



An
Bord
Pleanála

Inspector's Report ABP-310595-21

Development

Permission for lateral extension and continuation of working of an existing quarry in a southerly direction together with ancillary operations including blasting, crushing and screening, two Portacabin type amenity/store units, water settlement system and portaloo type toilet at the site. The total extraction area (existing and proposed) is 4.57 ha. All within a total application area of 5.7 ha. The application is accompanied by a Natura Impact Statement.

Location

Drumgold, Enniscorthy, Co. Wexford.

Planning Authority

Wexford County Council

Planning Authority Reg. Ref.

20200754

Applicant(s)

Aiden Egan

Type of Application

Permission

Planning Authority Decision

Refuse permission

Type of Appeal	First Party
Appellant(s)	Aiden Egan
Observer(s)	None
Date of Site Inspection	22 nd April 2022
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The subject site has an area of 5.7 hectares and is located in the townland of Drumgold, Enniscorthy, Co. Wexford. The site lies c. 1.5km east of the town of Enniscorthy and c. 20km to the north of the town of Wexford. A local road runs along the northern boundary of the site and this road is intersected by the R744 road 200m east of the quarry entrance.
- 1.2. The site is located in the rural outskirts of Enniscorthy and the local road serving the site is characterised by significant levels of one off housing. A motor salvage yard is located to the east of the site. Two schools (St. Patrick's Special School and Gaelscoil Inis Corthaidh) and the historic Vinegar Hill battlefield site are located on the same county road further west of the site. The M11 motorway is located in close proximity to the south of the site with a junction off the motorway close to the quarry.
- 1.3. The site comprises of an existing quarry operation which consists of a 'bowl-shaped' quarry excavation with high quarry faces in all main directions. There were no excavation or processing works underway at the site on the day of inspection. However, there were several items of machinery present. I also noted a lorry with the name of the quarry operator using the county road to the west of the site.

2.0 Proposed Development

- 2.1. The application was lodged with the planning authority on 9th of July 2020 with further plans and details received on the 5th of May 2021 following a request for further information dated 2nd of September 2020. The applicant requested an extension of time to respond to the further information request and were granted an additional 3 month period under Article 33 (3) of the Planning and Development Regulations.
- 2.2. Permission is sought for the continued use of the quarry and lateral extension of the existing quarry. The existing quarry covers an overall area of c. 3.2 ha with an extraction area of c. 2.3 ha. The proposed development will result in a total extraction area i.e. existing and proposed of c. 4.7 ha.
- 2.3. The development will consist of :
 - Extension to an existing operational bedrock quarry

- Phases deepening of this extension area to 43mOD
- Continuation of quarry operations including crushing and screening
- Installation of a welfare facility in the form of a porta-cabin type structure
- Construction of a settlement lagoon to treat waters to be removed from the void on an intermittent basis.

2.4. Information submitted with the application states that reserves of extractable rock at the quarry with planning permission are approaching exhaustion and a new permission is required to access reserves of extractable rock in adjacent land. It is stated that the proposed extension will not result in any increase in output or traffic levels over current levels. The material to be quarried consists mainly of a hard, durable volcanic rock that has good physical properties with a variety of uses in the construction industry.

2.5. A Planning and Environmental Report, a Hydrogeological Assessment and a Natura Impact Statement accompanied the application.

2.6. The Further Information Response was accompanied by the following documentation:

- Envirologic Report (Hydrology)
- Noise Monitoring Survey
- Baseline Dust Monitoring Survey
- Fugitive Emissions Report
- Baseline PM₁₀ Monitoring Survey
- Blast Monitoring Report
- Noise Monitoring Report
- Planning and Environmental Report
- It is stated that the total volume of material to be extracted has been estimated at c. 450,000m³. The estimated extractable tonnage is rounded to c. 750,000 tonnes.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Permission was refused for one reason as follows:

Having regard to the proximity of the proposed quarry to private residences and St. Patrick's Special School, the applicant has failed to prove that the development if permitted would not have significant adverse impacts and disamenity associated with noise, blasting and airborne dust affecting lands outside of the applicant control. In addition, it has not been demonstrated that the potential effects can be satisfactorily mitigated for through avoidance, reduction or remedy. As such the proposed development would be contrary to Objective ED11 and Section 18.16 of the Wexford County Development Plan 2013-2019 (as extended) and therefore contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The first report considered that in principle the extension of the quarry at this location is compliant in principle with the policies of the Wexford County Development Plan. There were concerns in relation to a number of issues and further information was required in relation to same. The second report considers that the nature of quarrying and its associated impacts in terms of blasting, noise, and dust are in direct conflict with the councils positive rural housing policy which has resulted in a number of one off houses in the vicinity of the quarry. In addition, it was considered that the operations of the quarry could have a direct impact on the sensory needs of students in St. Patrick's Special School. It was concluded that whilst the reports submitted in response to the Further Information Request indicate that the quarry is operated in accordance with good practice but have not adequately addressed the negative impacts of the day to day operation of the quarry on residents and the school in particular and as such refusal was recommended.

3.2.2. Other Technical Reports

Environmental Health Officer: Noted that the proposed extraction rate is not given in the planning documentation. Recommended that an Environmental Management System is put in place. Expressed concern in relation to potential negative impacts on St. Patrick's Special School. The second report repeated the concerns in relation to St. Patrick's Special School and considered that the concerns raised by local residents and the school should be given due consideration.

Senior Executive Scientist: First report required Further Information. Second report recommended permission subject to conditions.

Environment Section: First report requires Further Information. Second report recommends permission subject to conditions.

Roads: Sightlines to the west are inadequate. Further information required in relation to sightlines.

3.3. Prescribed Bodies

Department of Culture, Heritage and the Gaeltacht requires Further Information. The site is located in close proximity to the Vinegar Hill Battlefield site and there is potential for impacts on this site.

3.4. Third Party Observations

A total of 19 submissions against the proposed development and 2 in support of the proposed development were made to the Planning Authority. The main issues raised related the impact on nearby dwellings and St. Patrick's Special School from traffic, noise, blasting and dust.

4.0 Planning History

PA 20150549

Permission granted for the continuation and retention of a quarry and quarry operations including crushing and screening and sale off site and also site rehabilitation at existing quarry.

ABP QV 26.0193

A review was requested by Aidan Egan in respect of the determination by Wexford County Council under subsection (2)(a)(i) of Section 261A of the Planning and Development Act, 2000, as amended by the insertion of section 75 of the Planning and Development (Amendment) Act 2010 and as further amended by the European Union (Environmental Impact Assessment and Habitats) Regulations 2011 and European Union Environmental Impact Assessment and Habitats Regulations 2012 which determination was that development was carried out after the 1st day of February, 1990, which development would have required a determination as to whether an environmental impact assessment was required, but that such a determination was not carried out.

The Board decided to set aside Wexford County Council's determination in respect of this development made under section 261A(2)(a)(i) of the Planning and Development Act, 2000, as amended.

5.0 Policy Context

5.1. National Policy

5.1.1. National Planning Framework (Project Ireland 2040) (NPF)

- The NPF sets out a vision for the future development of the country and, in particular, to support the sustainable development of rural areas by encouraging growth. National Policy Objective 23 seeks to facilitate the development of the rural economy.

5.1.2. Quarries and Ancillary Activities: Guidelines for Planning Authorities

- These Guidelines, issued by the Department of Environment, Heritage and Local Government in April 2004, provide guidance to planning authorities on planning applications and development plan policy as well as section 261 of the Act.

5.2. Regional Policy

- Wexford is part of the Southern Region. The Regional Spatial and Economic Strategy (RSES) sets out strategic regional development framework for the region, with a primary aim to implement Project Ireland 2040 - the National Planning Framework, at the regional tier of Government and to support the achievement of balanced regional development.

5.3. Local Policy

Wexford County Council Development Plan 2013-2019

Relevant Sections include the following:

Section 6.4.5 Aggregate Resources and Extractive Industry

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

Section 18.16 Extractive Industry Development Management

The site is located in 'Lowlands' landscape which is robust.

Section 10.3 and 10.4 provide guidance in relation to air quality and noise control.

Objective AQ04: Reduce dust and airborne emissions.

Objective N03: Ensure new development does not result in unacceptable increase in noise level.

Objective N04: Activities that give rise to excessive noise shall install mitigation measures.

5.4. Natural Heritage Designations

- 5.4.1. There are no designated sites within the proposed development site. The two closest sites are Slaney River Valley SAC 000781 and Wexford Harbour and Slobs SPA 004076.

5.5. EIA Screening

- 5.5.1. Schedule 5 of the Planning and Development Regulations, 2001 (as amended), sets out Annex I and Annex II projects which mandatorily require an EIAR. Part 1, Schedule 5 outlines classes of development that require EIAR and Part 2, Schedule 5 outlines classes of developments that require EIAR but are subject to thresholds. The total extraction area (existing and proposed) is 4.57 hectares which is below the 5 hectare threshold set out in paragraph 2 of Schedule 5 of the Regulations.
- 5.5.2. Having regard to the existing developed nature of the site for quarrying activities and the nature and scale of the proposed development, which seeks permission to continue these activities as permitted, it is considered that the proposed development would not result in a real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first party appeal was submitted by Williams Planning and Environmental Ltd. on behalf of the applicant Aiden Egan. The issues raised concern the following:
- Noise monitoring has been carried out on the site on a routine basis with quarterly noise monitoring carried out near the residences close to the quarry entrance.
 - Appropriate mitigation/ best practice measures are in place and will be adopted to reduce to acceptable levels potential noise emissions.
 - The proposed development is moving the extraction area further away from local residents and following the construction of the soil berms will not result in any increase in noise levels at sensitive receptors.
 - Dust surveys were carried out to address the Further Information Request. The report considered that 'due to the type of rock present in the quarry and

the low level of rock breaking and blasting activity there are very low fugitive emissions associated with this activity at the quarry site'. Furthermore it was considered that the existing quarry is not generating dust emissions that would be a source of nuisance in the vicinity of the site and the quarry is managed and operated in a manner that effectively minimises fugitive emissions on site.

- The proposed development will move the extraction area in a direction further away from local residences and mitigation measures will be carried out to control dust. To date, mitigation measures have been successful in limiting dust emissions.
- Vibration monitoring results at the quarry show that the levels of ground vibration and air over pressure are within commonly accepted guidelines.
- In response to the request for Further Information a blast was monitored at 2 locations. One location was the nearby residence close to and just to the north west of the quarry access road. The second location was at St. Patrick's Special School which was under construction at the time.
- Officers from the Planning Authority attended the blast on each location. The levels recorded at the nearby residence which is regarded as a 'worst case', was significantly below the vibration limits imposed by the guideline limits and limits imposed by planning condition. The vibration levels received at vibrograph located at the school were not sufficient to trigger and register on the instrument.
- The appeal response addresses issues raised in the observations. The general conclusions are that the issues raised in the observations are unsupported by evidence and are untrue. There is no proposal to double the size of the quarry. The purposed of the application is to replace depleted stone reserves and continue the operation. Traffic levels and frequency of blasting will be similar to those experienced to date.
- The quarry supplied building material for the construction of all except one of the residences of people to the west that have made observations on the

planning application. As a result, it can be deduced that all of the residents were aware of the quarry before they took occupation.

- Up to the time the recent planning application was made, only one complaint was registered with respect to quarry operations and that was in 2007.
- No observations or complaints were made with respect to the planning application in 2015.
- The existing quarry has operated consistently well within the limits imposed by the appropriate environmental guidelines and by planning conditions. The experience of the operations to date and the fact that the proposed development results in extraction operations moving progressively further away from local residences provides evidence that demonstrates that potential effects can be satisfactorily mitigated through avoidance, reduction, or remedy.
- In issuing a refusal, the Planning Authority have accepted the observations submitted by the local residents at face value. It is our view that these observations should have been assessed with more rigour. In particular they should have been assessed against the history of the operation to date and the almost total lack of complaints.

6.2. **Planning Authority Response**

- No response.

6.3. **Observations**

- None submitted.

7.0 **Assessment**

- 7.1. Having inspected the site and examined the associated documentation including the associated NIS and carried out a site inspection, the following are the relevant issues in this appeal

- Principle of Development
- Impact on Residential Amenity
- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. I note that there is an existing quarry at this site which has been subject to a previous permission. The applicant seeks to continue this operation for another period to exploit the remaining rock resource. The existing quarry covers an overall area of c. 3.2 hectares with an extraction area of c. 2.3 hectares. The proposed development will result in a total extraction area i.e. existing and proposed of c. 4.7 hectares. The proposal incorporates the following: Extension to existing operational bedrock quarry; Phased deepening of this extension area to 43mOD; Continuation of quarry operations including crushing and screening; Installation of a welfare facility in the form of a porta-cabin type structure; Construction of a settlement lagoon to treat waters to be removed from the void on an intermittent basis.
- 7.2.2. Reserves of extractable rock at the quarry within the existing permission are approaching exhaustion and it is proposed to continue to work the existing southernly face in a southernly direction using conventional quarrying methods. The lower part of the proposed extension will be slightly elevated above the floor of the existing quarry to enable surface water to drain to a sump in the existing excavation. At the northern end of the quarry there is a buffer zone consisting of in-situ rock between the quarry and the nearest residences.
- 7.2.3. It is my view that the current application does not seek to intensify the use of the quarry. In reaching this conclusion, I note that the statutory notices explicitly seek permission for 'continuation of working of an existing quarry' which is confirmed by reference to the application drawings. I have also taken the information submitted by the applicant into account which states that the proposed development will not result in any increase in output or traffic levels over current levels. It is also stated that the granting of consent will not result in any significant changes to the methods or procedures for quarry operations.

7.2.4. On the basis of the foregoing, I consider that the proposed development is acceptable in principle in this instance.

7.3. Impact on Residential Amenity

- 7.3.1. There are a significant number of one off residential properties located in proximity to the subject appeal site. On the day of inspection, a large number of these properties were displaying signs with wording such as 'No blasting', 'No lorries', 'We've had enough.' Whilst the appeal to the Board is first party against the refusal and no third party appeals were submitted to the Board, I will deal with the main concerns raised in the third party objections on file and the issues raised in the refusal by the Planning Authority. The main concerns raised relate to dust, blasting, traffic and noise. The vast majority of objections are from one off housing in the immediate vicinity of the site, together St. Patrick's Special School. I note that there are two local schools built on adjacent sites c. 1km from the site. These schools are relatively new with St. Patrick's Special School being constructed during the course of the application.
- 7.3.2. The existing quarry has been in operation for many years. It is stated in the appeal response that all the residences to the west of the quarry that have made observations were supplied with construction material from the quarry during their construction phase. Further it is stated that St. Patrick's Special School was one of the main construction sites which was supplied by the quarry in recent years.
- 7.3.3. It is clear that the operation of a quarry presents a difficulty in that it is a necessary and vital resource for local construction projects in this instance (appeal response states that the vast majority of business is for construction locally), but where that operation gives rise to concerns, residential and environmental considerations have to be weighed against economic, employment, and development considerations. There are a number of elements of the proposed development which have the potential to negatively impact the existing residential and general amenities of the area. I will discuss the potential impacts of dust, blasting, traffic, and noise on the residential amenities of the area.

7.4. Dust

- 7.4.1. The main concerns raised in relation to dust include inadequate covering of lorries transporting goods, and impacts on health including asthma.
- 7.4.2. A baseline dust monitoring survey together with a fugitive emissions report were submitted to the Planning Authority in response to the Further Information Request.
- 7.4.3. Section 2.2 of the Fugitive Emissions Report describes site activities and dust and fugitive emissions associated with same. Blasting and rock breaking are used to extract rock from the quarry. The rock is particularly clean and does not contain any impurities requiring cleaning or removal which means that material handling is minimised and all material extracted is sold as product. Rock breaking activity is dependent on demand and occurs for approximately 30% of the operational hours. Due to the type of rock present in the quarry and the low level of rock-breaking and blasting activity, there are very low fugitive emissions associated with the quarry at this location. The main sources of fugitive emissions from the site are considered to be particulates from rock extraction and processing. Fugitive dust emissions mainly arise as a result of crushing and screening of the quarried rock particularly during dry and windy conditions. It is noted that vehicle movements including delivery trucks and the front end loader may also generative fugitive emissions.
- 7.4.4. Table 3.1 of the Dust Monitoring Survey identifies four dust monitoring locations in the vicinity of the site. Dust monitoring was carried out for a 27 day period in December 2020 and January 2021. The dust deposition levels vary from 54mg/m² per day to 78mg/m² per day and as such are significantly below the planning condition limit of 350mg/m² per day set out in condition 7 of the existing permission granted on the site under PA Reg. Ref. 20150549.
- 7.4.5. Section 4 of the Fugitive Emissions Report considers that having regard to the type of materials in use at the site (See Table 1 of this report), the potential for fugitive emissions to arise is low. The probability of the materials to become airborne and result in fugitive emissions is rated as low and the site is therefore considered not likely to cause fugitive emissions. Having regard to the results of the dust monitoring carried out it is considered that the current site is not generating dust emissions that would be a source of nuisance in the vicinity of the quarry site. I consider that the

impact of dust will be reduced by the proposed extension as it would be further from existing residences.

- 7.4.6. Having regard to the foregoing, I consider that the concerns raised in relation to dust levels at this site are unfounded and that continued monitoring monitoring will ensure that no undue impacts will arise in the future. This matter can be addressed by planning condition.

7.5. **Blasting**

- 7.5.1. The main concerns raised are that the frequency of blasting will intensify as a result of the extension to the quarry and that existing houses in the vicinity have been damaged as a result of blasting.
- 7.5.2. The Further Information Response includes details of blast monitoring reports between December 2015 and June 2020 which confirm that all blasts were within the required limits for ground vibration and air overpressures.
- 7.5.3. Ground vibration and air over pressure are kept within guideline limits by the implementation of modern blasting techniques. In particular, this includes millisecond delay blasting techniques. Using this technique blast holes are not fired simultaneously but with millisecond delays so that each separate charge is fired at intervals of a few milliseconds. This millisecond delay technique results in greatly reduced ground vibration levels.
- 7.5.4. In accordance with best practice and suggested guideline measures, advance notification of blasting is given to nearby residents in writing. The appeal response makes the point that *'given that the proposed extension to the quarry is moving further away from local residences, it is reasonable to assume that vibration levels at local residences and elsewhere will not increase'*. I consider that this is a reasonable conclusion. I note that in response to the further information request, a blast was monitored at two locations. The first location was the house to the north west of the quarry access road and the second location was at St. Patrick's Special School which was under construction at the time. Officers from the Planning Authority attended the blasts and vibrographs were used to monitor the events. The levels recorded at the nearby residence were significantly below the vibration levels set out in EPA Guidelines- Environmental Management in the Extractive Industry. The

vibration levels recorded at the vibrograph located at the school were not sufficient to trigger and register on the instrument.

- 7.5.5. I am satisfied that existing blasting is operation with current guidelines and it is a reasonable conclusion that the vibration levels will not increase given that the proposed extension will be further distanced from residences in the vicinity. The requirement for continued blast monitoring and restricting of blasting to specified periods will ensure that no undue impacts will arise on foot of the proposed development. This matter can be addressed by condition in the event that the Board grants permission.

7.6. Traffic

- 7.6.1. The main issue raised in relation to traffic relates to extra traffic that may be generated by extending the quarry.
- 7.6.2. The applicant response states that the purpose of the extension is to replace depleted stone reserves and apart from the location of extraction, traffic levels will be similar to existing. It is stated that there will be no increase in output as a consequence of the granting of permission. Analysis of traffic movements show that approximately 85% of vehicles leave the quarry by turning right and then right again before joining the M11 motorway. The remaining 15% of traffic is local deliveries. As such, 85% of traffic uses the R744 and the M11 and only 15% uses the local road serving the site.
- 7.6.3. The planner's report considered that *'whilst increased traffic movements were mentioned in a number of submissions, this is not considered to be a significant issue as the number of traffic movements generated by the quarry will remain more or less the same.'*
- 7.6.4. I note that the road network has relatively low traffic volumes having regard to the rural nature of the area. I note that condition 13 of the existing permission required all HGV vehicles to approach and leave the site from/ to the east unless otherwise agreed with the Planning Authority. HGV vehicles approaching from and leaving the N11 shall use the R744 to do so. I consider that this condition is necessary to minimise disruption to local residences and in the interests of traffic safety. Whilst I

note the concerns raised that traffic volumes have increased in recent years with the two new schools, I consider that the road network is suitable to accommodate the traffic which would be generated. As such, I conclude that the proposed development would not endanger public safety by reason of traffic hazard.

7.7. Noise

- 7.7.1. The main concerns raised in relation to noise were that noise from the crushing and rock breaking machines were unbearable.
- 7.7.2. In response to a request for Further Information, a noise survey was carried out on behalf of the applicants. Noise measurements were carried out at six monitoring locations in the vicinity of the site. These locations are identified on Appendix 1 of the Report. The dominant source of noise at all noise monitoring locations was passing traffic on the surrounding road network, including the R744, the M11 and the local roads adjacent to the noise monitoring locations. Noise emissions from the quarry were noted at monitoring locations N1, N2, and N3 but at levels which were assessed as being just audible above the background noise levels. No quarry noise was audible from monitoring locations N4, N5, and N6. I note that the N4 noise monitoring location was set up at Gaelscoil Inis Corthaidh and the results of the survey indicated that no quarry noise was audible at this location.
- 7.7.3. The noise monitoring survey concluded that the existing quarry is not adversely impacting the noise environment in the vicinity of the quarry and noise emission levels associated with the operation of the quarry as well within the accepted noise limit.
- 7.7.4. By its nature, the operation of a quarry generates noise. At this location, the main sources of noise are from a mobile crushing and screening plant and the use of a rock breaker. The quarry was operational during the noise monitoring report and I am satisfied that the results reflect the existing noise emissions. I am satisfied that there will be no increase in output or in processing methods by the extension of the existing quarry at this location. As such, I am satisfied that the noise levels meet the EPA Guidance on Quarries and Ancillary Activities suggested noise limit values of 55dB(A) and 45dB(A) for daytime and night-time noise respectively and there will not be any significant change to this as a result of the proposed extension. There may

be a reduction in noise emissions due to the increased distance of the extension area from residences in the vicinity. Continued monitoring is required to ensure future compliance with noise emission levels. This matter can be addressed by condition in the event that the Board grants permission in this instance.

7.8. Conclusion in relation to Impacts on Residential Amenities

- 7.8.1. I have examined the potential impacts of dust, blasting, traffic and noise on the residential amenities of the area. The information presented in the application and further information response indicates that the existing quarry is operating to a high standard and only one complaint was registered up to the time the planning application was made. This was in 2007 and it was determined by the Planning Authority that no breach of conditions had occurred.
- 7.8.2. From the information available to me, I consider that the purpose of the application is to continue to work the existing quarry as reserves of extractable rock at the quarry within the existing permission are approaching exhaustion. There are no proposals to intensify the existing operation. I note that the proposed extension would be located a greater distance from existing residences and as such, I would expect that potential negative impacts on residential amenities would reduce. I note that there are two schools in the vicinity with St. Patrick's Special school having particular concerns in relation to the specific needs of their students and the detrimental impact from blasting, noise, dust and vibration. Whilst, I acknowledge these concerns, on balance, having regard to the distance from the schools and the results of monitoring tests submitted with the Further Information Response, I am satisfied that the proposed development would not unduly impact on the residential amenities of the area.

8.0 Appropriate Assessment

8.1. Appropriate Assessment Stage 1 – Screening

- 8.1.1. The project was subject to Appropriate Assessment (AA) screening and I have examined the Natura Impact Statement including Chapter 5- Stage 1 Screening for

Appropriate Assessment. Three European sites are located within a 15km radius of the application site and their location relative to the site is listed in Table 1 below.

Table 1 – European sites within the zone of influence of the quarry site

European Site name and site code	Location relative to application site
Slaney Valley River SAC 000781	900m
Wexford Harbour and Slobs SPA 004076	6km hydrological distance 2.4m direct distance
Screen Hills SAC 000708	13.5km

- 8.1.2. I am satisfied that other European sites outside of this potential zone of influence can be discounted as having potential for significant effects on the basis of separation distance and the lack of any complete source-pathway-receptor chain. The application site is not located within any of the European sites and hence I would agree with the applicant’s findings of no significant effects as a result of direct impacts as a result of the proposed development.
- 8.1.3. In relation to consideration of the Slaney River Valley SAC (Site Code 000781), a hydrological pathway exists between this site and the application site via the Corbally Stream. Given the source-pathway-receptor link between the two, I would agree as is submitted that the water quality of this site remains vulnerable to potential indirect effects resulting in a reduction in water quality within the SAC and by consequence, the potential for significant effects on otter and Annex II fish species and cannot be screened out. Therefore this site requires further consideration at Appropriate Assessment – Stage 2.
- 8.1.4. In relation to consideration of Wexford Harbour and Slobs SPA (Site Code 004076), a remote hydrological pathway exists between this site and the application site via the Corbally Stream and Slaney River. Given the source-pathway-receptor link between the two, I would agree as is submitted that there is a potential for indirect

effects through changes in water quality within the SPA and by consequence, the potential for significant effects on water dependent habitats and species cannot be screened out. Therefore this site requires further consideration at Appropriate Assessment – Stage 2.

- 8.1.5. In relation to Screen Hills SAC (Site Code 000708), noting the considerable separation distance and absence of any hydrological connection between this SAC site and the application site, no complete source-pathway-receptor chain could be identified. Therefore, I would agree that this site can be screened out.

8.2. **Appropriate Assessment Stage 1 – Screening Conclusion**

- 8.2.1. Potential for significant effects on the Slaney River Valley SAC (Site Code: 000781) and Wexford Harbour and Slob SPA (Site Code: 004076), noting the site's conservation objectives cannot be screened out for the reasons outlined above. Accordingly, a Stage 2 Appropriate Assessment is required to determine the potential of the proposed development to adversely affect the integrity of these sites.
- 8.2.2. It is reasonable to conclude on the basis of information on the file, which I consider to be adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European site:-

- Screen Hills SAC (Site Code 000708)

or any other sites in view of their Conservation Objectives and a Stage 2 Appropriate Assessment is not therefore required in respect of these sites.

8.3. **Appropriate Assessment – Stage 2**

- 8.3.1. The conservation objectives of the Slaney River Valley SAC (Site Code: 000781) are to maintain or restore the favourable conservation condition of Annex I Habitats and Annex 2 species for which the SAC has been selected. The key surface and groundwater dependent species and habitats of qualifying interest of this SAC and which would potentially be impacted by the proposed development are set out in Table 2 below.

Table 2 – Key surface and groundwater dependant species and habitats of qualifying interest of the Slaney River Valley SAC potentially impacted by the proposed development.

Natura Code	Qualifying Interests
1029	Freshwater Pearl Mussel <i>Margaritifera margaritifera</i>
1095	Sea Lamprey <i>Petromyzon marinus</i>
1096	Brook Lamprey <i>Lampetra planeri</i>
1099	River Lamprey <i>Lampetra fluviatilis</i>
1103	Twaite Shad <i>Alosa fallax</i>
1106	Atlantic Salmon <i>Salmo salar</i> (only in fresh water)
1130	Estuaries
1140	Mudflats and sandflats not covered by seawater at low tide
1355	Otter <i>Lutra lutra</i>
1365	Harbour Seal <i>Phoca vitulina</i>
3260	Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation
91A0	Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles
91E0	* Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>)

Potential Impacts on Key Species and Key Habitats and Integrity of the Slaney River Valley SAC

8.3.2. As the development is not within the SAC, there is no potential for direct impacts on the habitats and species of qualifying interest. In the absence of mitigation, there is potential for indirect impact on water dependent habitats and species of qualifying interest in the form of deterioration in water quality resulting from spillages or machine leakages to groundwater aquifers or surface water drains which are linked

with surface watercourses. A reduction in water quality could potentially cause a decline in the number of fish spawning sites or alter habitat characteristics of benthic fauna. Sedimentation changes could lead to alteration in the habitat characteristics of floating river vegetation. Any deterioration in water quality could have an indirect effect on otter and harbour seal by depleting feeding sources. Table 3 of the NIS summarises the potential effects (pre-mitigation) on the features of interest of the Slaney River Valley SAC.

8.3.3. The integrity of the Slaney River Valley SAC could be directly affected by the proposed development as a result of reduction in water quality and foraging potential for aquatic species. In turn this could lead to reduced numbers or reduced breeding success of these species which are qualifying interests of the SAC.

8.3.4. Wexford Harbour and Slobs SPA (Site Code: Site Code 004076) is a site of international importance for several species of waterbirds but also because it regularly supports well in excess of 20,000 waterbirds. Wexford Harbour and Slobs is one of the top three sites in the country for numbers and diversity of wintering birds. It is one of the most important ornithological sites in the country supporting internationally important populations of Greenland White-fronted Goose, Light-bellied Brent Goose, Black-tailed Godwit and Bar-tailed Godwit. In addition, it has 26 species of wintering waterbirds with populations of national importance and nationally important numbers of breeding Little Tern.

8.3.5. As noted in the Conservation Objectives for the site, the SPA is adjacent to the Raven SPA and these SPAs overlap with Raven Point Nature Reserve and Slaney River Valley SAC. The conservation objectives for this site should be used in conjunction with those for adjacent and overlapping designations as appropriate. The conservation objectives for the species seek to maintain the favourable conservation condition of the qualifying interest.

8.3.6. **Table 3 – Species of Conservation Interest for the Wexford Harbour and Slobs SPA**

Natura Code	Qualifying Interests
A004	Little Grebe (<i>Tachybaptus ruficollis</i>)

A005	Great Crested Grebe (<i>Podiceps cristatus</i>)
A017	Cormorant (<i>Phalacrocorax carbo</i>)
A028	Grey Heron (<i>Ardea cinerea</i>) [A028]
A037	Bewick's Swan (<i>Cygnus columbianus bewickii</i>)
A038	Whooper Swan (<i>Cygnus cygnus</i>)
A046	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)
A048	Shelduck (<i>Tadorna tadorna</i>)
A050	Wigeon (<i>Anas penelope</i>)
A052	Teal (<i>Anas crecca</i>)
A052	Mallard (<i>Anas platyrhynchos</i>)
A054	Pintail (<i>Anas acuta</i>)
A062	Scaup (<i>Aythya marila</i>)
A067	Goldeneye (<i>Bucephala clangula</i>)
A069	Red-breasted Merganser (<i>Mergus serrator</i>)
A082	Hen Harrier (<i>Circus cyaneus</i>)
A125	Coot (<i>Fulica atra</i>)
A130	Oystercatcher (<i>Haematopus ostralegus</i>)
A140	Golden Plover (<i>Pluvialis apricaria</i>)
A141	Grey Plover (<i>Pluvialis squatarola</i>)
A142	Lapwing (<i>Vanellus vanellus</i>)
A143	Knot (<i>Calidris canutus</i>)
A144	Sanderling (<i>Calidris alba</i>)

A149	Dunlin (<i>Calidris alpina</i>)
A156	Black-tailed Godwit (<i>Limosa limosa</i>)
A157	Bar-tailed Godwit (<i>Limosa lapponica</i>)
A160	Curlew (<i>Numenius arquata</i>)
A162	Redshank (<i>Tringa totanus</i>)
A179	Black-headed Gull (<i>Chroicocephalus ridibundus</i>)
A183	Lesser Black-backed Gull (<i>Larus fuscus</i>)
A195	Little Tern (<i>Sterna albifrons</i>)
A395	Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>)
A999	Wetland and Waterbirds

8.3.37. The Special Conservation Interest (SCI) species within the Wexford Harbour and Slobbs SPA are not anticipated to be negatively impacted by habitat loss or disturbance from the operation of the quarry due to the distance from the SPA. Whilst some SCI species may forage on agricultural land and stubble fields, the surrounding agricultural land are not anticipated to provide important or significant supplemental habitat for any SPA species to the distance (2km) from the SPA. The site is outside any foraging range of hen harrier for breeding little tern.

8.3.38. The NIS outlines that potential for disturbance to birds within the SPA was considered. The principal noise source at the application site is from intermittent noise generated by movement of a dozer/excavator and trucks travelling on and off site. The NIS outlines that noise monitoring was carried out when the quarry was fully operational and existing levels are below the EPA guidelines of 55dB(A) for daytime noise and 45 dB(A) for night time noise. It was considered that the proposed development would not result in an increase in noise levels. Furthermore, it was considered that due to the standard distance decay rates for noise, noise levels of 55dB(A) would be dissipated at a distances of 2km from the source of noise and

would have no disturbance impact on birds within the Wexford Harbour and Slobbs SPA.

8.3.39. I consider that it has been satisfactorily demonstrated that noise associated with the quarry would nor have a direct negative impact on birds within the Wexford Harbour and Slobbs SPA. There is potential (pre-mitigation) for secondary indirect effects on prey availability due to potential contributions to a decline in water quality of the River Slaney.

8.4. **Mitigation Measures**

8.4.1. Measures used to prevent and/or avoid impact have been set out in Section 10 of the NIS. The water management measures include the following:

- No storage of fuel on site. Any fuelling of machinery will be by way of a mobile self bunded fuel tank and will be carried out on a hardstanding area.
- It is proposed to construct a hardstanding pad outside the portacabin. An ACO-type drain will be fitted around the perimeter of the hardstanding pad to capture all hardstanding runoff. Hardstanding run-off will pass through a hydrocarbon interceptor which has silt storage capacity prior to outfall to a field drain.
- Spill kits are stored on site and site operatives will be trained in appropriate usage.
- Lubricants and other hydrocarbons will be stored in steel storage containers are located on spill pallets.
- All hydrocarbons will be handled and stored in accordance with the guidelines as outlined in Environmental Management Guidelines – Environmental Management in the Extractive Industry EPA 2006
- An Emergency Response Procedure will be put in place for hydrocarbon spills as outlined in the Planning and Environmental Report (Part 3 Section 3 Appendix 1)
- A wheel cleaner and silt trap will be cleaned regularly to ensure it is working effectively.

8.5. Measures to prevent sediment transfer to watercourses are as follows:

- Site topography has been adapted and utilised for site drainage and surface water is directed to a sump created within the site. From here is pumped to the settlement pond and passed through a hydrocarbon interceptor prior to discharge to the field boundary drainage ditch.
- All surface water run-off from the extension area during soil stripping and subsequent rock extraction will be directions via channels to the sump.
- A settlement lagoon will be constructed to treat pumped quarry water in order to remove any suspended solids prior to pumped water crossing the site boundary.
- Water will be pumped from the sump to the settlement pond and then via a hydrocarbon interceptor to the field drainage ditch.
- The design of the settlement lagoon will be based on the recommendations in Environmental Management Guidelines – Environmental Management in the Extractive Industry EPA 2006.
- The pond will be supplied by pumped water rather than gravity fed and as such the entry flow is limited by the rate of pumping.
- The size of the pond is informed by the settlement design calculations in the hydrology report.
- The settled solids are to be removed and integrated into existing quarry berms.
- Water quality output from the quarry sump will be monitored by water sampling.

8.5.1. It is submitted that there will be no significant impact on water quality or hydrological change and as such there will be no significant negative impacts on the habitats and species of the SAC and SPA.

8.5.2. Overall, I am satisfied that, subject to the adoption of mitigation measures referenced in the NIS, and identified above, the proposed development would not adversely affect the integrity of the aforementioned European designated sites, having regard to the conservation objectives for the site as set out above and no reasonable

scientific doubt remains in the absence of such adverse effects on the site as a result of the proposed development.

8.6. In-combination effects

- 8.6.1. The potential of in combination effects were considered in Section 12 of the NIS. There are no significant effects from this stand alone site and therefore a significant contribution to cumulative or in combination effects are not anticipated.
- 8.6.2. I am satisfied that the current site would not act in combination with any other projects such as to result in any significant effects on the Slaney River Valley SAC and the Wexford Harbour and Slobs Spa or any of the qualifying features for which the sites are designated, having regard to their conservation objectives.

8.7. Appropriate Assessment – Stage 2 Conclusion

- 8.7.1. On the basis of the information provided with the application, including the Natura Impact Statement, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, the submissions received and the assessment carried out above, I am satisfied that the proposed development, individually or in combination with other plan or projects would not adversely affect the integrity of the European Sites: Slaney River Valley SAC 00781 or Wexford Harbour and Slobs SPA 004076 or any other European site, in view of the sites' Conservation Objectives.

9.0 Recommendation

- 9.1. I recommend that planning permission be granted in this instance.

10.0 Reasons and Considerations

- 10.1. Having regard to the established quarry and associated development on these lands, the planning history of the site, and the nature and scale of the proposed development, which seeks permission to continue a previously permitted use, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities

of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 5th day of May, 2021, 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>(a) This grant of planning permission for further extraction of sand and gravel relates only to the 2.19 hectare area outlined in red on drawing number D02 submitted with the application on the 9th day of July 2020, and</p> <p>(b) Extraction of sand and gravel within this quarry shall not take place below a level of 43 metres above Ordnance Datum or within one metre of the groundwater table, whichever is the higher level.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>This grant of permission to further develop the quarry does not authorise the importation of materials for restoration of the site. Any such importation shall be the subject of a separate application for planning permission.</p> <p>Reason: In the interest of clarity, and to allow the planning authority to assess the impact of any importation of materials onto the subject site through the statutory planning process.</p>
4.	<p>(a) Mitigation and monitoring measures outlined in the Natura Impact Statement and associated documents submitted with this application, shall be compiled into a single Schedule of Monitoring and Mitigation Measures</p>

	<p>and submitted to the planning authority. These measures shall be carried out in full, except where otherwise required by condition attached to this permission. The Schedule shall be included in an Environmental Management System (EMS) which shall be submitted to and agreed with the Planning Authority prior to commencement of the development.</p> <p>(b) The EMS shall include, as a minimum, the following:</p> <p>(i) proposals for the suppression of on-site noise;</p> <p>(ii) proposals for the on-going monitoring of sound emissions at noise sensitive receptors in the vicinity including both residential properties and St. Patrick's Special School;</p> <p>(iii) proposals for the suppression of dust on site;</p> <p>(iv) details of safety measures for the land above the quarry, to include warning signs and stock-proof fencing;</p> <p>(v) management of all landscaping;</p> <p>(vi) monitoring of ground and surface water quality, levels and discharges;</p> <p>(vii) downstream groundwater monitoring point and measures to ensure the final discharges from the settlement lagoon will not impact on the Slaney River Valley SAC and</p> <p>(viii) details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.</p> <p>(c) The development shall be operated and managed in accordance with the agreed EMS required under (a) above.</p> <p>Reason: In the interest of protecting the environment and the amenities of property in the vicinity and in the interest of public health.</p>
5.	<p>(a)The developer shall monitor and record groundwater, surface water flow, noise, ground vibration, and dust deposition levels at monitoring and recording stations, the location of which shall be agreed in writing with the planning authority prior to commencement of development. Monitoring</p>

	<p>results shall be submitted to the planning authority at annual intervals for groundwater, surface water, noise and ground vibration.</p> <p>(b) On an annual basis, for the lifetime of the facility (within two months of each year end), the developer shall submit to the planning authority five copies of an environmental audit. Independent environmental auditors approved of in writing by the planning authority shall carry out this audit. This audit shall be carried out at the expense of the developer and shall be made available for public inspection at the offices of the planning authority and at such other locations as may be agree in writing with the authority. This report shall contain:</p> <p>(i) An annual topographical survey carried out by an independent qualified surveyor approved in writing by the planning authority. This survey shall show all areas excavated and restored. On the basis of this a full materials balance shall be provided to the planning authority;</p> <p>(ii) A written record of all complaints, including actions taken in response to each complaint.</p> <p>(c) All incidents where levels of noise or dust exceed the levels specified in this permission shall be notified to the planning authority within two working days. Incidents of surface or groundwater pollution, or incidents that may result in groundwater pollution, shall be notified to the planning authority without delay.</p> <p>(d) Following submission of the audit or of such report, or where such incidents occur, the developer shall comply with any requirements that the planning authority may impose in writing in order to bring the development in compliance with the conditions of this permission to further develop the quarry.</p> <p>Reason: In the interest of protecting residential amenities and ensuring a sustainable use of non-renewable resources.</p>
6.	<p>During the operational 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>

	<ul style="list-style-type: none"> • an LArT value of 55 dB(A) during 0800 and 2000 hours. The T value shall be one hour, and • an LAeqT value of 45 dB(A) at any other time. The T value shall be 5 minutes. <p>Reason: In order to protect the amenities of property in the vicinity.</p>
7.	<p>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 re-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>Reason: To control dust emissions arising from the development and in the interest of the amenity of the area.</p>
8.	<p>Unless as otherwise agreed with the Planning Authority, all Heavy Goods Vehicles associated with the proposed development shall approach and leave the site from/ to the east using the R744 and the M11.</p> <p>Reason: In the interest of residential amenity and traffic safety.</p>
9.	<p>The developer shall facilitate the archaeological appraisal of the enabling phase of the extension area. In 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 prior to the commencement of development. The archaeologist shall assess the site and monitor all site development 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 planning authority considers appropriate to remove. In default of agreement</p>

	<p>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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
10.	<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 and Development Act 2000, as amended. The contribution shall be paid prior to re-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 to further develop the quarry.</p>

Emer Doyle
 Planning Inspector

9th of May 2022