regard to the nature of the qualifying interests for which the SAC has been designated, the separation distance from the application site and the absence of a hydrological connection I consider it reasonable to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Murrough Wetlands SAC (002249).
- 10.15. The Murrough SPA (004186) is 13.5kms northwest from the application site and is subject to the conservation objective to maintain or restore the favourable conservation condition the bird species listed as qualifying interests of the SPA. The species/ qualifying interests are; the red throated diver, greyleg goose, light-bellied brent goose, wigeon, teal, blackheaded gull, herring gull, little tern. There is a second objective which is to maintain or restore the favourable conservation condition of the wetland habitat at The Murrough SPA as a resource for the regularly-occurring migratory water birds that utilise it.
- 10.16. The screening report states that the separation distance and the absence of a hydrological pathway between the application site and the SPA allows for the ruling out of effects on the SPA. Having regard to the nature of the qualifying interests for which the SPA has been designated, the separation distance from the application site and the absence of a hydrological connection I consider it reasonable to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Murrough Wetlands SPA (00416).
- 10.17. Wicklow Head SPA (004127) is located 14.6km from the application site and has been designated with the conservation objective of to maintain or restore the favourable conservation condition of a single bird species – the kittiwake. The screening report states that the separation distance and the absence of a hydrological pathway between the application site and the SPA allows for the ruling out of effects on the SAC. Having regard to the nature of the qualifying interests for which the SAC has been designated, the separation distance from the application and the absence of a hydrological connection I consider it reasonable to conclude that the proposed development, individually or in combination with other plans or

projects would not be likely to have a significant effect on the Wicklow Head SPA (004127).

11.0 Recommendation

11.1. I recommend that permission be granted.

12.0 Reasons and Considerations

12.1. Having regard to established use and the planning history of the site and adjoining landholding in the applicant's ownership, the nature, location and extent of the proposed development and to the established character and pattern of development in the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would be acceptable in terms of traffic safety and convenience and protection of ground and surface water quality and would be in accordance with the provisions of the Wicklow County Development Plan and with the proper planning and sustainable development of the area.

12.2. Appropriate Assessment Screening

12.3. The Board had regard to the appropriate assessment screening report submitted with the application and the appropriate assessment screening exercise carried out by the Board's planning inspector in relation to the following European sites.

1. Vale of Clara (Rathdrum Wood SAC) (000733).
2. Deputy's Pass Nature Reserve SAC (000717)
3. Wicklow Mountains SPA (0004040).
4. Buckronev Brittas Dunes and Fen SAC (0007290).
5. Magherabeg Dunes SAC (001766).
6. Wicklow Mountain SAC (002122).
7. Murrough Wetlands SAC (002249).
8. The Murrough SPA (004186)
9. Wicklow Head SPA (004127).

12.4. The Board concluded that on the basis of the information on the file and the Planning Inspector's appropriate assessment screening exercise that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above mentioned European sites or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

12.5. **Environmental Impact Assessment.**

12.6. The Board completed in compliance with section 172 of the Planning and Development Act 2000 an environmental impact assessment of the proposed development, taking into account:

- the nature, scale, location, and extent of the proposed development;
- the Environmental Impact Assessment Report and associated documentation submitted with the application;
- the submissions on file;
- the Planning Inspector's report;

The Board considered that the Environmental Impact Assessment Report, supported by the information submitted by the applicant identifies and describes adequately the direct, indirect, and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the EIAR complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application and the appeal. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation (including environmental conditions) and are incorporated in the Board's decision.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, and, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with

other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting inspector.

The Board is satisfied that this reasoned conclusion is up to date at the time of taking this decision.

12.7. Conditions.

1	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application (including the Environmental Impact Assessment Report and Appropriate Assessment Screening report as amended by the further plans and particulars submitted on the 13th day of May 2019 and the 4th day of July 2019, 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.</p> <p>Reason: In the interest of clarity.</p>
2	<p>This grant of permission shall be for a period of 25 years from the date of this order. The site restoration works described in the application shall be completed within 1 year of the date of cessation of quarrying activities on the site.</p> <p>Reason: In the interest of visual amenity and orderly development.</p>
3	<p>No extraction of rock, sand or gravel shall take place below 4m above the level of the water table.</p> <p>Reason: To protect groundwater in the area.</p>
4	<p>The proposals, mitigation measures and commitments set out in the Environmental Impact Assessment Report and additional information received by the planning authority shall be implemented in full as part of the proposed development.</p> <p>Reason: In the interest of clarity, to mitigate the environmental effects of the</p>

	proposed quarry and to protect the amenities of the area and of property in the vicinity.
5	<p>Prior to commencement of development the developer shall submit and agree with the planning authority measures to protect the nesting areas of sand martins within the application site.</p> <p>Reason: To protect biodiversity within the application site.</p>
6	<p>The quarry, and all activities occurring therein, shall only operate between 0700 hours and 1900 hours, Monday to Friday and between 0700 hours and 1430 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays.</p> <p>Reason: In order to protect the residential amenities of property in the vicinity.</p>
7	<p>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.</p> <p>Reason: In order to safeguard local amenities.</p>
8	<p>A wheel-wash facility shall be provided adjacent to the site exit, the location and details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of traffic safety and convenience, and to protect the amenities of the area.</p>
9	<p>All over ground tanks containing liquids (other than water) shall be contained in a waterproof bunded area, which shall be of sufficient volume to hold 110 per cent of the volume of the tanks within the bund. All water contaminated with hydrocarbons, including stormwater, shall be discharged via a grit trap and three-way oil interceptor with sump to a watercourse. The sump shall be provided with an inspection chamber and shall be installed and operated in accordance with the written requirements of the planning authority.</p> <p>Reason: In order to protect groundwater and surface water.</p>

10	<p>(a) Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details to be submitted shall include monitoring locations, commencement date and the frequency of monitoring results, and details of all dust suppression measures.</p> <p>(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 site, 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.</p> <p>Reason: To control dust emissions arising from the development and in the interest of the amenity of the area.</p>
11	<p>During the operation phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed</p> <p>(a) an Leq, 1h value of 55 dB(A) between 08.00 and 20.00 hours</p> <p>(b) an Leq, 15 min value of 45 dB(A) at any other time. Night time emissions shall have no tonal component.</p> <p>Reason: In order to protect the residential amenities of property in the vicinity.</p>
12	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In</p>

	<p>this regard, the developer shall -</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
12	<p>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 and methodology/frequency of monitoring/submission of results shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interest of protecting residential amenities and ensuring a sustainable use of non-renewable resources.</p>
13	<p>Restoration shall be carried out in accordance with a restoration plan, which shall include existing and proposed finished ground levels, landscaping proposals and a timescale for implementation. This plan shall be prepared by the developer, and shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure the satisfactory restoration of the site, in the interest of visual amenity.</p>
14	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the</p>

	<p>development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory restoration of the site in the interest of visual amenity.</p>
15	<p>Prior to commencement of development the developer shall submit to and agree in writing with the planning authority a signage scheme warning road users of the existence of the quarry. This signage scheme shall be maintained at the developer's expense for the duration of the quarrying activity permitted by this grant of planning permission.</p> <p>Reason: In the interests of traffic safety.</p>
16	<p>The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of;</p> <ul style="list-style-type: none"> (a) Road improvement works at the junction of the R752 and the L1152 (b) Road widening works on the L1152 (c) Road improvement works to the junction of the L1152 and the L5151, (d) Road widening works on the L5151. <p>The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board for determination. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.</p> <p>Reason: It is considered reasonable that the developer should</p>

	<p>contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.</p>
17	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

Hugh Mannion
Senior Planning Inspector
19th December 2020