



An  
Bord  
Pleanála

## Inspector's Report ABP-315013-22

### Development

The restoration of a disused rock and gravel quarry comprising some 3.26 hectares to agricultural use using imported soil and stone is classified as Article 27 by-product of the construction industry.

### Location

Powersknock, Kilmeaden, Waterford

### Planning Authority

Waterford City and County Council

### Planning Authority Reg. Ref.

22178

### Applicant(s)

TBEB Ltd

### Type of Application

Permission.

### Planning Authority Decision

Grant

### Type of Appeal

Third Party

### Appellant(s)

James Malone

### Observer(s)

None.

### Date of Site Inspection

17<sup>th</sup> January 2024

**Inspector**

Peter Nelson

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## 1.0 Site Location and Description

- 1.1. The site is located in the townland of Powersknock, c. 0.5km from Kilmeade Village. The site is located off a private road accessed from the R680 road. The private road serves the site and agricultural building to the southeast. There are single dwellings on the R680 opposite the junction to the private lane serving the site. Surrounding the site is mainly agricultural land and the estate land associated with Whitfield Court, a protected structure (ref. WA750129)
- 1.2. The site contains a disused rock and gravel quarry with a stated site size of 3.26.
- 1.3. The site is 360m west of the Ballymoat Stream and 800m east of the Whelanbridge River, both tributaries of the River Suir, approximately 2.1km from the site.

## 2.0 Proposed Development

- 2.1. Permission is sought for the restoration of a disused rock and gravel quarry to agricultural use to agricultural use using imported inert soil and stone classified as Article 27 by-products of the construction industry. It is proposed to import c.270,000m<sup>3</sup> of that material over five years.

- 2.2. It is envisaged that the waste intake will be up to a maximum of 486,000 tonnes.

This equates to an average annual intake of:

- 97,200 tonnes per annum
- 1,944 tonnes per week (assuming 50 weeks in a working year)
- 354 tonnes per day (assuming 5.5 days in a working week)
- 36 tonnes per hour (assuming 10 hours in a working day)

## 3.0 Planning Authority Decision

### 3.1. Decision

On the 27<sup>th</sup> April 2022, Waterford City and County Council requested the applicant to submit the following Further Information:

- Resubmission of Chapter 9 of the EIAR to include a comprehensive assessment of the effect on habitats and mitigation measures that seek to compensate for loss of habitats and species diversity.
- Chapter 9 of the EIAR to consider the Tree Preservation Order for the tree running along the access road perimeter.
- Revised details of the internal access road.
- A revised entrance layout which highlights the location of the tourist sign and its removal as necessary to facilitate sightline requirements.
- A revised Population and Human Health chapter and related chapters on Noise, Traffic and Air to include the residential dwellings located across the road from the entrance to the site.
- Address the contradictory statements in the EIAR relating to the maximum annual inert soil, rock, and stone.
- Clarify the statement in Part 8 of the AA screening report relating to the proposed infill material.

After the submission of Further Information, Waterford City and County Council granted planning permission on the 7<sup>th</sup> October 2022, subject to 12no. conditions.

Condition of note include:

- Condition 2 requires the agreement of a schedule of mitigation measures and monitoring commitments as identified in the Environmental Impact Assessment Report and response to further information and details of the time schedule for implementing mitigation measures and associated monitoring.
- Condition no. 3 states that the permission is for the management of inert material with a maximum intake of 97,200 tonnes per annum onsite.
- Condition no. 4 relates to the management of areas around the site of known Japanese and Giant Knotweed locations.

- Conditions no.5 requires the planting of 100no. native trees around the site's perimeter within the first year from the grant of permission.
- Condition no.12 requires the payment of a financial contribution.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Report

The planning report dated the 29<sup>th</sup> September 2022 assessed the development in light of the further information submitted. The main points raised can be summarised as follows:

- It was considered that EIAR adequately described the direct and indirect effects of the proposed development on the environment.
- The main effects are on surface water, roads and traffic, biodiversity, and positive impact on the local economy.
- The use of the site as a waste management development site would be consistent with the agricultural zoning objective of the area and the Waterford City and County Development Plan 2022-2028.

#### 3.2.2. Other Technical Reports

Executive Engineer Comeragh Area Roads Department. Report: 8<sup>th</sup> April 2022

No objections and recommends conditions.

Heritage Officer. Report: 7<sup>th</sup> April 2022

Recommend the applicant submit further information relating to the content of the EIAR.

Senior Executive Services Engineer. Report: 7<sup>th</sup> April 2022

No objections to the development subject to conditions.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

An observation was received from the appellant, James Maloney. The main points can be summarised as follows:

- The Appropriate Assessment report contains conflicting and inaccurate information, making it impossible to remove all scientific doubt as to the effects the proposed works may have on the Lower River Suir SAC.
- The AA screening fails to address potential in-combination effects of other plans and developments in the area.
- The AA screening provided by the applicant is deficient. Therefore, if there is any doubt about the potential effects that the development may have, then the conclusion of the AA screening should require a Stage 2: Natural Impact Statement.

## 4.0 Planning History

### Adjoining Site

**P.A. Ref: 22/228** Permission was granted on the 29<sup>th</sup> June 2022 for change of use from existing 2-storey stable building to 2 no. 2-storey, 2-bedroom residential apartment units; change of use from existing single-storey outbuilding to 1 no. single-storey, one-bedroom residential unit; change of use from existing 2-storey outbuilding to hobby room, bin and bike store; demolition of existing single-storey outbuilding to build 1 no. single-storey, one-bedroom residential apartment unit; internal and external alterations and modifications to the existing 2-storey stable building, single and 2-storey outbuildings. Permission was also granted for the refurbishment and re-surfacing of the existing driveway and two courtyards; car parking spaces; proposed new wastewater treatment system and percolation area; proposed bored well; landscaping; footpaths; terraces and all associated site works, which is in the curtilage of the protected structure (Record of Protected Structures No. 129)



This application was appealed (ABP. Ref: 314455). This was dismissed because the appeal did not raise any planning matters of substance.

#### Site in Kilmeaden

**P.A. Ref:** 21/214 Permission granted on the 15<sup>th</sup> July 2021 for the construction of 96 no. dwelling units incorporating 10 no. 2-storey 4-bed detached units (Type A), 32 No. 2 storey semi-detached 4-bed units (Type 8), 28 No. 2 storey semi-detached 3-bed units (Type C), 10 no. 2 storey semi-detached 3-bed units (Type D) and 2 no. 2 storey apartment blocks consisting of 8 no. 2 bed apartments in each block together with 1 no. external bin store and bicycle store per apartment block, vehicular entrance and separate pedestrian entrance off the R680 road, 2 no. off-street car parking spaces per dwelling and 12 no. spaces per apartment block in addition to 2 no. site visitor spaces, storm water attenuation wetlands pond and associated fencing in lands to the south-west of the R680 road, all within the curtilage of the subject site together with all associated site development works.

## 5.0 Policy Context

### 5.1. Development Plan

The Waterford City and County Development 2022-2028 is the operational development plan for the area. The plan came into effect on the 19<sup>th</sup> July, 2022.

The site is zoned Agriculture 'A.'

#### Relevant Policies:

##### **UTL22 Construction Wastes**

We will safeguard the environment by seeking to ensure that residual waste is disposed of appropriately. All waste arising during construction will be managed and disposed of in a way that ensures the provisions of the Waste Management Acts and the Southern Waste Management Plan 2015-2021.

**BD 03** All proposed development will be considered in terms of compliance with the standards and legal requirements of the following where they apply;

- Appropriate Assessment of Plans and Projects in Ireland-Guidance for Planning Authorities Department of Housing, Local Government and Heritage (2021).
- NRA Guidelines on Ecological Impact Assessment (2009)
- All-Ireland Pollinator Plan (2021)
- Planning for Watercourses in the Urban Environment (2020)
- Requirements for the Protection of Fisheries Habitat during Construction and Development Works at River Sites.

**BD 11:** We will mitigate potential adverse impacts on existing biodiversity and green infrastructure in development proposals through requirement for biodiversity enhancement measures such as habitat creation, pollinator-friendly landscaping schemes and or nesting boxes for pollinators, birds, and mammals.

**BD28:** We will support, as appropriate, the National Parks and Wildlife Service's efforts to seek to control and manage the spread of non-native invasive species on land and water. Where the presence of non-native invasive species is identified at the site of any proposed development or where the proposed activity has an elevated risk of resulting in the presence of these species, details of how these species will be managed and controlled will be required. Where development is approved for sites containing known invasive species, we will consider, where appropriate, the use of conditions for control and removal of invasive species.

### **Development Management DM 36**

Where it is proposed to reclaim, regenerate, or rehabilitate old quarries by filling or re-grading with inert soil or similar material, or to use worked-out quarries as disposal locations for inert materials, the acceptability of the proposal shall be evaluated against the following key criteria:

- The impact of the proposal on the landscape.
- Any possible loss of biodiversity that may have developed in the worked-out quarry.
- The impact such proposals may have on natural ground and surface water flows or networks in the area and the potential to give rise to flooding or new surface water flows onto adjoining lands or roads.

- The suitability of the road network in the area to accommodate the traffic flows of heavy vehicles that may be generated.

The Council will resist development that would significantly or unnecessarily alter the natural landscape and topography, including land infilling/reclamation projects or projects involving significant landscape remodelling, unless it can be demonstrated that the development would enhance the landscape and/or not give rise to adverse impacts.

## **5.2. Natural Heritage Designations**

Lower River Suir Special Area of Conservation: 1.7km from the proposed site.

## **5.3. EIA Screening**

The application for the proposed development includes an Environmental Impact Assessment Report (EIAR). It is submitted on the basis that the proposed development comprises the importation of 97,200 tonnes of Article 27 by-products per annum and therefore exceeds the 25,000 tonnes annual deposit rate threshold set out in Section 11 of Part 2 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended), for mandatory EIA.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The main grounds of appeal can be summarised as follows;

- The AA screening report falls short of requisite standards outlined in the Habitats Directive and fails to address recent case law, notably paragraph 44 of CIEU Case 2587/11.
- The AA report contains conflicting and inaccurate information, making it impossible to remove all scientific doubt about the effects the proposed works may have on the Lower River Suir SAC site.

- The AA screening fails to address potential in-combination effects of other plans and developments in the area.
- The AA screening is deficient, and therefore, if there is any doubt to the potential effects that the development may have, then the conclusion of the AA screening should require a Stage 2: Natura Impact Statement.

## 6.2. **Applicant Response**

The main points of the applicant's response can be summarised as follows:

- The AA Screening Report, as submitted, was professionally prepared and to the standards set out in the Habitats Directive.
- The European Case law stated in the appeal does not appear to exist.
- The AA screening report contains complete, precise, and definite findings.
- None of the statements or findings in the report are conflicting or inaccurate.
- The AA Screening does address the in-combination effects.
- The possibility of road deposits influencing the ecology of the River Suir is so remote as to be insignificant.
- The site is located 1.8km from the nearest part of the SAC, with no drain or ditch linking the two.
- The quantities of material generated by the proposed development would be negligible and, as such, are not of concern regarding potential impacts on the ecology of the River Suir.
- The appeal has no basis because it is based on manipulating selective partial quotes from the AA Screening Report and refers to non-existing case law.

## 6.3. **Planning Authority Response**

- None

#### 6.4. **Observations**

- None

#### 6.5. **Further Responses**

- None

### 7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, carried out a site inspection, and having regard to the relevant local/regional/national policies and guidance, I consider that the key issues on this appeal are as follows:

- Zoning
- Appropriate Assessment

#### 7.2. **Zoning**

The site is outside of the designated settlements and land zoning maps and, therefore, is regarded to be zoned as Agriculture A in the Wexford County and City Development Plan 2022-2028. The proposal is to restore the disused quarry to agricultural use. I therefore consider that the proposed development complies with the area's zoning objective.

The impact of the proposed development on the landscape, traffic implications and environmental impacts have been assessed in the EIA below.

#### 7.3. **Appropriate Assessment**

##### 7.3.1. Appropriate Assessment Screening

*Compliance with Article 6(3) of the Habitats Directive*

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

##### 7.3.2. *Background on the Application*

The applicant submitted an Appropriate Assessment Report as part of the application, prepared by Rodger Goodwillie & Associates and dated November 2021. It provides a description of the proposed development, identifies European sites within a possible zone of influence and identifies potential impacts in relation to Lower River Suir SAC.

The appellant considers that the AA screening report fails to address recent Case Law, notably: The threshold the application must pass in this context as set out in paragraph 44 of CJEU Case 2587/11 – *‘So far as concerns the assessment carried out under Article 6(3) of the Habitats Directive, it should be pointed out that it cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned’*. I believe that the case number stated in the appeal should read Case C-258/11.

The appellant contends that the Appropriate Assessment Report submitted with the planning application contains conflicting and inaccurate information and fails to address potential in-combination effects of other plans and developments in the area. The appellant highlights the AA screening report states that “a possible pathway exists for sediment dropped on local roads to get to the SAC” and that this has not been explored further. I note in the conclusion of the report which states that the possibility of road deposits of sufficient size or regularity to be influenced the ecology of the River Suir is so remote as to be insignificant. I consider that the potential significant effects from road deposits have been adequately assessed in the AA screening report.

The AA screening report concluded that there is no likelihood that the proposed project will give rise to significant negative effects on the integrity of the Lower River Suir SAC or any other Natura 2000 network. It also concludes that the development will not compromise the attainment of the conservation objectives of these sites and states that this holds for the project by itself or in combination with other projects in the vicinity.

Having reviewed the appeal documents and submissions, I am satisfied that there is adequate information concerning the European sites to allow for a complete

examination and identification of any potential significant effects of the development alone or in combination with other plans and projects on European sites.

#### 7.3.3. Screening for Appropriate Assessment- Test of likely significant effects

The project is not directly connected with or necessary to the management of a European Site, and therefore, it needs to be determined if the development is likely to have significant effects on a European site(s).

The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

The applicant provides a description of the project on page 7 of the AA screening report and Chapter 2 of the EIAR. In summary, the development comprises:

- The restoration of an existing c.3.6ha disused quarry to agricultural use by importing and inserting 270,000m<sup>3</sup> of excavation spoil comprising natural materials of clay, silt, sand, gravel, or stone.
- Material inspection and quarantine areas,
- Wheel Wash,
- Weighbridge (or material pre-weighed before entering the site),
- Mobile Office/ Welfare Facility.

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Construction-related -uncontrolled surface water/silt/construction-related pollution
- Habitat loss/ fragmentation
- Habitat disturbance /species disturbance

#### 7.3.4. Submissions and Observations

A submission was received on the planning application from the appellant. The main point raised was that the AA screening was deficient, and therefore, if there is any doubt to the potential effects that the development may have, then the conclusion of the AA screening should require a Stage 2: Natural Impact Statement.

### 7.3.5. European Sites

The development site is not located in or immediately adjacent to a European site. The closest European site is The Lower River Suir (2137), which is within 2.1km of the proposed development.

Within a 15km radius of the site, there are three additional sites: Tramore Dunes and Backstrand SAC (0671), Tramore Backstrand SPA (4027) and Mid-Waterford Coast SPA (4193). Given that the Tramore Sites and the Mid-Waterford have separate catchments, it is considered that there is no possible connection between these sites and the subject site.

The subject site is c. 330m from a stream, a tributary of the Lower River Suir. It is considered that the Lower River Suir has to be examined in more detail.

There are no watercourses and no source or pathway receptors on the site.

European Site	List of Qualifying Interest/Special Conservation Interest	Distance from Proposed Development	Connections (source, pathway receptor)
<b>Lower River Suir (2137)</b>	<p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p>	2.1km	None



	<p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p><i>Taxus baccata</i> woods of the British Isles [91J0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Alosa fallax fallax</i> (Twaite Shad) [1103]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>		
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#### 7.3.6. Identification of likely effects

The appellant highlights the AA screening report states that “a possible pathway exists for sediment dropped on local roads to get to the SAC’. I consider that the possible sediment dropped on the regional road would not be of a scale that would significantly affect the conservation objectives of the Lower River Suir Special Area of Conservation.

Given that there are no watercourses and no source or pathway receptors on the site, I consider that the importation of uncontaminated soil, rock and stone as a non-waste by-product over five years to restore the 3.26-hectare quarry on its own will only have minimal localised effects and will not have any significant effects on the

conservation objectives of the relevant conservation objectives of the Qualifying interests of the Lower River Suir Special Area of Conservation.

After a study of the projects and proposed projects in the area and given that the proposed development will only have a minimal localised effect, I consider that the project in conjunction with other projects will not have any significant effects on the conservation objectives of the relevant conservation objectives of the Qualifying interests of the Lower River Suir Special Area of Conservation.

#### 7.3.7. Mitigation Measures

Save for standard construction practices, no measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

#### 7.3.8. Screening Determination

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Site Lower River Suir SAC or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on the following:

- The distance of the proposed development from the European Site and demonstrated lack of any ecological connections.
- The scale and nature of the development

## **8.0 Environmental Impact Assessment**

### **8.1. Legislation and Introduction**

This application was submitted to the Board after 1st September 2018, and therefore, after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018, which transpose the requirements of Directive 2014/52/EU into Irish planning law.

Schedule 5, Part 1 and Part 2 of the Planning and Development Regulations 2001, as amended, set out the classes of development for the purposes of EIA.

- Section 11 (b) of Part 2 provides that a mandatory EIAR is required for the 'Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.'

The proposed development overall involves the importation of 486,000 tonnes of fill material over five years, with the ground proposed to be used for agriculture at the end of the development. It is proposed to import 97,200 tonnes of material a year. Therefore, the proposal exceeds the threshold of 25,000 tonnes annual deposit rate specified in the class and requires a mandatory EIAR.

The applicant has submitted an EIAR with the application, which was amended as part of a Further Information submission. The EIAR is laid out as follows:

- Non-Technical Summary
- Main Statement

I am satisfied that the EIAR has been prepared by competent experts to ensure its

completeness and quality, and while I note the EIAR is lean, given the nature of the development and its location, that the information contained in the EIAR, and supplementary information provided by the applicant adequately identifies and describes the direct, indirect, and cumulative effects of the proposed development on the environment and complies with all relevant requirements. I have carried out an examination of the information presented by the applicant, including the EIAR and the written submissions.

The EIAR describes the proposed development, including information on the site and the project size and design.

Chapter 4 deals with alternatives. As the proposed development site is a disused quarry and the intention is to restore the quarry and improve the lands, it is not possible to consider alternative locations. If the proposed development does not go ahead, the lands will remain unrestored, and the necessary improvements for agricultural use will not occur. Alternative materials have been considered for fill; however, the use of Article 27 byproducts supports EU and national waste policies, circular economy development, and climate action proposals. The EIAR considers its use preferable.

The EIAR concluded that the most viable option with the least likely environmental effects and the most benefit was to restore the quarry and improve the lands using uncontaminated soil and stone from excavation works. Having examined Chapter 4, I am satisfied the applicant has considered sufficient alternatives and concurs with the proposal as the optimum route.

The impact of the proposed development was assessed under all the relevant headings with respect to Population and Human Health; Air Quality and Climate; Traffic and Transport; Noise and Vibration; Biodiversity and Appropriate Assessment; Habitats and Vegetation; Land, Soil, Geology and Hydrogeology; Surface Water; Landscape and Visual Impact; Archaeology and Cultural Heritage, Material Assets; Interactions and Cumulative Effects: Risk Assessment; and the

suggested mitigation measures are set out at the end of each chapter. The content and scope of the EIAR are considered acceptable and in compliance with Planning Regulations. No likely significant adverse impacts were identified in the EIAR.

With regard to the requirements of Article 111 of the regulations, I consider that the submissions are generally in accordance with the requirements of Article 94 of the Planning and Development Regulations 2001, as amended. Cumulative impacts with other plans and projects in the area are not considered likely to be significant.

## 8.2. Likely Significant Effects Arising from the Proposed Development.

Section 7.0 of this report identifies, describes, and assesses the main planning issues arising from the proposed development and section 7.0 should be considered in conjunction with the following environmental impact assessment (EIA). The EIA identifies and summarises the likely significant effects of the proposed development on the environment with respect to a number of factors. It identifies the main mitigation measures and residual impacts following mitigation, assesses cumulative impacts, and reaches a conclusion with respect to each factor. The EIA also considers the risks associated with major accidents and/or disasters.

## 8.3. Population & Human Health

Chapter 5 deals with Population and Human Health. It notes that the surrounding area has a relatively low population density, except for the village of Kilmeaden, which is located 0.75km northwest of the proposed development. The lands immediately to the east are zoned for Tourism.

Population & Human Health	Mitigation measures
<b>Traffic Infrastructure:</b> Increased traffic movements of HGVs to and from the facility.	Use of a wheel cleaner on the site to ensure that mud is not trafficked onto the public road.

<p><b>Emissions:</b> Potential additional dust emissions in the event of extended dry weather periods.</p> <p><b>Noise:</b> Noise from vehicles delivering waste and mechanical equipment similar to ongoing farm operations</p>	<p>Dust minimisation methods, such as the use of a bowser and sprinkling system, are employed to avoid environmental nuisance.</p>
<p><b>Residual Effects:</b> No residual effects on population and human health.</p>	
<p><b>Cumulative Impacts:</b> None predicted.</p>	
<p><b>Conclusion:</b> No written submissions were made in relation to population and human health. I am satisfied that any impacts identified in this section of the report have been appropriately addressed in terms of the application and that no significant adverse effects on population and human health are likely to arise.</p>	

#### 8.4. Air Quality & Climate

Chapter 6 deals with Air Quality and Climate. The proposed development is located within air quality zoned D, where the air quality is generally defined as ‘Good.’

Air & Climate	Mitigation measures
<p><b>Dust:</b> The proposed development may lead to an increase in dust present within the environs of the lands.</p> <p><b>Traffic emissions:</b> Increased traffic emissions are not considered to be significant.</p>	<p>Dust suppression equipment is to be on-site and will be used if excessive dry periods result in the generation of significant quantities of dust.</p> <p>Vehicles are to be serviced and maintained in accordance with the manufacturer’s guidance to prevent unnecessary exhaust emissions.</p>
<p><b>Residual Effects:</b> There will be some dust &amp; traffic emissions increase during the operational phase; however, there will be no residual effects.</p>	
<p><b>Cumulative Impacts:</b> None predicted.</p>	

**Conclusion:** No written submissions were made in relation to population and human health. I am satisfied that any impacts identified in this section of the report have been appropriately addressed in terms of the application and that no significant adverse effect on Air and Climate is likely to arise.

## 8.5. Traffic and Transport

Chapter 7 deals with Traffic and Transport. A Traffic Impact Assessment informed the assessment of Traffic and Transport. The subject site is accessed by a laneway leading from the R680, a single-carriageway regional road.

Traffic and Transport	Mitigation measures
<b>Local Traffic Conditions:</b> <i>There is</i> negligible impact upon the local traffic conditions as development consists of 4 individual HGV/truck movements in or out of the proposed development site per hour.	A wheel cleaner will be installed at the site to prevent mud from being carried onto the public road.
<b>Residual Effects:</b> No residual effects on the Traffic and Transport	
<b>Cumulative Impacts:</b> Some impacts are predicted but not considered to be significant.	
<b>Conclusion:</b> I am satisfied that no significant adverse effect is likely to arise.	

## 8.6. Noise and Vibration

Chapter 8 deals with Noise and Vibration. The baseline noise environment in the vicinity of the proposed development comprises ongoing noise from farmland machinery. The nearest sensitive noise receptors are Whitfield Court, c.235m from the subject site and dwellings located c.300m away and on the opposite side of the regional road.

Noise and Vibration	Mitigation Measures
Potential noise from vehicles delivering soil and stone and from the placement of those materials on the land using mechanical equipment.	Adherence to operational hours. Ban on idling of vehicle engines. There will be no breaking of stone or other material.
<b>Residual Effects:</b> None predicted	
<b>Cumulative Impacts:</b> Short-term minor negative impacts when considered with existing farm noise impacts.	
<b>Conclusion:</b> While the information provided in the EIAR is minimal, I am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise.	

## 8.7. Biodiversity

Chapter 9 deals with Biodiversity. This chapter was amended as part of the submission of Further Information. The habitats consist of exposed rock and disturbed ground and are colonised to varying degrees by vegetation. This would be classified as exposed siliceous rock, spoil and bare ground and recolonising bare ground. Peripheral areas adjacent to the boundary carry gorse scrub. The surrounding area is agricultural, and a trackway to the north of the site is overhung by a belt of trees, subject to a Tree Preservation Order. Appropriate Assessment screening was submitted, and it concluded that the development would not compromise the attainment of the conservation of the Lower River Suir SAC.

Biodiversity	Mitigation Measures
<p><b>Habitats:</b></p> <p>Save for the existing scrub, the loss of the remaining habitats.</p> <p><b>Birds:</b></p>	Tree planting along the northern and western slopes of the fill.



<p>Reduction of bird species that prey on disturbed insects and other invertebrates.</p> <p><b>Other species:</b></p> <p>Reduction of the wildlife dependent on plant cover for food (insects and other invertebrates)</p>	<p>Trees are based on native species, esp. alder, oak, wild cherry, Scotts pine, and hawthorn.</p> <p>Management of Japanese Knotweed.</p>
<b>Residual Effects:</b> None	
<b>Cumulative Impacts:</b> None predicted.	
<b>Conclusion.</b> I am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise.	

## 8.8. Land, Soil, Geology and Hydrogeology

Chapter 10 deals with Land, Soil, Geology and Hydrogeology. The site is a disused quarry, and the development will involve importing and using 270,000m<sup>3</sup> of soil and stone. The soil in the area is a loamy drift, Kill Kr with Clonroache Cl near the site's northern boundary. The site lies in the area of bedrock referred to as O2s, the Duncannon Group, shale, siltstone, and slate. The soils overlying the shaly rock are predominantly well-drained and reflect the permeability developed with the top few meters of fractured or weather rock. The lack of any groundwater indicates that the exposed rocks are classified as unproductive in aquifer terms.

Land, Soil, Geology and Hydrogeology	Mitigation Measures
<p>No excavations are proposed.</p> <p>The topsoil and subsoil's thickness will be increased, and the quality of</p>	<p>None</p>

the topsoil will improve, as well as groundwater protection in the area, as the thickness of the overburden increases.	
<b>Residual Effects:</b> Residual impacts are not predicted to be significant.	
<b>Cumulative Impacts:</b> None predicted.	
<b>Conclusion:</b> I have considered all the written submissions made in relation to land, soil & water, in addition to those specifically identified in this section of the report. I am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise.	

## 8.9. Surface Water

Chapter 11 deals with Surface Water.

The site is underlain by a till derived from chiefly Devonian sandstone, with deep, well-drained acid brown earths and brown podzolic, in addition to this, there is also a small pocket of till chiefly derived from Acid volcanic rocks with also deep, well-drained acid brown earths and brown podzolic. The majority of the site is classified as a regionally important fissured aquifer. The groundwater vulnerability across the site, as mapped by the Geological Survey of Ireland, reports high to the north of the site, with the vulnerability status increasing in a southerly direction, extreme and extreme with rock outcrop and sub-crop. Groundwater flow across the site can be inferred from topography, and an expected groundwater flow will be in a north-easterly direction. There does not appear to be any groundwater at ground level across the site, with watertable below the lowest point of excavation at the site.

The majority of the site is located within the Suir catchment and located between the sub catchment Williamstown\_SC\_010 and the Dawn River\_SC\_10. There is no watercourse on the site. The nearest watercourse to the site is the Ballymoat stream c.250 metres to the east in the Williamstown sub-catchment. The EPA do not monitor any part of this stream for water quality. This sub-catchment is classified as at risk, based on modelling data.

The redline boundary of the site is located within the Waterford groundwater body (IE\_SG\_G\_149) with overall status designated good, both chemically and quantitatively. The site is on the outer protection area of a well located within a kilometre but deemed of poor yield.

Surface Water	Mitigation measures
The absence of any waterways on or adjacent to the development site means there is no risk of adverse environmental effects.	None
<b>Residual Effects:</b> Residual impacts are not predicted to be significant.	
<b>Cumulative Impacts:</b> None predicted	
<b>Conclusion:</b> I am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise.	

#### 8.10. Landscape and Visual Impact

Chapter 12 deals with Landscape and Visual Impact. The site is a disused quarry surrounded by agricultural lands. The area is rural in nature, with an operational Roadstone quarry to the northeast. No high amenity areas are close to the site, and there are no sensitive views.

Landscape and Visual Impact	Mitigation measures
The impact on the view will be slight and temporary.	Progressive restoration and early seeding will mitigate any negative impacts on views.

<b>Residual Effects:</b> Residual impacts are not predicted to be significant.
<b>Cumulative Impacts:</b> None predicted
<b>Conclusion:</b> I am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise.

#### 8.11. Archaeology and Cultural Heritage

Chapter 13 deals with Archaeology and Cultural Heritage. There are a number of buildings on the National Inventory of Architecture Heritage in the area surrounding the site, including Whitfield Court, gate lodge and outbuilding. Whitfield Court is included on the Waterford City and County Council Record of Protected Structures. There is a standing stone, the site of an early church, a boundary stone and a holy well; all recorded Sites and Monuments (SMR). It is considered that any elements of archaeology and cultural heritage are located at a distance, and any effects from the proposed development are not likely to be significant.

Archaeology and Cultural Heritage	Mitigation measures
Neutral Impact	None
<b>Residual Effects:</b> Residual impacts are not predicted to be significant.	
<b>Cumulative Impacts:</b> None predicted	
<b>Conclusion:</b> I am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise.	

#### 8.12. Material Assets

Chapter 14 deals with Material Assets. The site is located in an area that is mainly used for agriculture. There are agricultural buildings to the southeast and Whitfield Court to the northeast of the site. The access road to the site is on a regional road.

During the development period, the side effects of the surrounding agricultural and potential tourist operations are limited to increasing traffic entering and exiting the site and are not likely to be significant. The effect of the increased traffic on the regional road, as highlighted in Chapter 7 and the Traffic Impact Assessment, is not considered significant.

Material Assets	Mitigation measures
None The village of Kilmeaden and its amenities will not be negatively impacted.	None
<b>Residual Effects:</b> Residual impacts are not predicted to be significant.	
<b>Cumulative Impacts:</b> None predicted	
<b>Conclusion:</b> I am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise.	

### 8.13. Summary of Interactions & Interrelationships.

I have also considered the interrelationships between factors and whether this might affect the environment, even though the effects may be acceptable when considered on an individual basis. In particular, the potential arises for the following interactions and interrelationships.

- Population & human health:
  - Traffic and Transport
- Air & Climate
  - Traffic and Transport
- Traffic and Transport
  - Noise and Vibration
- Noise and Vibration
  - Biodiversity

- Land, Soils, Geology and Hydrology
  - Surface Water Runoff

In conclusion, I am satisfied that any such impacts can be avoided, managed, and mitigated by the measures that form part of the proposed development and the conditions mentioned above, as recommended below in 11.0.

#### **8.14. Consideration of Cumulative Impacts**

I have examined existing or permitted plans and projects in the location, including the housing development currently under construction in Kilmeaden, and in conclusion, I am satisfied that such effects can be avoided, managed, and mitigated by the measures that form part of the proposed development, mitigation measures, and suitable conditions. There is, therefore, nothing to prevent granting permission on the grounds of cumulative effects.

#### **8.15. Consideration of Risks Associated with Major Accidents and/or Disasters.**

None were identified, and the potential impacts associated with climate change have been factored into the relevant sections of the EIAR.

#### **8.16. Reasoned Conclusion on Significant Effects**

Having regard to the examination of environmental information contained above, and in particular to the EIAR and the submissions from the planning authority, prescribed bodies, and observers in the course of the application, I am satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment.

### **9.0 Recommendation**

- 9.1. I recommend permission be GRANTED for the following reasons and considerations and subject to the following conditions:

## 10.0 Reasons and Considerations

It is considered that subject to compliance with the conditions set out below; the proposed development would be in accordance with the provisions of the Waterford City and County Development Plan 2022-2028, would not seriously injure the residential amenities of the area, would not be prejudicial to public health and would be acceptable in terms of traffic safety. 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 received by the planning authority on 5th August 2022, 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>All environmental mitigation measures identified within the remedial Environmental Impact Assessment Report and associated documentation shall be implemented in full, save as may be required to comply with the conditions set out below.</p> <p>Reason: In the interests of conservation of the environment.</p>
3.	<p>(a) This permission is for the management of inert material with a maximum intake of 97,200 tonnes per annum onsite. The developer shall record the amount of material received at the facility, and records shall be made available to the Planning Authority upon request.</p>

	<p>(b) All imported material into the site shall be clean soil and shall comply with the EPA's Guidance on Waste Acceptance Criteria at Authorised Soil Recovery Facilities (January 2020)</p> <p>(c) Only inert soil and stone classified as Article 27 by-products of the construction industry, and which have been notified to the EPA shall be accepted on site under the terms of this permission.</p> <p>Reason: In order for clarity.</p>
4.	<p>A dust monitoring programme for the duration of the project shall be submitted to the planning authority for written agreement. The background dust level shall not exceed 350mg/m<sup>2</sup>/day averaged over a 30-day composite sample using the Standard method VDI2119 (Measurement of Dust fall, Determination of Dust fall using Bergerhoff Instrument (Standard Method) German Engineering Institute). The monitoring should take place between the months of May and September.</p> <p>Reason: In the interests of conservation of the environment.</p>
5.	<p>A management plan for the control of alien invasive plant species shall be submitted to and agreed in writing with the planning authority prior to commencement of development, with the Japanese Knotweed on the site to be treated through application of chemicals, unless otherwise agreed in writing with the planning authority in consultation with the NPWS.</p> <p>Reason: In the interest of visual amenity and to prevent the spread of alien plant species.</p>
6.	<p>(a) A scheme of tree planting along the perimeter of the site shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This planting scheme shall consist of indigenous species and shall be completed within the first planting season following the commencement of the development.</p>



	<p>(b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In order to screen the development, in the interest of visual amenity.</p>
7.	<p>The detailed design of the entrance, signage and any works to the public road network shall be submitted to and agreed in writing with the planning authority prior to commencement of development. All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.</p> <p>Reason: In the interests of public safety and amenity.</p>
8.	<p>A wheel-wash facility shall be provided adjacent to the site exit, the location and details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. There shall be no discharge from the wheel-wash to any drainage ditch or watercourse.</p> <p>Reason: In the interest of traffic safety and convenience, and to protect the amenities of the area.</p>
9.	<p>The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material and, if the need arises for cleaning works to be carried out on the adjoining public roads, the cleaning works shall be carried out at the developer's expense.</p> <p>Reason: To ensure that the adjoining roadways are kept in a clean and</p>

	safe condition during construction works in the interest of orderly development.
10.	<p>Operating hours for the development shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the [residential] amenities of property in the vicinity.</p>
11.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has

influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Peter Nelson  
Planning Inspector

28<sup>th</sup> February 2024