

Inspector's Report ABP-305505-19.

Development	Sand and gravel quarry.
Location	Ballycore Townland, Grangecon, County Wicklow
Planning Authority	Wicklow County Council.
Planning Authority Reg. Ref.	181288.
Applicant	Roadfill Aggregates Limited.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party
Appellants	Paul Doyle An Taisce.
Observer(s)	None.
Date of Site Inspection	2 nd December 2019
Inspector	Philip Davis.

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1.0 Introduction

This appeal is against the decision of the planning authority to grant permission for a substantial sand and gravel quarry on agricultural lands next to a small, seemingly disused quarry in Grangecon, County Wicklow, on the boundary with County Kildare. The application is accompanied by an EIAR. The decision has been appealed by a local resident and An Taisce, outlining concerns about the impact on local amenities, on a recorded ancient monument (a motte and bailey castle), on an SAC, in addition to traffic concerns.

The application was submitted with an EIAR and a Screening Assessment – the latter concluded that a stage 2 AA was not required.

2.0 Site Location and Description

2.1. Ballycore Townland, Grangecon

The appeal site is located in Ballycore townland in south-west Wicklow. This townland is on the border with Kildare, roughly 6 km north-west of the town of Baltinglass, and roughly equidistant between the villages of Grangecon in Wicklow and Ballitore and Timolin/Moone in Kildare. The area is characterised by rolling hills of glacial and fluvioglacial deposits forming the hills west of the Wicklow Mountains, with the hills and valleys generally between the 100 to 150 metre AOD contours. The lands are mostly used for grazing of variable quality, with medium to large fields bounded by ditches and high hedges. The area is relatively sparsely populated, with scattered houses along the minor road network. The R747 from Baltinglass to Athy runs along the south of the townland. The most prominent feature of the townland is a low ridge – possibly an esker or other fluvioglacial feature, running south from the uplands, terminating in a point occupied by a motte, with the valley of the Buthogue River, a tributary of the Greise, which is in turn a tributary of the Barrow, forming the south-east side of this ridge.

2.2. The site

The appeal site is an irregularly shaped series of 5 fields divided by hedges and fences in grazing use, plus an access to the main road (R747), with a site area given as 14.8 hectares in the townland of Ballycore. The western boundary of the

site runs along the Wicklow/Kildare boundary. It is mostly part of a ridge about 30 metres higher than the R747 to the south and south-west. To the east of the site is a very narrow substandard country road (L8286, known as the Ballycore Lane). To the south/southeast of the site is a scarp slope, covered in gorse. At the base of this slope is a narrow marshy valley, where the Bothogue River (spelt Botogue on some maps), a tributary of the Greese River (in turn, a tributary of the Barrow) flows to the south-west. A similar scarp slope is on the south-west side. A ridge extends south from the site, dropping to a steep slope to the R747. At the end of the ridge, overlooking the R747, is a prominent ring fort, described on maps as a rath, but more correctly a Motte and Bailey. To the north of the site is a field with a small disused sand and gravel quarry, accessed onto the minor road. The site includes a notional track about 600 metres in length, extending to the R747 at a point beside a small farmhouse (this farmhouse is part of the landholding). The site is part of a larger farmholding.

3.0 Proposed Development

The proposed development is as described on the site notice. In summary, the key elements are:

- A sand and gravel extraction area of 11.5 hectares.
- A track with a new access to the R747 road.
- All associated infrastructure including wheel washers, lagoons, screening, prefabricated offices, WC, septic tank, etc.

The application is accompanied by an EIAR and associated documentation.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant permission subject to 23 largely standard conditions. Condition 2 limits the permission to 15 years.

4.2. Planning Authority Reports

4.2.1. Planning Reports

There are two planning reports on file, the second one subsequent to a further information request.

- Notes the location in an area with a category of 'rural area – rolling lowlands'.
- Outlines relevant development plan policies and national/regional policies.
- Notes the landowner has signed a consent form for the application.
- Outlines the findings of the EIAR. The section on groundwater where it is considered that it has not been demonstrated that there will be no significant impacts given the lack of ground water level testing during the winter months. The section on visual assessment is also considered inadequate due to a lack of assessment from the proposed access road.
- All other aspects of the submission, including the restoration plan are considered acceptable.
- A refusal was recommended for reasons relating to forward visibility sightlines from the Baltinglass direction, and insufficient information in the EIAR Report. A further comment on the report recommended that an FI request be issued to address these issues.
- Subsequent to the submission of further information, a further report stated that the information submitted was considered acceptable and addressed the traffic safety and groundwater issues, and a grant of permission with conditions was recommended.

4.2.2. Other Technical Reports

District Engineer: No objection subject to further details on the proposed entrance on the R747.

Environmental Health Officer – further information requested on details of staff facilities and groundwater protection.

Environment & Water – no objection subject to conditions.

Roads – concerns regarding sight lines and the lack of a Stage 1 Road Safety Audit. Recommend refusal.

Waste Management Section – in relation to the submission of further information, a memo states that the information on groundwater levels was satisfactory, although it was not possible to check one of the boreholes due to the presence of livestock. A condition on long term monitoring of groundwater is recommended.

4.3. **Prescribed Bodies**

Department of Culture, Heritage and the Gaeltacht. Notes proximity to pNHA 01751. Acknowledges Screening report, requests that EIAR recommendations be followed.

An Taisce – Outlines concerns about the relationship with other quarries in the area, and notes enforcement proceedings by Kildare CC on the application. Requests trans-county boundary impact report on landscape and other considerations.

TII – Notes application – no objections subject to Council following the 2012 Guidelines. Subsequent to the FI submission, no further comments.

Gas Networks Ireland. Notes pipeline in the general vicinity of the site, requests a condition relating to ‘Code of Practice 20L5’.

Kildare County Council: Requests additional information on traffic issues. Requests a special levy with regard to traffic on Kildare roads.

HSE – a number of conditions recommended.

4.4. **Third Party Observations**

Three separate third parties (all Grangecon residents) objected to the proposed development citing traffic, amenity, environmental, and other related issues.

5.0 **Planning History**

There is no record of previous applications or appeals for the site.

To the north of the site is a disused sand and gravel pit – the retention and permission for this was refused planning permission in 2002 by Wicklow CC

(02/6126) and confirmed on appeal by the Board (PL27.129669). The reason for refusal related to the inadequacy of the road (L8286) for access.

In 2007 the Board confirmed, with modifications, the registration of the quarry to the north of the site under S.261 of the Act as amended – condition 33 of this related to the site being restored after use (PL27.QC.2075).

Permission was granted for a barn/shed to the south-west of the site on adjoining lands (14/1550). On the same landholding, permission was granted for the retention of a side extension (14/1370).

6.0 Policy Context

6.1. Development Plan

The appeal site is in open countryside in the Wicklow County Development Plan 2016-2022 with no specific zoning designations. It is in an area identified as 'landscape category 5' – rolling lowlands. Relevant policy is in section 5.3.15 of the CDP. Policies on extractive industries are set out in Chapter 5 of the CDP, specifically policies EX1 and EX4. There are also relevant policies under Heritage (Chapter 10).

6.2. Natural Heritage Designations

The site immediately adjoins a pNHA – Ballycore Rath pNAH, designated for calcareous grassland. There are no Natura 2000 sites in the immediate vicinity, but the adjoining river drains to the Barrow catchment, much of which is an SAC. There are in total three Natura 2000 sites within 15 km, but none closer than 5 km.

7.0 The Appeal

7.1. Grounds of Appeal

Paul Doyle of Grange Con, Wicklow

- It is submitted that the application should be assessed along with the existing sand and gravel quarry at Portersize, Co. Kildare, 550 metres west of the site

– concerns are expressed at alleged breaches at other quarries in the applicant's ownership.

- It is argued that the existing quarry creates significant residential amenity impacts by way of noise and dust and other emissions and arisings.
- It is noted that planning application 181288 was recommended to be refused permission for reason of traffic hazard.
- Concerns are expressed at the proposed site entrance at a section of road with poor visibility, both vertically and horizontally.
- It is noted that there are a number of recorded ancient monuments in the area and a designated pNHA.
- Concerns are expressed at the potential impact on groundwater, specifically the private wells in the vicinity.

An Taisce

- It is noted that the applicant has two other quarry operations – one at Ballysax, which it is stated is thought to have been served with an enforcement notice. Another quarry at Usk, Co. Kildare, also connected with the application company is known to have operated without EIA or AA.
- An Taisce shares the concerns of the other appellant about the potential impact of traffic on what is considered to be a substandard regional road. It is submitted that the overall impacts from traffic movements have not been properly assessed, including air emissions and climate change.
- It is noted that it is within 15 km of three Natura 2000 sites, it is submitted that they were screened out without any consideration for the conservation objectives.
- Questions are raised about quarrying on the site identified from year 2000 aerial photographs.
- It is questioned whether the cumulative impacts of other quarries in the area have been adequately considered.
- A number of enclosures relate to past complaints about activities on quarries associated with the applicant company.

7.2. Applicant Response

Response to Mr. Paul Doyle Appeal:

- An additional plan (figure 1) with the response indicates the relationship between the appeal site and local residences and the existing S&G out (07/723) in Kildare. It is noted that there are no dwellings within 250 metres.
- Chapter 8 of the EIAR is referred to by way of air quality, it is argued that there is no evidence using standard assessment tools that there would be an impact on local receptors.
- Chapter 10 with regard to noise is referred to – it is argued that on the basis of EPA (2006) guidance there would be no significant noise impacts, and that best practice methods such as screening and plant design/location will be utilised. Traffic movements will only occur during day time hours. It is submitted that the worst case scenario included cumulative noise impacts using IEMA guidelines and that the impacts would be negligible.
- Chapter 14 is referred to with regard to Road access and safety. A summary of the assessment and analysis is included and it is concluded that there would be a minimal impact. Additional information is submitted with regard to an existing farm access (to be closed permanently). A Road Safety Audit is included with the submission (Appendix B)
- Additional drawings submitted indicate a number of changes to the roadside boundary, including the removal of a hedgerow to improve sight lines.
- Chapter 12 is referred to with regard to Environmental and Archaeological impacts. It is submitted that there would be no direct impacts on any designated or undesignated monuments. It is argued that all other related issues are addressed fully in the EIAR.

An Taisce appeal

- With regard to the Ballysax site, it is stated that following a High Court decision a all extraction and related operations have ceased at the site. It is

also stated that the Usk site is unused and there is a pending planning application.

- With regard to traffic, the Board is referred to Chapter 14 for the full TIA, and the Road Safety Audit. Details are set out of responses to the specific issues raised in the RSA (plans attached).
- Habitats Directive: It is submitted that the Screening was carried out in accordance with NPWS guidance and the conclusion was accepted by the competent authority, Wicklow County Council.
- With regards to the planning history of the site, it is stated that the former pit to the north was refused in 2002 for retention by the County Council and this was upheld by the Board for traffic reasons – but it is noted that this site accessed a minor road. It is stated that there are no previous planning applications relating to the site.
- It is submitted that all permitted traffic movements from adjoining quarries in Kildare are accounted for in baseline assumptions for traffic.
- With regard to air and noise impacts, reference is made to the relevant sections of the EIAR. It is submitted that all assessments were carried out in accordance with published guidance.

7.3. Planning Authority Response

No response on file.

7.4. Observations

None

7.5. Further Responses

Paul Doyle

- It is claimed again that the applicants have a poor history of running sand and gravel quarries elsewhere.

- It is questioned whether the proposed alterations significantly improve safety on the road, and it is claimed that only a fundamental realignment of the road would make it safe for quarry vehicles.
- It is submitted that the applicant has not fully taken account of the potential impact on local wells. It is claimed that there is a significant problem with flows from existing domestic wells in the area.
- It is submitted that all six dwellings within the 250 metres zone would suffer an unacceptable impact on their amenities.
- It is argued that they have not fully addressed impacts on archaeology and SAC's (plan attached in support of this argument).

An Taisce

- It is claimed that the response to the appeal fails to address compliance issues. The RTE Investigates report on a quarry owned by individuals associated with the application is referred to.
- It is argued that the EIAR does not fully address interactions and cumulative impact as required under the EIA Directive.
- It is submitted that the need for a quarry in this area has not been justified.

8.0 Appropriate Assessment

8.1. Screening

The applicant submitted a screening report which noted that three Natura 2000 sites are within 14 km of the site:

Slaney River Valley SAC, site code 00781, located just under 6 km to the east, the River Barrow and River Nore SAC (002162), some 6.2 km to the southeast, and the Wicklow Mountains SAC (002122) just over 14 km to the east. These were screened out, and the planning authority accepted this conclusion in its first report dated 14th January 2019.

The site is significantly distance from the Wicklow Mountains SAC that I do not consider that there are any pathways for pollution or other impacts. The Slaney River Valley SAC is not in hydraulic continuity with the site, so I also would conclude that there are no pathways for pollution or disturbance which could impact this freshwater designated habitat.

The site is within the catchment of the River Barrow and Nore SAC (002122). The site is immediately adjacent to the Bothoge River which is part of the River Greese (sometimes spelt Griese) catchment. This meets the River Barrow just south of Maganey about 6km north of Carlow Town. This stretch of the Barrow, and downriver, is part of an SAC, the Barrow/Nore SAC and this very extensive SAC extends to the estuary.

I note the following from the site synopsis:

*The site is very important for the presence of a number of E.U. Habitats Directive Annex II animal species including Freshwater Pearl Mussel (both *Margaritifera margaritifera* and *M. m. durrovensis*), White-clawed Crayfish, Salmon, Twaite Shad, three lamprey species – Sea Lamprey, Brook Lamprey and River Lamprey, the tiny whorl snail *Vertigo moulinsiana* and Otter. This is the only site in the world for the hard water form of the Freshwater Pearl Mussel, *M. m. durrovensis*, and one of only a handful of spawning grounds in the country for Twaite Shad. The freshwater stretches of the River Nore main channel is a designated salmonid river. The Barrow/Nore is mainly a grilse fishery though spring salmon fishing is good in the vicinity of Thomastown and*

Inistioge on the Nore. The upper stretches of the Barrow and Nore, particularly the Owenass River, are very important for spawning.

The qualifying interests of the SAC include the following:

Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]
Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]
Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]
Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]
Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]
Austropotamobius pallipes (White-clawed Crayfish) [1092]
Petromyzon marinus (Sea Lamprey) [1095]
Lampetra planeri (Brook Lamprey) [1096]
Lampetra fluviatilis (River Lamprey) [1099]
Alosa fallax fallax (Twaiite Shad) [1103]
Salmo salar (Salmon) [1106]
Lutra lutra (Otter) [1355]
Margaritifera durrovensis (Nore Pearl Mussel) [1990]

I would highlight of particular concern freshwater vertebrate and invertebrate species such as the three species of Lamprey, Salmon, Shad, crayfish, and the Desmoulin's Whorl Snail. There is a conservation objective set out for each of these species, which is generally to maintain (or restore) the favourable conservation condition of those species, as set out by attributes and targets set out in more detail in the relevant NPWS documents. Central to these is the protection of water quality – I note that several of the species are considered particularly sensitive to water quality changes.

The proposed quarry is on deep gravel beds overlying relatively impermeable metamorphic rock. It is immediately adjacent to a pNHA, which was intended to be designated for its importance for lime rich grassland, woodland and the marsh at the river valley base. The EIAR states that there is no clear hydraulic continuity between the groundwater under the site and the river. However, as I will address in

more detail my assessment of the EIAR below, I consider that the borehole information for the site is very insubstantial and I would question the overall conclusions. While it provides a reasonable amount of information to give an indication of groundwater levels, I am not satisfied that there is a clear demonstration that excavation of the sands and gravels so close to this watercourse would not have direct or indirect impacts on either water flow or water quality. I further note that the marsh around the watercourse, while not part of the SAC, could be considered part of the matrix of wetland habitats that is part of the overall Barrow/Nore habitat. I would also note the possibility that the Bothogue could be part of the overall habitat for freshwater vertebrates, including the salmon and otter.

The question arises as to whether it is reasonable to consider that there may be a pathway for pollution, or some other direct or indirect impact on the overall Barrow Nore SAC and its conservation impacts, in particular given that the designated part of the river is some distance from the site (the point where the Greese meets the designated area is about 15 km directly south west of the site).

However, having regard to the large scale of the proposed development, uncertainties regarding the hydraulic relationship between the groundwater and the River Bothogue, the close proximity of the Bothogue to the site, and the qualities of the wetland habitat immediately adjoining the site, I do not consider that it can be ruled out that the proposed works would not be likely to have a significant effect on the conservation objectives for the SAC, with particular focus on the objective to maintain the favourable conservation condition of freshwater vertebrates such as the salmon and otter.

Having regard to the above concerns, I conclude that the potential for a significant effect cannot be ruled out, and a Stage 2 AA is required. As this was not submitted, I conclude that the Board is precluded from granting permission.

9.0 Environmental Impact Assessment

9.1. Introduction

I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the appeal and application. A summary of the results of the submissions made by the planning authority, prescribed bodies, appellants and observers, has been set out below. The main issues raised specific to EIA can be summarised as follows:

- the effect of traffic emissions and overall traffic levels on human health and amenity.
- The impact of the proposed development on ground and surface water, in particular freshwater designated EU Habitats (also discussed in the Appropriate Assessment section).
- The impact of the works on recorded ancient monuments and cultural history.
- The cumulative impact of noise, dust and traffic with other quarries in the area on local residents.

These issues are addressed below under the relevant headings, and as appropriate in the reasoned conclusion and recommendations.

I note that additional information was submitted to the planning authority following a request for further information, and further information was submitted in the response to the appeal and I have had regard to this information as part of the overall process.

I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR and supplementary information provided by the developer, adequately identifies and describes the direct, indirect and cumulative effects of the proposed development on the environment and complies with article 94 of the Planning and Development Regulations 2000, as amended.

9.2. Population and human health

EIAR summary

The EIAR (Chapter 4) sets out the broad parameters for the assessment area – I also note an additional plan submitted with the response to the appeal showing receptors in the vicinity. Sections 8 and 10 of the Appendix provide more detail on air quality and noise. I would particularly refer the Board to figures 4-1 and 10-1 which shows the relationship between the site and receptors (including the home of the applicant, which is at the proposed site entrance).

It divides impacts into those in the construction phase (i.e. site preparation), and operational impacts. It is noted that the proposed development would provide both temporary and permanent employment for the period of operations and contribute to the supply of aggregates regionally. It addresses 'Unplanned Events' in accordance with EPA Guidelines and concludes with cumulative synergistic impacts. It concludes that the only environmental consideration that has the potential for significant cumulative impact on population and human health and amenity is traffic – it refers to the TIA in Section 14 of the EIAR. It notes the conclusion of the TIA that it would not have a likely significant adverse impact on junction capacity and traffic safety. It concludes that all associated traffic movements are accounted for in the baseline data and there will be no significant adverse cumulative impacts (paragraph 4.90)

Submissions

Specific concerns raised in the appeal relate to impacts on local residents with specific reference to noise, dust, and hazard from the additional vehicles using the quarry.

Proposed mitigation

Mitigation impacts for both the construction and operational and post-operation stage are set out in paragraphs 4.94 to 4.99, with additional measure set out in Sections 7 (Water), 8 (Air) and 10 (noise) (appendices). They are standard measures for such operations and include measures such as the use of dust suppression, safe storage of materials, and the use of existing and proposed boundary vegetation to provide acoustic, dust and visual screening.

Discussion and conclusions

The EIAR sets out standard monitoring and mitigation measures for the proposed works - it does not set out any mitigation measures or other design proposals that are non-standard for a sand and gravel quarry.

The site is a ridge overlooking a narrow river valley and is somewhat elevated above the surrounding landscape, although the excavation works are planned such that they should not be particularly visible and would not have specific line of sight (or noise) issues to surrounding receptors, which are a scattering of dwellings on the R747 and on the surrounding L-roads. Apart from the landowners dwelling, three are within the 250 metres contour from the site centre as indicated on the submitted plans, with a further 11 within the 500 metre contour line. The closest settlement is a cluster of houses at Timolin about 900 metres west-south-west of the site.

Having regard to the somewhat elevated nature of the site relative to much of the surrounding landscape, I would have concerns about general amenity (noise, disturbance) impacts on those dwellings within 500 metres, in particular during the initial establishment and construction stage of the works. But I would consider that in line with normal mitigation these impacts would be in accordance with published guidelines and generally acceptable provided all works were within normal working hours.

I would concur with the appellant and the conclusion of the EIAR that the key issue for local residents would be traffic generated from the quarry. The R747 is a relatively narrow regional road, although I note that the planning authority did not object to the additional travel loads – most of which are likely to go north to the R448 into Kildare. The proposed development will be cumulative with the traffic generated by an existing operation just over 600 metres to the north-west, which also uses the R747, with most traffic apparently also going west. At least 4 dwellings are likely to notice a very significant rise in heavy traffic, and while I note of course that normal mitigation will apply for dust and noise and pollution, given the generally quiet nature of the area this will undoubtedly be noticeable to those residents. I further note that the vertical and horizontal alignment of the road at the point of the proposed access will result in the need for substantial removal of hedgerows, and there will be a long haul road running across farmland to the quarry. I would therefore consider that

there is the potential for amenity impacts on those dwellings, in particular the 7 dwellings between Ballycore Bridge and the junction of the R747 and the R448.

I would conclude therefore that the amenity impacts on dwellings along the regional road are likely to be significant. I note that the cumulative impacts with the existing quarry to the north-west are likely to be significant north of the entrance to that quarry, which is a little under 1-km from the R448 junction. I would conclude that other amenity impacts from operations within the proposed quarry would not be significant on local residents. I conclude that there is a slight positive benefit in employment and the provision of raw materials to the construction industry.

9.3. Biodiversity

EIAR summary

The EIAR provides an overview of the landholding, which generally consists of 10 fields in pasture use, divided by mature hedgerows which include a number of mature oaks and horse chestnut trees. The analysis includes a hedgerow appraisal and bat survey in addition to a summary of birds recorded during the habitat survey (carried out in July 2018). The bat survey found no evidence of bat activity on the lands, but notes that there are previous records of two species from the vicinity and a number of sites suitable for roosts. It is noted that there are two pNHA's within 5 km, one of which immediately adjoins the site – pNHA 001751, Ballycore Rath. This designation covers a species rich slope with species characteristics of a calcicole substrate, in addition to broadleaved woodland and a marsh adjacent to the Bothoge River. Table 5-11 of this section gives an overview of anticipated impacts and mitigation measures. Figure 5-1 shows the site in the context of designated habitats in the area. I noted during my site visit that parts of this slope are exposed gravel and there were visible signs of what may be nesting burrows.

It is noted in the assessment that the operations will be 'dry' (i.e. the excavations will be above the groundwater level), so it is anticipated that there will be no impact on water table levels, and so no impact on the adjoining marsh or associated habitats. It is anticipated that the primary damage will come from habitat loss during the works, with noise and dust potentially impacting other habitats and species. The overall conclusion, as set out in Table 5-13, is that there will be significant localised

impacts (i.e. loss of habitat on the site), but no significant impacts on surrounding designated habitats or other species/habitats of note.

Submissions

An Taisce raised concerns about the habitats with regard to the Habitats Directive – I will address these issues in the Appropriate Assessment section of this report.

Proposed mitigation

The EIAR does not propose any mitigation measures beyond normal best practice for such works. Section 5.18 to 5.41 addresses compensatory hedgerow and woodland planting on the site, and also refers to standard noise and dust controls.

Discussion and conclusions

I consider that the key issues in this appeal relate to the impact on Natura 2000 site and so I will address this issue under the relevant heading.

The EIAR section on biodiversity addresses the quite narrow question of the habitats on the site and the immediate adjoining area, which includes a pNHA, quite a complex small network of calcareous (i.e. lime rich) habitats including the meadow on the side slope of the main mineral body, some deciduous woodland, and the marsh/wetland habitats along the Bothogue River. The site does not appear to have any species/habitats of high value, although the mature trees and hedgerows undoubtedly contribute to the overall habitat value of the area.

I do find the narrow focus of the assessment quite concerning. If the operation is properly run and does not directly impact upon groundwater (as is indicated in the application details), it should not directly impact on the adjoining habitats, and it appears the site has minimal value for bats or protected bird species or mammals, even if some may occasionally be present. But I am concerned at the lack of a detailed assessment of the pNHA with particular regard to potential impact of accidents such as spillages, given that the geology is likely to be highly permeable between the site and this land. There is little information available from the usual sources on the pNHA and it seems not to have been surveyed recently.

While I would not question the accuracy of the surveys or assessment carried out as part of the EIAR, I would be concerned at the absence of detailed survey information concerning the adjoining pNHA and the potential for impacts, especially with regard to continuities with a designated SAC downriver. I have addressed this in more

detail in the Appropriate Assessment. Notwithstanding these concerns, I conclude that this section is in accordance with the requirements of the EIAR guidance and legislation, and I would not recommend additional conditions over and above the mitigation measures set out in the submitted documents.

9.4. Land, soil, water, air and climate

EIAR summary

The EIAR provides an overview of the site's geology and topography and the surrounding water environment in Sections 6 and 7 and 9, with significant additional information in the appendices. Apart from desk top assessments, the application relies on two boreholes (for groundwater monitoring) and a number of trial pits (Figure 6.5). Further information was submitted on this as part of the planning process.

In summary, the site is on a deep bed of glacial gravels (see the plans in Section 6 for details), over deeper beds of impermeable metamorphosed volcanic rocks (the Glen Ding and Carrighill Formations). The site is within the catchment of the Botogue river, and the Greese River sub-catchment. Both are indicated as having good water quality. The two boreholes carried out on the site (Table 7-2) indicate groundwater down to 124 and 141 metres below ground level. This compares to the water level of the Bothoge River, which is c. 112 metres below the ground level of the boreholes. The Groundwater is part of the New Ross waterbody and is considered a poor aquifer. It is not a groundwater resource, although there are a number of private wells in the area. The site is not within a flood area. I did note during my visit to the disused quarry to the north that there is what appears to be a sump at the base, which would indicate that the base of this quarry is at or close to the local groundwater level.

It is proposed to excavate to within 2-4 metres of the indicated groundwater levels (paragraph 7.39) and to leave a buffer of at least 1 metres to the winter groundwater level (paragraphs 6.87 and 6.93) to protect groundwater during the operational and restoration stage.

The main impact on air quality is identified as fine particles from exhausts and dust, with regard to human receptors (nearby houses) and adjacent habitats. Table 8-14 addresses assessed impacts assuming no mitigation.

The document (Section 9) addresses climate change impact with regard to standard methodologies and figure 9-1 assesses wind impacts. Appendix 9-c addresses the sites vulnerability to climate variables and hazards.

Submissions

The appellants raised concerns specifically relating to dust and the impact on the conservation objectives for the SAC. It is also argued in submissions that the documentation does not adequately address the issue of what are claimed to be existing very low flows in local private wells.

Proposed mitigation

The EIAR sets out design requirements and standard measures for addressing dust and air emissions and protecting water from operational and construction impacts. It is specifically proposed not to extract to within 1-2 metres of the groundwater level, although I note the very thin level of information submitted on the depths of extractable material over the entire site.

Discussion and conclusions

I consider the assessment of impacts on air and climate to be in accordance with general guidance and best practice. I do however have strong concerns about the impacts on ground and surface waters. There are no watercourses on the site, but the site is adjacent to a river some 112 metres below parts of the site, and in very close proximity. The two boreholes (in addition to the other trial holes) on a very large site do not, in my opinion, provide more than a very minimalist level of information to provide a reasonable level of certainty about seasonal and permanent ground water levels. I do not consider that it has been ruled out definitively that the groundwater at some levels would be higher than anticipated, or that there could be unanticipated seasonal rises, which could, if the site is permitted as the plans indicate, could create impacts or would require mitigation measures over and above those that are standard, or are set out in the EIAH. This would be acceptable in some circumstances, and I do note and acknowledge that the aquifer is not a source of water to any major settlement and is generally poor, but the adjoining river represents an important habitat and is part of the catchment for a designated site. I

am not convinced by the evidence available that it has been demonstrated that there is no continuity between the river and groundwater on the site. I note that the planning authority requested, when seeking, additional information, additional information on groundwater levels (this consisted of further readings from boreholes GW01 and GW02), and these indicated a fluctuations of 0.88 metres between June and April 2019). Given the difference in levels between the two boreholes, and the relatively narrow time difference, I would not consider this to be a particularly good set of data.

I therefore consider that in the absence of additional conditions, there is a questionable amount of hard data submitted with the application to provide satisfaction that the conclusions are correct. I further note that while I acknowledge that there is no stated proposal to dewater any part of the groundwater, there is sufficient ambiguity in the submitted information to provide any level of certainty that local private wells would not be directly or indirectly affected.

In a statutory context, I consider that this is of most relevance to the protection of the conservation interests of a European habitat.

I conclude that while on the basis of information submitted the proposed development, by itself and cumulatively with other quarries in the area, is not likely to have a very significant impact on ground and surface water, I am concerned about the very limited information provided on local groundwater and its continuities with other groundwater and surface water features. In the context of EIAR, I would consider that this could be addressed with conditions relating to the monitoring of final levels of the quarry, but given the different statutory contexts I do consider that this would be acceptable for the hurdle of certainty required under the Habitats Directive. I have addressed this issue in more detail in the Appropriate Assessment Section above.

9.5. **Material assets, cultural heritage and the landscape**

EIAR summary

Chapters 11, 12 and 13 address the material assets, cultural heritage and landscape impacts of the proposed development.

Figure 11-1 indicates the identified material assets, including sensitive receptors (dwellings and agricultural buildings), archaeological remains and the pNHA. It concludes that there are no long term impacts on material assets, under than those identified under specific headings in other parts of the EIAR.

Chapter 12 indicates that there are no recorded ancient monuments within the site, and no protected structures within the study area. There are however a number of recorded ancient moments in the close vicinity, including the Ballycore moated site (a medieval motte and bailey), a burial ground – possibly medieval, and an enclosure. A field assessment (photographs attached) indicated a number of features associated with disturbed ground, but no visible indication of any heritage material. It is indicated that the worst case scenario is disturbance of unidentified material during the extraction works.

The landscape assessment indicates a number of photographs and viewpoints, which I consider to be chosen reasonably well and do indicate the importance of the site within the overall landscape. It is indicated as ‘Rolling Lowlands’ in the Wicklow County Development Plan and does not have any specific landscape designation. The overall impacts are addressed in Tables 13-8 and 13-9. The impacts are generally rated as moderate to minor in significance.

Submissions

The submissions do not address this element of the EIAR in any significant detail although An Taisce raised concerns about the extent of information on the archaeological context..

Proposed mitigation

Monitoring of soil stripping by an archaeologist is recommended with regard to identifying any heritage material.

Discussion and conclusions

I do not consider that there are any significant impacts with regard to identified material assets.

The site has been cultivated quite intensively, so I would accept the assessment that there is a low likelihood of their being significant archaeological remains. However, I would note the evidence of the importance of this ridge in medieval times. The motte and bailey is part of the overall glacial feature and is a prominent feature,

directly on the Kildare/Wicklow border, indicating that this was a military feature of some importance in the early medieval period. Although not clearly identifiable from the road, the remains of the motte and bailey are very impressive remains and there are many earthworks extending along the ridge that would seem to have been associated with the site. The presence of a graveyard further along would indicate to me that this was an area of some importance in the early medieval period and there may have been settlements along the river. I find it disappointing that the assessment does not go beyond a superficial desk top survey. Notwithstanding this, as I have observed, the site itself has been quite intensively cultivated so it is unlikely that there are important remains to be discovered within its boundaries.

The site is within a very attractive rolling rural landscape, somewhat transitional between the broad plains of Kildare and the Wicklow uplands. From the upper part of the site, there are clear sightlines to the Wicklow Mountains, and so it would be visible, albeit from a great distance, from those hills. The overall area has a very attractive rural ambience, with many wooded areas and high hedgerows, and there are a number of public viewpoints from which the ridge is a prominent feature. However, by its nature, once initial excavation works start, most of the visible works will be below the skyline, and so would only be unsightly from very close up. With appropriate screening and the protection of existing hedgerows, I would consider that the overall assessment of visual impacts to be moderate to minor is generally accurate and reasonable.

I would conclude that the proposed development, by itself and cumulatively with other developments in the area, would not have a serious impact on material assets, cultural heritage, and landscape. I do have concerns about the overall archaeological context, and I would recommend that the board confirm by condition if necessary that a properly qualified archaeologist is present during all soil stripping operations.

9.6. Traffic and Transport

Chapter 14 of the EIAR addresses traffic and transport issues, in addition to information submitted in the response to the appeal. This submission included revised proposals for sight lines at the entrance.

It is indicated that the operation will involve the removal of 250,000 tonnes of material, which according to the submission equates to 12,500 loads, averaging 42 vehicles a day (4 per hour). The number of movements would be double this. It is anticipated (paragraph 14.27) that 95% of vehicles will arrive depart from the development from the west and travel towards the M9/N78 interchange near Athy. It has two proposed mitigation measures (paragraph 14.44) which are standard good practice in minimising the amenity impacts on receptors. In addition, in later submissions it was confirmed that the existing farm access to the minor road to the east will be blocked. I note that the projections submitted assumed a constant average of traffic generation, there is no indication of possible high peaks due to demand for aggregate. This could potentially be addressed through condition. I also note that Kildare County Council in the original application requested a separate condition providing for a financial contribution towards roads in that county. Noise, dust, and other impacts are addressed under the other relevant chapters of the EIAR.

The road at the point of access is quite narrow and I did not observe much traffic during my site visit – it is not a major link between towns. I note that almost all proposed HGV traffic will use the Kildare County Council road network not Wicklow as the access is right on the boundary and most traffic will be to the west of the entrance.

The road is heavily vegetated on either side, and there are significant vertical as well as horizontal alignment issues. On the basis of the submissions, it does appear that minimum sight lines can be achieved, albeit at the expense of removing existing hedgerows. I note that the planning authority originally recommended a refusal for traffic reasons, although following significant revisions and additional information, this recommendation was reversed. I note however that the EIAR was not updated with regard to landscape impacts from further removal of hedgerows and other potential impacts.

I would conclude that the additional traffic is significant on a rural road, although having regard to existing flows (Table 14-11 of the EIAR), it would not represent a loading beyond its capacity. Cumulatively with the existing quarry it would result in making the road significantly less attractive – as its narrow and lacks a hard shoulder or footpath it would certainly be very uncomfortable for walkers or cyclists.

I would conclude that most of the impacts of the additional traffic would be on the amenities of local residents by way of noise and disturbance, not on the physical carrying capacity of the road.

I would note the overlap between the requirements of EIAR and general planning considerations in assessing the appropriateness of a site by way of traffic generation. Within the context of EIAR I consider that the overall requirements have been met. However, as a planning matter I am not satisfied that such a large quarry is appropriate on a road of this nature and alignment, and it is not clear to me that in conjunction with other traffic, the overall impacts would be acceptable in amenity terms for those living along the road, or those walking or cycling in this area. I will address this in further detail in my planning assessment below.

9.7. The interaction between the above factors

Chapter 15 sets out interactions. It provides a general overview of the issues raised and highlights the potential impact on human health by way of pathways for pollution from noise, air, soil and water. It notes that it is proposed to adhere to accepted standards for exposure, dose and risk. A matrix of issues is set out in Table 15-1.

I would note that the appellants raised specific concerns about the interaction and cumulative impact of the proposed development and other quarries in the area – I have addressed this in the relevant sections above and my planning assessment below.

9.8. Reasoned conclusion

Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submission from the planning authority, prescribed bodies, and appellants in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- ground and surface waters which will be mitigated by the monitoring of the extraction works and identifying seasonal fluctuations in ground water and if necessary restricting by condition the extraction of material to a level significantly above the seasonal maximum groundwater.
- Cultural heritage, which can be mitigated by condition confirming the presence of a qualified archaeologist during all soil stripping.
- Noise and dust arisings, which can be mitigated by way of conditions confirming the application of best practice guidelines within the quarry and during construction and operational periods.
- Visual impacts on this rural area, which can be mitigated by way of protecting hedgerows and additional planting as indicated in the application documents.
- Residential amenity impacts by way of noise and additional traffic on a rural road which will not be avoided, mitigated, or otherwise addressed by means of condition.

10.0 Planning Assessment

10.1. Site overview and context

The proposed development is for a substantial sand and gravel quarry on agricultural land in an unzoned area on the boundary of Kildare and Wicklow. The land is on a series of deep fluvioglacial deposits that extend over much of south Kildare and into the bordering areas of Wicklow and Carlow. There are a series of quarries from the Curragh to north Carlow utilising these valuable resources. One active quarry is located around 500 metres from the site, and just north of the site is an unused gravel pit. The Board will note that the base of this latter quarry exposes what may be water table which appears to be higher than that identified by the applicants on the appeal site – this could be an indicator of perched or irregular groundwater levels in the area. I do not consider that the information submitted by the applicant in the EIAR gives any level of certainty as to the true groundwater levels in the area or the relationship between different groundwater bodies in the vicinity.

The orebody is on a distinct ridge almost entirely made up of glacial gravels – this ridge has some historic significance as indicated by the remains of a graveyards nearby and a motte and bailey to the south of the site, overlooking the main road at a point where the two counties meet. The ridge itself is a prominent feature although the works would not remove the scarp of the ridge or significantly alter the skyline, except by way of the removal of mature trees and hedgerows.

The access to the site would be via an internal haul road to the R747. At this point the road is a relatively narrow and quiet regional road, somewhat wider and of higher quality than the network of L-roads in the area. This road connects Baltinglass to the M9 and Athy, but there are relatively few other settlements in the area of any scale. There are villages along the R448, which would have been the original turnpike running north and south through the area, and the main road prior to the construction of the M9.

10.2. Policy and planning history context

The appeal site is on unzoned agricultural land. The site, and its adjoining lands, do not have any specific designations in the Wicklow County Development Plan 2016-

2022. The immediately adjoining lands include a proposed NHA and a number of Recorded Ancient Monuments.

National and regional policy and guidance for quarries is set out in the National Planning Framework, the Quarry and Ancillary Activities Guidelines for Planning Authorities (2004), and the Regional Planning Guidelines for the Greater Dublin Area, 2010-2022

Detailed policies in the Development Plan relate to economic development including EX1 and EX4, Heritage 9; BH1, BH2, BH3, biodiversity NH2, NH5 and NH49, Landscape, NH51. With regard to the latter, I note that the site is in an area identified as part of the lowlands characteristic of west Wicklow, but this is not a specific protective designation.

The overall context of these national, regional and local policies is to look favourably on such proposals where they are in line with established guidelines and do not contravene national, regional or local policies with regard to issues such as traffic, environmental protection, or heritage, and are otherwise subject to normal planning considerations on amenity.

An Taisce have raised concerns about the applicant companies' connection with other quarries in the area, including a number of allegedly unauthorised operations. The Board is no doubt aware of the complex planning and legal history of sand and gravel operations in the wider area, and there is a long and complex planning history for many of the operations in the south Kildare/west Wicklow/north Carlow region, and this includes what was originally an unauthorised extraction area just north of the site.

While I have had regard to the issues raised by An Taisce, I do not conclude that they are relevant to the final consideration of this appeal, which I consider to have significant environmental and planning issues unconnected with the past history of the applicants or those associated with the applicant company.

I would conclude that the planning policy context for a sand and gravel quarry on this site is generally neutral, and the proposed development should be assessed on its own merits having specific regard to detailed policies on amenity, the protection of heritage and habitats (designated and undesignated) and other general planning considerations.

10.3. Amenity

The EIAR addresses in some detail the potential impacts of the quarry on the amenities of the dwellings within the vicinity. There is no settlement likely to be directly impacted (the closest are the villages at Timolin and Moone), but as indicated in my assessment above, there are a number of dwellings within 500 metres of the site that are likely to suffer some negative impacts, in particular from traffic. I particularly would note those houses on the stretch of R747 between the site and the junction with the main road (R448 and M9) to the west.

I am satisfied that the direct impacts of works, by way of noise, dust and visual impact, would be generally within the bounds of acceptability. I do have strong concerns about the overall impact of the proposed traffic levels on the amenity of those dwellings, in particular as revisions made during the application process (following a request for further information by the planning authority) increase the visual impacts due to the need for better visibility splays. While the EIAR generally addresses these points, I am concerned at the lack of detailed information on the cumulative impact with other proposals, in particular the existing quarry to the north-west of the site.

10.4. Traffic

As I have outlined above, I consider a key planning consideration in this appeal, one generally addressed in the EIAR, but with somewhat ambiguous information, is the impact of traffic on the R747 and nearby residences, in itself and cumulatively with the other quarry nearby. In terms of traffic capacity, it seems that adequate sight lines can be achieved, and overall HGV levels (as discussed in Section 8.6 above) are within the overall physical capacity of the road. I note however that this is a generally lower grade road for heavy traffic, with a narrow carriageway, no hard shoulder, no footpath and no lighting. For its existing role as a rural link road, this is acceptable, but I would note that with the proposed level of quarry vehicles using it, it will be distinctly unpleasant and potentially hazardous for any walkers or cyclists using it. I further note that the planning authority appeared to be minded to recommend a refusal on traffic grounds, but changed its recommendation following the submission of additional information. While this further information (submitted

28/8/19) addressed the technical issues, in my opinion this was at the expense of the overall rural amenity of the area.

While I consider this issue finely balanced, especially with regard to the planning authority being satisfied (albeit with traffic on roads for the adjoining planning authority) with the additional details submitted, I consider that the overall impact on the R747, with regard to the rural amenities of the area, is not acceptable in planning terms. I therefore recommend a refusal for this reason.

10.5. Other planning issues

I do not consider that there are any other planning issues raised in this appeal – issues such as on recorded ancient monuments are addressed satisfactorily in the EIAR documents, although as I have discussed above, the valley immediately south of the site, and the southern extent of the ridge, appear to have significant archaeological and historical value, and as such I would recommend additional monitoring conditions if the Board is minded to grant permission.

10.6. Concluding remarks

I conclude that the application should have been subject to a Stage 2 Appropriate Assessment, having regard to the lack of clear evidence that there is no hydraulic continuity with the adjoining river, which appears to be part of a continuous serious of freshwater habitats extending to a designated SAC. I also conclude that having regard to the overall context of the area, this section of R747 is not suitable for the proposed level of traffic.

11.0 Reasons and Considerations

I recommend that the Board is precluded from granting planning permission for the proposed development due to a failure to demonstrate that the works would not impact on the adjoining watercourse and habitat, which are functionally connected to the Barrow and Nore SAC, site code 002162.

Notwithstanding the above, I also conclude that the proposed development would be unacceptable in terms of traffic impacts on the R747, with particular regard to the protection of the rural amenities of this area.

In the Draft Order below I set out my detailed reasons and considerations for refusal.

DRAFT ORDER

In coming to its conclusions, the Board had regard to the following:

European Legislation, including of particular relevance:

- Directive 2014/52/EU amending Directive 2011/92/EU (EIA Directive) on the assessment of the effects of certain public and private projects on the environment.
- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.

National legislation, including of particular relevance:

- The European Communities Environmental Objectives (Surface Waters) Regulations 2009, as amended
- The European Communities Environmental Objectives (Groundwater) Regulations 2010, as amended.

National and regional planning and related policy, including:

- The National Planning Framework – Ireland 2040, which contains objectives to increase waste treatment and management capacity and a standardised approach to managing waste.
- The National Development Plan – Ireland 2040,
- The Regional Policy Guidelines for the Greater Dublin Area 2010-2022.

Local planning policy including:

The provisions of the Wicklow County Development Plan 2016-2022, specifically policies set on the Chapter 5 (and policies EX1 and EX4) and related policies on landscape, heritage and amenity.

The following matters:

- (a) the nature, scale and design of the proposed development with regard to existing and former sand and gravel quarries in the area.
- (b) the design, layout, and landscaping of the proposed facility.
- (c) the information submitted with particular regard to borehole and desktop information on groundwater in the area.
- (d) the range of proposed mitigation measures set out in the submitted in the documentation lodged including the Environmental Impact Assessment Report.
- (e) the level of traffic proposed for a rural road with generally substandard alignment.
- (f) the proximity of the site to a pNHA and its location within the catchment of the Barrow/Nore Rivers
- (g) the proximity of the site to a number of archaeological sites, including a motte and bailey.

Appropriate Assessment: Stage 1

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site.

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives.

On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on European site No. 002162, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.

Environmental Impact Assessment:

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) The nature, scale and extent of the proposed development.
- (b) The Environmental Impact Assessment Report and associated documentation submitted in support of the application including information submitted as part of a further information submitted as part of the original planning application.
- (c) The submissions from the planning authority and prescribed bodies in the course of the application,
- (d) The Inspector's report.

The Board agreed with the summary of the results of consultations and information gathered in the course of the EIA, and the examination of the information contained in the Environmental Impact Assessment Report and the associated documentation submitted by the applicant and the submissions made in the course of the application as set out in the Inspector's report. The Board is satisfied that the Inspector's report sets out how these various environmental issues were addressed in the examination and recommendation and are incorporated into the Board's decision.

Reasoned Conclusions on the Significant Effects:

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below.

- The impact on human health and amenity by way of traffic generation on the R747 with consequent noise, dust, and other emissions.
- The impact on ground and surface waters of the excavation works.
- The impact on habitats through the loss of hedgerow and mature trees and possible direct and indirect impacts on freshwater habitats
- The impact on cultural heritage in an area with a significant number of medieval remains, including a motte and bailey and a medieval churchyard.
- The impact on the landscape by way of the removal of mature trees and the temporary alteration of significant landforms.

Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submission from the planning authority, prescribed bodies, and appellants in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- ground and surface waters which will be mitigated by the monitoring of the extraction works and identifying seasonal fluctuations in ground water and if necessary, restricting by condition the extraction of material to a level significantly above the seasonal maximum groundwater.
- Cultural heritage, which can be mitigated by condition confirming the presence of a qualified archaeologist during all soil stripping.
- Noise and dust arisings, which can be mitigated by way of conditions confirming the application of best practice guidelines within the quarry and during construction and operational periods.
- Visual impacts on this rural area, which can be mitigated by way of protecting hedgerows and additional planting as indicated in the application documents.
- Residential amenity impacts by way of noise and additional traffic on a rural road which will not be avoided, mitigated, or otherwise addressed by means of condition.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, having regard to the potential downstream effects on the environment of ammonia emissions the proposed development, by itself and in combination with other development in the vicinity, would not be acceptable. In doing so, the Board adopted the report and conclusions set out in the Inspector's report.

Overall conclusion

The proposed development will give rise to impacts which are significantly negative and the Board is not satisfied that there would not be a significant effect on the conservation objectives of a European site, or that it would not give rise to unacceptable impacts on the local road network and the amenity of residents along the R747.

1. On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on European site No. 002162, in view of the site's Conservation Objectives by way of an impact on the water quality and freshwater habitats of the catchment of the Barrow/Nore. In such circumstances the Board is precluded from granting permission.
2. Having regard to the proposed development being accessed solely via a generally narrow Regional Road – the R747 -lacking a hard shoulder or footpaths, and will including a high number of movements by heavy goods vehicles, which the road network in the vicinity of the site is not capable of accommodating without compromising the amenity of local residents and road users. The proposed development would, therefore, give rise to traffic congestion and would endanger public safety by reason of traffic hazard.

Philip Davis
Planning Inspector

26th November 2020