



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320180-24

#### Development

Change of use from quarry to recovery activities comprising of the infilling of lands as a soil recovery facility to improve land for agricultural use, an administration area and all associated site works and services. A Natura Impact Statement (NIS) was submitted with the application.

#### Location

Mary Kelly's Pit, Powerstown, Milford, Co. Carlow.

#### Planning Authority

Carlow County Council

#### Planning Authority Reg. Ref.

2360263

#### Applicant(s)

Milford Quarries

#### Type of Application

Permission

#### Planning Authority Decision

Grant

#### Type of Appeal

Third Party

#### Appellant(s)

George Doyle

#### Observer(s)

None

**Date of Site Inspection**

17<sup>th</sup> January 2025

**Inspector**

Catherine Dillon

## 1.0 Site Location and Description

- 1.1. The subject site is located in a rural area in the townland of Powerstown and is circa 8.6km south of Carlow town. The site is located to the north of a local road the L-3045 and accessed via an existing vehicular access off this road. The L-3045 connects to the R448, approximately 400m to the west of the site's entrance, which connects Carlow with Kilkenny. The R448 connects to Junction 6 on the M9 circa 1km to the north of the site. To the east of the site is the Dublin-Waterford railway line.
- 1.2. The overall site area is stated as 4.84-hectares and is irregular in shape and forms part of a larger area (9.19ha), which was formerly quarried by Kilcarring Quarries and which has been partially restored. There is a lagoon area to the north west of the subject site and there are a number of stockpile areas within the site to the east associated with an existing quarry. The surrounding area is one of an undulating landscape and the subject site is set below the road level.
- 1.3. Immediately to the north of the site is the former Carlow Council landfill site and to the east is Council Civic Amenity centre. A footpath extends from the R448 junction to the entrance to the Powerstown Civic Amenity Centre along the subject site's frontage. Beyond the civic amenity centre is a dwelling to the east of the recycling centre's entrance. There is a building to the south west of the subject site which is screened to a large extent from within the site by a high berm extending along its southern boundary. This building is in residential use but was previously used in association with the quarry.
- 1.4. There are a number of quarries in the immediate vicinity of the site including one on the southern side of the L-3045 opposite the site and, another to the north east.
- 1.5. Powerstown Stream is located 250m to the north of the subject site and flows in a westerly direction towards the River Barrow approximately 531m to the west of the site.

## 2.0 Proposed Development

- 2.1. The proposed development is for the infilling of 4.79 hectares of land with inert waste consisting of uncontaminated soil and stone and dredging spoil, to improve the land

for agricultural use. The importing of material would equate to 133,000 m<sup>3</sup> /199,500 tonnes in total and would be carried out over a period of eight years, resulting in an average annual import of 16,625m<sup>3</sup> or 24,937 tonnes.

- 2.2. In addition to the infilling of the 4.79 hectare, the remaining sand and gravel deposits associated with P.A Ref: 13/187 (eastern section of site) would continue to be extracted. It is stated by way of further information the remaining amount of stockpile and overburden to be extracted equates to 5,000m<sup>3</sup>/7,500 tonnes. It is estimated the duration of the extraction would be 24 months.
- 2.3. The Applicant states the development is subject to a Waste Facility Permit (WFP) application and the site has an existing Waste Facility Permit, WFP-CW-22-011-01. A Waste Acceptance Procedure document submitted with the proposal states all incoming wastes would be subject to visual inspections by the Site Manager (or Deputy Site Manager). Non-conforming waste or material otherwise deemed unsuitable for infill purposes would not be used.
- 2.4. The average depth of fill is stated as being approximately 2.8m with a maximum depth of 9m. The infill material would be spread in layers of a maximum of 500mm in depth with a final topsoil layer of 225mm spread over the entire infill site and grass seeded and returned to agricultural use.
- 2.5. The development includes the provision of an administrative area comprising 0.048 hectares to include a site hut and portable chemical toilet for welfare facilities for the site manager. The building would be located close to the vehicular entrance along the north western boundary and would have a floor area of 14.64m<sup>2</sup> and height of 2.6m. The Applicant states the portable toilet would be emptied by a licensed contractor on a regular basis, as required. A proposed soakaway would connect to the site office in accordance with BRE Digest 365 for a 1 in 30 storm event. A storage tank for grey water from the canteen is proposed with a storage capacity of 4.75m<sup>3</sup>.
- 2.6. The existing vehicular access, and wheel wash to the west of the entrance, would be maintained throughout the operation of the proposed development.
- 2.7. By way of further information, the Applicant submitted a phasing plan for the infilling of the site. The land is proposed to be restored in 4 phases, extending from the western end of the site (Phase 1) across the site in an easterly manner with the final

phase (Phase 4) at the south eastern end of the site, towards the road frontage. A 5m buffer zone is proposed around the site's perimeter where it abuts adjoining land holdings.

2.8. The following information was submitted with the proposed development:

- Environmental Impact Assessment Screening Report which was revised in response to further information request.
- Natura Impact Statement (NIS) which was revised by way of further information request.
- Traffic & Transport Assessment submitted by way of further information.
- Waste Acceptance Procedures document carried out by Billy Moore Consulting.
- Environmental Management Plan submitted 25/4/2024. This Plan contains details of water, dust and noise monitoring points.

2.9. The further information was considered significant and was readvertised. The further information submitted forms part of this assessment.

## 3.0 **Planning Authority Decision**

### 3.1. **Decision**

On 9th July 2024, Carlow County Council granted planning permission for the development subject to 26 conditions, which were mostly standard in nature.

Conditions of note include the following:

Condition No. 2 states that the importation would be limited to 199,500 tonnes of inert uncontaminated soil, stones and dredging spoil (a maximum of 24,937 tonnes in any one year) onto the site over a 8 year period to improve the land for agricultural use.

Condition No. 3 requires the restoration of the site to be carried out in accordance with restoration plan in accordance with the 4 phases.

Condition No. 4 states the development is not to commence until a Waste Facility Permit or EPA Waste Licence has been obtained.

Condition No. 5 restricts imported material to be non-hazardous only.

Condition No. 6 requires the applicant to provide the P.A on an annual basis details of the tonnage intake into the site for the preceding year.

Additional conditions include requirements that relate to the control of noise, dust, traffic, waste permits for hauliers, mitigation measures in NIS and Environmental Management Plan, and management of ground water.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The decision of the Planning Authority was informed by two reports from the planning officer. The first report, dated 15<sup>th</sup> January 2024, assessed the EIAR screening report and NIS. This report of the planning officer recommended further information on 10 points which related in summary to the following:

- A revised site layout plan to indicate the proposed vehicular access, wheelwash, sightlines, distances to boundaries, internal haul route, surface water management & drainage proposals, location of berms, 5m buffer zones, extent of proposed infill areas, overall gravel pit, and ground levels.
- Detailed and revised restoration plan including phasing and duration of infill, and finished ground levels once restoration is complete.
- Details of the quantity in tonnes, of sand and gravel that remains to be extracted and/or removed under PI Ref: 13/187 (including existing stockpiles) and to clarify the status of this development to enable an assessment to be made regarding cumulative impacts.
- Natura Impact Statement (NIS) and Environmental Impact Assessment Screening Report to include assessment of the cumulative and in-combination impacts on the River Barrow and River Nore SAC.
- Traffic and transport assessment, to include impacts from the proposed development and trips generated by existing stockpiled material or overburden to be removed off site and any staff generated traffic.
- Submit a surface water management plan and details of drainage i.e. use of berms, silt barriers/fences or soak pits.

- Verification where the grey water from the canteen will be diverted to and adequately treated/removed from the site, demonstrate that no debris from the internal site haul roads will disperse onto the public roadway and that no surface water generated by the final surface layer will disperse onto adjoining properties and the public roadway.
- Submit an Environmental Management Plan indicating details regarding noise, dust and ground water monitoring and locations to be indicated on plans.
- Submit a revised Environmental Impact Assessment Screening report and NIS, to include and take full account of the further information.
- Applicant invited to assess the content of the third party submissions.

The second report dated 9<sup>th</sup> July 2024, reviewed the further information submitted by the Applicant and recommended that planning permission was granted.

### 3.2.2. Other Technical Reports

**Water Services Dept:** This report dated 1/12/2023 states no objection. No impacts on Uisce Eireann assets.

**Environment Section (EE):** This report dated 14/12/2023 requested further information regarding the treatment of grey matter from the canteen, demonstrate no debris onto public roads and that no surface water will disperse onto adjoining property and public roadway.

**District Engineer:** This report dated 15/12/2023 states no objection subject to conditions regarding surface water run-off and maintenance of the public road network.

**Environment Dept (SEE):** This report from the SEE dated 2/1/2024, had no objections to the development subject to conditions in relation to the CEMP, mitigation measures in NIS and Invasive Species Plan, water management measures to prevent contamination of surface waters, dust emission controls, construction operations to be in compliance with CIRCA C532, requiring control of water on sites.

**Environment Section:** Report dated 21/5/2024 in response to further information.  
No objections subject to conditions.

### 3.3. **Prescribed Bodies**

#### 3.3.1. **Department of Environment, Climate & Communications:** Dated 11/6/2024

Notes records show that there are no County Geological Sites (GSS) in the vicinity of the site. The Groundwater Data Viewer indicates aquifers classed as 'Regionally important gravel aquifer' and a 'Regionally Important Aquifer - Karstified (diffuse)' underlie the proposed soil recovery facility. The Groundwater Vulnerability map indicates the area covered is classed as 'High' Vulnerability.

Due to the underlying karstified aquifer, gravel aquifer, and groundwater vulnerability of the site, the proposed development should ensure that the importation of uncontaminated soil, stone and dredging spoil does not have a negative impact on the environment and underlying karst and gravel aquifers.

#### 3.3.2. **Uisce Eireann:** Dated 6/12/23: No objection/No impact on UE assets.

### 3.4. **Third Party Observations**

#### 3.4.1. One submission was received by George Doyle to the initial planning application and to the further information response. The main issues raised are similar to those set out in the third-party appeal.

## 4.0 **Planning History**

#### 4.1. **P.A Ref: 01/300 & ABP Ref: 01.129838:** Planning permission granted by ABP on 4<sup>th</sup> April 2003 for the extraction and processing of sand and gravel on lands (8.4 hectares), subject to 31 conditions. (EIS submitted). Conditions of note include:

Condition 2 required the cessation of the use of the quarry pit within 5 years of the date of permission.

Condition 3 required a restoration and landscaping plan prior to commencement.

Condition 5 required all topsoil and overburden to be removed was to be spread over the work surface or backfilled.

Condition 8 (1) Excluded the crushing of sand & gravel at the site.

Condition 11 – required no filling material to be imported on site.

The site has been partially restored and included part of the subject site lands and the land fill site to the north.

- 4.2. **P.A Ref: 11/105:** Planning permission was refused to Kilcarrig Quarries Ltd. on 13th June 2011, for the continuance of use of 3.93 hectares of quarry including stockpiling, screening and washing plant and retention of the existing entrance, wheelwash, haul route and settlement lagoon on the grounds that the use was unauthorised and retention permission could not be granted due to the European Court of Justice decision Case Number C-215/06.
- 4.3. **P.A Ref: 11/206 & ABP Ref: 01.240137:** Planning permission refused by ABP on 14<sup>th</sup> March 2013 for retention of 0.26 ha of extracted quarry, previously authorised entrance, wheel wash, haul route and settlement lagoon and extraction of 1.25ha along with the relocation and erection and operation of previously authorised plant on two grounds. The Board having regard to the planning history of the site, considered that the extent of development was not adequately described and were not satisfied that the development would not pose an environmental pollution risk.
- 4.4. **P.A Ref: 13/187:** Planning permission was granted to Kilcarrig Quarries Ltd on 17<sup>th</sup> February 2014 to provide an internal haul route to extract sand and gravel with dry screening and to retain an existing wheel wash at the site (1.98 ha) for a period of 15 years, subject to 32 conditions. This permission expires on 16th February 2029.
- 4.5. **RL3479 & PA Ref: SEG5/16/03:** It was determined by ABP on 4<sup>th</sup> May 2018 that the importation of inert soil for the purposes of site restoration, and restoration works using imported inert soil, (on a site c.8.4 ha) in respect of a quarry was development and not exempted development. This referral included a part of the subject site but not the lands to the east which were included in P.A Ref: 13/187 above.

4.6. Enforcement:

The planning history files indicate there have been warning letters and enforcement notices issued regarding the quarrying activity on the site over the years.

**P.A Ref: UD10/39:** Enforcement Notice was issued to Kilcarrig Quarried Ltd on 10/11/2006 to cease all unauthorised works on site namely crushing of sand and

gravel and for non compliance with Condition 8(1) of planning permission P.A Ref: 01/300 & ABP Ref: 01.129838.

Warning letter issued 28/2/2011 to Kilcarrig Quarries Ltd regarding the quarrying works ongoing at the site.

## 5.0 Policy Context

### 5.1. Carlow County Development Plan (CDP) 2022-2028

5.1.1. The Carlow County Development Plan came into effect on 4<sup>th</sup> July 2022. Relevant chapters and policies within this Plan relating to this development include:

#### 5.1.2. Chapter 6- Infrastructure & Environmental Management

##### Section 6.6 Waste Management

WM P6: Ensure that all waste that is disposed of by private waste companies is done so in compliance with the requirements of the Environmental Protection Agency and the Waste Management Legislation and in accordance with the Planning Code.

##### Section 6.9 Environmental Management

WQ P2: Promote and comply with the environmental standards and objectives established for (i) bodies of surface water, by the European Communities (Surface Water) Regulations 2009 and (ii) groundwater, by the European Communities (Groundwater) Regulations 2010 or as may be amended during the period of this Plan.

WQ P3: Ensure that the Water Framework Directive, the River Basin Management Plan and any subsequent Water Management Plans or statutory guidance are fully considered throughout the planning process.

#### 5.1.3. Chapter 9- Landscape and Green Infrastructure

The site lies within the western end of the Central Lowlands landscape character area and within the 'Farmed Lowland' landscape type. The central lowlands according to the CDP has the capacity to absorb most types of development subject to the implementation of appropriate mitigation measures. The site has a landscape sensitivity of 2-3 with 1 being the lowest and least sensitive rating.

The Ballyryan Scenic route (No.5) is located on the L-3052 c. 2.5km to the east of the site, but the appeal site is not visible from this route.

There are no Scenic Routes or protected views in close proximity to the site.

#### 5.1.4. Chapter 10 Natural & Built Heritage

Policies NH P1, P2, P5 & P6 seek to protect, manage and enhance the natural heritage, biodiversity, landscape and environment of the county and ensure development does not adversely impact on wildlife habitats and species.

#### 5.1.5. Chapter 14- Rural Development

AG P1: Support agricultural development and encourage the continuation of agriculture as a contributory means of maintaining population in the rural area.

Section 14.16 of this chapter relates to the Extractive Industry, Aggregates and Limestone Reserves.

Policies EI P6-8 relates to the extraction of aggregates/mineral extraction and assessing their impact on inter alia: European sites, recorded monuments, sensitive aquifers, road network, and compliance with the objectives of the Water Framework Directive.

#### 5.1.6. Chapter 16 - Development Management Standards

Section 16.10.7 of this chapter relates to entrances and sightlines and Section 16.16.3 relates to the Extractive Industry. Minimum visibility splays for a 80km/h speed limit road would require sightlines of 90m set back 2.5m from the edge of the carriageway for this site.

#### 5.1.7. Volume 2b VII Landscape Character Assessment

This section includes the principal landscape character areas, landscape types and scenic routes within the county.

Section 28 Guidelines

#### 5.1.8. Quarries and Ancillary Activities - Guidelines for Planning Authorities (2004)

Although this development is for the infilling of an existing quarry these guidelines are relevant in that they relate to best practice with regards to assessing impacts on the natural heritage, the landscape and traffic impacts for such developments.

## 5.2. Natural Heritage Designations

- 5.2.1. The site is not located within a designated site. The River Barrow and River Nore SAC (site code: 002162) is approximately 169m to the west of the site.

## 6.0 EIA Screening

- 6.1.1. The planning application included an EIA screening report. The proposed development involves the importation of 24,937 tonnes of inert material annually to regrade the land. The applicant has indicated the proposal amounts to land remediation and therefore it may not be classified as a waste operation on the basis that the material is not technically considered as waste. By way of case precedent, the Board has previously held that material (e.g topsoil) which is imported from outside a landholding for infilling purposes constitutes waste. I note the applicant has submitted a Waste Acceptance Procedures document and the development is subject to a Waste Permit Licence.

## 6.2. Pre Screening for Environmental Impact Assessment

- 6.2.1. Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended (2001 Regulations), and section 172(1)(a) of the Planning and Development Act 2000, as amended (2000 Act), identify classes of development with specified thresholds for which an EIA is required.
- 6.2.2. I identify the following classes of development in the 2001 Regulations as being of relevance to the proposal:
- Class 11(b) relates to other projects that involve:
    - (b) Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.
- 6.2.3. The proposed development is sub-threshold in terms of mandatory EIA requirements arising from Class 11(b) of the 2001 Regulations.
- 6.2.4. As such, the criteria in Schedule 7 of the 2001 Regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment and should be the subject of an EIA. The

criteria include the characteristics of the project, the location of the site, and any other factors leading to an environmental impact.

### **6.3. Screening Determination for Environmental Impact Assessment**

- 6.3.1. The applicant has submitted an Environmental Impact Assessment screening report (EIASR) with the application addressing issues which are included for in Schedule 7A of the 2001 Regulations.
- 6.3.2. Based on the criteria in Schedule 7 of the 2001 Regulations, I have carried out an EIA screening determination of the project (included in Appendix 3 of this report). I have had regard to the information provided in the applicant's EIASR and other related assessments and reports included in the case file. I concur with the nature and scale of the impacts identified by the Applicant and note the range of mitigation measures proposed. I am satisfied that the submitted EIASR identifies and describes adequately the effects of the proposed development on the environment.
- 6.3.3. I have concluded that the proposed development would not be likely to have significant effects (in terms of extent, magnitude, complexity, probability, duration, frequency, or reversibility) on the environment and that the preparation and submission of an environmental impact assessment report is not therefore required.
- 6.3.4. This conclusion is based on regard being had to:
  - (a) The nature and scale of the project, which is below the threshold in respect of Class 11 (b) of the Planning and Development Regulations 2001, as amended.
  - (b) The location of the site in a rural area, and relevant policies and objectives in the Carlow County Development Plan 2022-2028, and the results of the strategic environmental assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC).
  - (c) The absence of any significant environmental sensitivity in the vicinity of the site.
  - (d) The pattern of existing and permitted development in the area.
  - (e) The planning history of the site and within the area.

- (f) The location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended).
- (g) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-Threshold Development “, issued by the Department of the Environment, Heritage, and Local Government (2003).
- (h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended.
- (i) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the Natura Impact Statement and continuing monitoring in line with the existing Environmental Management Plan.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

7.1.1. A Third party appeal has been submitted by George Doyle on the following summarised grounds:

- Entire site (9.19 hectares) has been quarried with no proper planning permission or waste permits for the areas that have been restored.
- Council’s failure to enforce planning & waste permit conditions to quarries owned and operated by Milford quarries.
- The Council have rewarded an unauthorised development by granting planning permission.
- Planning permission makes no reference to requirement of an AER which is a standard condition attached to a quarry.
- There is no condition to allow members of the public to access information regarding emissions and environmental information.

- Attached copies of previous submissions made to planning applications on the site.

## 7.2. Applicant Response

None

## 7.3. Planning Authority Response

No further comments to make at this time.

## 7.4. Observations

None

## 8.0 Assessment

### 8.1. Introduction

8.1.1. I have examined the application details and all other documentation on the appeal file, including the appeal submission, relevant local and national policies and inspected the site. Overall, I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The main issues under consideration are as follows:

- Planning History associated with the site,
- Principle of development,
- Visual impact,
- Residential amenity,
- Traffic,
- Surface and ground water,
- Conditions attached to P.A permission.

## 8.2. Planning History associated with the site

- 8.2.1. The Third party raises a concern relating to non-compliance with conditions at the site by the existing quarry operator, and that there have been no waste permits for the areas that have been restored. I consider this issue relates primarily to past developments on the site relating to the quarry use.
- 8.2.2. Planning permission (parent permission) was granted in 2003 to Kilcarrig Quarries Ltd., for the extraction and processing of sand and gravel on 8.4 hectares of land at this site. The subject site includes part of the lands the subject of the parent permission. The quarry was to cease operation in 2008. From the planning history files I note there has been a history of planning enforcement at the site regarding the non-compliance with planning conditions attached to the parent permission resulting in a number of subsequent planning applications being made. On the day of my site inspection, the site was not operating as a quarry, but I noted the lands to the west of the subject site had been predominantly restored, and that there were 3 excavator/wheel loader vehicles and stockpiles of gravel on the eastern side of the site (which appeared to be associated with P.A 13/187).
- 8.2.3. The most recent planning application P.A Ref: 13/187, granted a 15-year planning permission in February 2014 (expires 2029) to provide for an internal haul road and the extraction of sand and gravel on 1.98 hectares of land. This area of land is included in the subject site lands and is on the eastern section of the site. Indicative site restoration levels were submitted with this planning application. Conditions 13 and 14 of this permission required the developer to record complaints relating to site operations and to make these available to the P.A on request and to put in place a programme to ensure that members of the public can obtain information concerning all emissions from the activity. Condition 30 of this permission required the Applicant to submit an Annual Environmental Report.
- 8.2.4. The planner's report relating to the appeal development makes no reference to any current planning enforcement associated with the site. Compliance with previous planning permission falls within the remit of the Planning Authority under Section 8 of the Planning and Development Act 2000, (as amended). It is not a function of the Board and will not be addressed as part of this appeal.

### 8.3. Principle of development

- 8.3.1. The development is located in a rural area and has been used for the extraction of sand and gravel for a substantial number of years. The applicant is proposing to infill the site through the importation of inert material and regrade the land in order to raise the ground levels for the purpose of bringing the lands back to agricultural use. The CDP supports site rehabilitation/restoration of former quarry sites once the aggregates are depleted. The predominant land use in the surrounding area is agricultural and I consider the reinstatement of the lands back to agricultural use would be appropriate in this rural location, subject to all other criteria being met. I further note Policy AG P1 of the CDP supports agricultural development and encourages the continuation of agriculture as a contributory means of maintaining population in the rural area.

### 8.4. Visual Impact

- 8.4.1. The site is located within the 'Central Lowlands' landscape character area of the county and within the 'Farmed Lowland' landscape type. This landscape character type has a visual rating of 2-3 within the Landscape Character Assessment in the CDP and is considered a 'moderate' type of landscape capable of absorbing development. The site itself is stated to be of limited value from an ecological and biodiversity perspective.
- 8.4.2. The cross sections submitted in the further information response indicate the amount of fill would be between 5-9m in depth. However, the 9m infill relates primarily to the eastern end of the site associated with P.A Ref: 13/187. The submitted plans (Dwg No. J887-PL 03-001) received by the P.A on 25/4/2024 indicate the fill would not extend above the height of the existing boundaries with the finished ground level creating a concave dish in the middle of the site. Given the lowland nature of the site, I do not consider the proposed infilling of the lands would impact on the surrounding topography or landscape from a visual aspect. The site is screened to a large extent by existing hedgerow and berms. Although the existing wheel wash area is currently visible from the road following the infilling of the lands this aspect of the former quarry would be removed.

## 8.5. Residential amenity

- 8.5.1. There is a residential property c.137m to the east and 200m to the south west of the subject site. The dwelling to the east is separated from the site by the civic amenity centre and the dwelling to the south west is on the junction with the local road and R448. The building immediately to the south of the site is c.55m and was used in the past as an administration building in association with the quarry and is within the blue line of the landholding.
- 8.5.2. The hours of operation for the proposed facility would be Monday to Friday 0800 to 1800 hrs and 0800 to 1400 hrs on Saturdays with no operation on Sundays or bank holidays. The level of activity associated with the development according to the Traffic Impact Assessment is a maximum of 14 (inbound and outbound journeys) a day to the site associated with this development. I consider the main impacts on residential and relate to dust and noise from the proposed infilling of the lands. I consider traffic separately below.

### Dust

- 8.5.3. Potential air emissions could occur as a result of the restoration works, transportation, loading, stockpiling and spreading of materials on site. It is stated in the EIAR screening report by way of further information that the applicant will apply best industry standards to ensure that dust levels will be maintained below the recommended dust deposition limit of 350mg/m<sup>2</sup>/day (averaged over a 30 day period) at the site boundaries. Three dust monitoring points were indicated on plans submitted by way of further information (Drawing No. J887-SLM-101). One dust monitoring point would be located on the eastern boundary, the second along the road frontage and the third to the south west of the site next to the dwelling at the junction with the R448 and L-3045.
- 8.5.4. There is a wheel wash close to the access/egress point within the site and it will be maintained over the course of the infilling of the lands. A hose is available to dampen down any dry material, where required. A water bowser is available to the Applicant and can be deployed at short notice during periods of warm weather when dust nuisance could potentially be a problem at the site. In the unlikely event that the infilling operations result in mud or dirt being deposited on any of the public roads in the vicinity of the site, a mechanical brush is available to the Applicant and can be

deployed, again at short notice, to clear any mud or dirt from any public roads affected.

- 8.5.5. It is considered given the distance from residential properties, the low lying nature of the site, the dust monitoring points, the proposed Best Practice measures which include water spraying and wheel washing of vehicles, the proposed development would not impact on residential amenity by reason of dust. In the event of planning permission being granted, it is recommended a condition is attached limiting dust levels to 350mg/m<sup>2</sup>/day over a 30 day period and the dust monitoring points indicated on Drawing No J887-SLM-101 are maintained.

#### Noise

- 8.5.6. There are 3 noise monitoring points indicated on the submitted plans broadly in proximity to the dust monitoring points (Dwg. No. J887-SLM-1-01). In relation to the infilling of the lands, it is submitted that noise emissions will be minimal and will only be caused by traffic noise during the haulage of material to the site, and/or by noise emissions from the items of plant used in the infilling activities. As indicated above, the nearest residential boundary to the infill area is approximately 137m to the east and 200m to the south west. In the Applicant's EIAR screening report the applicant confirms that the noise levels would not exceed 55db(A) between the operational hours of the development.
- 8.5.7. I consider this to be reasonable given the site's historical use, location close to the regional road and motorway and separation distances from nearby residential properties. Furthermore, the earth mounds around the perimeter of the site would further buffer the noise levels during the restoration works. I therefore do not consider the proposed development would impact on residential amenity by reason of noise.

#### **8.6. Traffic**

- 8.6.1. A Traffic Impact Assessment (TTA) was submitted by way of further information. Potential sources for the fill material are stated as being from sites in the vicinity of Carlow Town. The site is located in close proximity to the R488 and circa 1km from the motorway to the north of the site. The indicative haul route within the TTA indicates vehicles would travel to and from the site via the regional and national road

network, with the primary access and egress route consisting of the R448 and the M9 (via Junction 6). The R448 provides direct access to the L3045 via a priority-controlled junction. I consider this to be the most direct route to and from the site. The existing vehicular access would be used for the proposed development and meets the standard entrance and sightlines requirements for the speed limit along this road as stated in Section 16.10.7 of the CDP.

- 8.6.2. It is stated in the TTA the proposed development is expected to generate 5 no. daily two-way HGV trips, 1no. two way light vehicle and one staff vehicle. This was based on an average loading of 18.5 tonnes per truck over 6 days a week. I note in the EIAR screening report it is stated the existing quarry operation on the site generates 2 outbound movements.
- 8.6.3. The TTA provides a breakdown of the existing traffic flows along the R448 and L3045 for AM and PM times. There is no existing congestion on these roads and the proposed development would result in less than a 1% predicted increase in the traffic flows for each peak period over the lifetime of the project. The TTA also indicates there have been a total of 5 minor traffic collisions in the vicinity of the site over a 12 year period from 2005 to 2016 which have been along the R488 and motorway.
- 8.6.4. From my site inspection I was able to observe the local road serving the site can accommodate vehicular movements in two directions and the entrance into the site has the required sightlines. The site is in close proximity to the R488 and the motorway. I note the P.A had no objections to the development on traffic grounds. Having regard to the volumes of traffic associated with the proposed development, (14 vehicular movements per day), in addition to the vehicular movements for the existing quarry use, I am satisfied that the surrounding network has adequate capacity to accommodate the increased traffic volumes associated with the development without adversely affecting the road network to the detriment to public safety. Any concerns with regard to the maintenance of the public road could be satisfactorily addressed by way of condition in the event of a grant of permission.
- 8.6.5. I consider given the site's location, the hours of operation and the level of vehicular activity the existing road network could accommodate the proposed and existing development on the site.

## 8.7. Surface and ground water

- 8.7.1. The proposed development would have a portable toilet facility which would be emptied by a licensed contractor on a regular basis as required for the duration of the development. A storage tank for grey water from the canteen with a storage capacity of 4.75m<sup>3</sup> is proposed, which will be emptied out by a licensed contractor and conveyed to an approved wastewater facility off site. Surface water from the site office would be connected to a soakaway in accordance with BRE Digest 365 for a 1 in 30 year storm event. The lands as existing do not fall below the water table and the lands are not subject to flooding.
- 8.7.2. The closest surface water feature to the site is the Powerstown Stream which is c.250m at its closest point to the proposed development site. This stream flows in a westerly direction towards the River Barrow and is separated from the subject site by the former Council landfill site. The site is not hydrologically linked to this water course. The River Barrow was classified as having a moderate water quality status according to the EPA website (accessed 20/3/2025). The cross sections submitted indicate the proposed finish levels would create a bowl-shaped centre which would assist in preventing surface water entering the adjoining sites, thereby discharging to ground.
- 8.7.3. In terms of ground water, the site overlies a Regionally Important gravel aquifer and a Regionally Important Aquifer – Karstified. The groundwater vulnerability of the site is classified as high. The Bagenalstown Lower aquifer was deemed to have a 'good' status in the EPA Groundwater Monitoring Programme 2024 and not at risk. There are no inner or outer source protection zones in the vicinity of the site.
- 8.7.4. In the Applicant's EIAR screening report it is stated that 3 ground water bore holes have been installed by Carlow Council, one to the east, south west and west of the subject site, and that the Applicant will continue to collate the groundwater monitoring information on these boreholes collected by the Council. A further borehole has been installed by the Applicant (BH2) immediately to the south of the subject site. It is proposed within the EIAR screening report that the Applicant will continue to monitor the groundwater quality every six months throughout the duration of the infilling operations in accordance with the Groundwater Regulations, 2010.

- 8.7.5. I note the Dept of the Environment, Climate & Communications comments on the proposed development regarding the importation of any material onto the site not having a negative impact on the ground water quality of the site. A number of preventative and mitigation measures are proposed both in the EIAR screening report and NIS, regarding the containment of fuels and oils on the site, use of spill trays and kits, the use of the wheelwash, silt fence/barriers for stockpiled material, the importation of the material being non hazardous and subject to a waste facility permit, and adherence to the waste acceptance procedures document which is in accordance with the EPA Guidance on Waste Acceptance Criteria for Soil Recovery Facilities (January 2020).
- 8.7.6. With the exception of the eastern section of the site (P.A Ref: 13/187) , the quarrying operations on the site have ceased, and subject to all proposed mitigation measures the restoration activities would not have any impact on the surface or groundwater environment within the vicinity of the site.

#### **8.8. Conditions attached to P.A permission, the subject of this appeal**

- 8.8.1. The Third Party in their grounds of appeal have referred to the omission by the P.A to include conditions relating to an Annual Environmental Report (AER) and public access to environmental information regarding the development. In the P.A's decision to grant planning permission for the proposed development several conditions were attached requiring the monitoring of the proposed development and for these to be submitted by the Applicant on request from the P.A . These were namely condition 14 relating to noise, condition 15 relating to dust and condition 16 relating to groundwater, all of which require the development to be carried out in accordance with the Environmental Management Plan and records to be made available for inspection upon request by the P.A.. Conditions 18 and 21 relating to road sweeping and traffic movements requires the Applicant to maintain a diary and provide details of traffic movements upon request by the P.A.. Although these conditions do not specify the details are to provided annually or to be made available to the public, I consider they provide for the regular environmental monitoring of the proposed development.

- 8.8.2. I also note in the recent planning permission (P.A Ref: 13/187) for the extraction of lands to the eastern section of the subject site, condition 30 required an AER to be submitted by February of each year of the development and to contain the results of all the monitoring carried out. The details of the environmental plan were to be submitted and agreed with the P.A before the development commenced. There was no condition which specifically stated the information was to be made available to the public, however an AER is a compliance document and would be part of the public file.
- 8.8.3. I am aware that P.A Ref: 13/187 will expire in 2029, and the proposed development the subject of this appeal is seeking an 8 year permission which if granted would not expire until 2033. However, I consider if the dust, noise, water quality and traffic are mitigated and monitored as specified in the submitted EIAR screening report and Environmental Management Plan received by way of further information, there would be no environmental impacts arising from the proposed development. I would recommend in the event of planning permission being granted the applicant/developer is required to provide on an annual basis details of the noise, dust, water and traffic monitoring on request from the P.A., unless otherwise agreed by the P.A.

## **9.0 Appropriate Assessment**

### **9.1. Stage 1- Screening Determination for Appropriate Assessment**

- 9.1.1. Having carried out Appropriate Assessment screening (Stage 1) of the project (included in Appendix 1 of this report), it has been determined that the project may have likely significant effects on the River Barrow & River Nore SAC (site code: 002162) in view of the sites' conservation objectives and qualifying interests.
- 9.1.2. An Appropriate Assessment (Stage 2) is therefore required of the implications of the project on the qualifying interests of the SPA and SAC in light of their conservation objectives.
- 9.1.3. The possibility of likely significant effects on other European sites has been excluded on the basis of the nature and scale of the project, separation distances, and the absence of meaningful pathways to other European sites.

## 9.2. Stage 2 – Appropriate Assessment

9.2.1. In carrying out an Appropriate Assessment (Stage 2) of the project, I have assessed the implications of the project on River Barrow & River Nore SAC in view of the sites' conservation objectives. I have had regard to the applicant's Natura Impact Statement and all other relevant documentation and submissions on the case file. I consider that the information included in the case file is adequate to allow the Board to carry out of an Appropriate Assessment.

9.2.2. Following the Appropriate Assessment (Stage 2), it has been concluded that the project, individually and/ or in-combination with other plans or projects would not adversely affect the integrity of the River Barrow & River Nore SAC (site code: 002162) in view of the sites' conservation objectives and qualifying interests.

9.2.3. This conclusion is based on:

- An assessment of all aspects of the project including proposed mitigation measures in relation to the conservation objectives of the River Barrow & River Nore SAC.
- An assessment of in-combination effects with other plans and projects including historical and current plans and projects.
- There being no reasonable scientific doubt as to the absence of adverse effects on the integrity of the River Barrow & River Nore SAC.

## 10.0 Recommendation

10.1. On the basis of the above assessment, I recommend that planning permission be granted for the reasons and considerations, and subject to the conditions set out below.

## 11.0 Reasons and Considerations

Having regard to the planning history relating to the site and adjoining land, the nature and extent of the proposed development and its location within a rural area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be prejudicial to public health, would not seriously

injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety,. The proposed development would be in accordance with Carlow County Development Plan policy and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars submitted on the 25th day of April 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS) shall be implemented.

**Reason:** To protect the integrity of European Sites.

3. The mitigation measures contained in the Environmental Impact Assessment screening report shall be implemented.

**Reason:** To protect the environment.

4. This permission shall apply for a period of eight years (a maximum of 24,937 tonnes per year) from the date of this order. Following the expiration of this period, the importation of material to the site and operations on site shall cease, unless prior to the end of the period, planning permission shall have been granted for a further period.

**Reason:** To regulate the duration of the development, and in the interest of the proper planning and sustainable development of the area.

5. The imported material to be deposited on the land shall comprise clean uncontaminated inert soil, stone and topsoil only, and shall be levelled, contoured and seeded upon the completion of the works and protected until established.

**Reason:** In the interest of clarity and in order to assimilate the development into the surrounding rural landscape, in the interest of visual amenity.

6. No activities shall commence until a waste permit licence has been issued for the proposed operations.

**Reason:** In the interest of amenity and to prevent environmental pollution.

7. The applicant/developer shall submit to the Planning Authority on an annual basis from the date of this order, details of the tonnage intake into the site for the preceding year.

**Reason:** In the interest of orderly development and to monitor the activities on the site on an annual basis.

8. The importation of inert soil, stone and topsoil and the operation of associated machinery shall be carried out only between the hours of 08:00 and 18:00 from Mondays to Fridays, between the hours of 08:00 and 14:00 on Saturdays and not at all on Sundays, Bank or Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In the interest of good traffic management and to protect the amenities of the area.

9. The restoration plan shall be carried out in accordance with submitted plans Dwg No. J887-PL01-001 and J887 PL03-001, in a phased manner with a minimum 5 metre-wide buffer zone shall be maintained between that part of the site to be filled and adjacent boundaries. Existing hedgerows and trees along the boundaries of the site

shall be retained, preserved and maintained except where altered or amended by conditions in this permission.

**Reason:** In the interest of clarity and environmental protection.

10. The development shall be operated and managed in accordance with a finalised Environmental Management Plan, which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. This shall include the following:
- (a) Proposals for the on-going monitoring of sound emissions at noise sensitive locations in the vicinity.
  - (b) Proposals for the suppression of dust and monitoring of dust at prior agreed locations, on site.
  - (c) All fuels and lubrication shall be stored in fully bunded storage areas and proposals to deal with accidental spillage shall be submitted to the Planning Authority.
  - (d) On going monitoring of ground and surface water quality, levels and discharges.
  - (e) Site to be maintained free of litter and all waste to be disposed of at an authorised facility.
  - (f) Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.
  - (g) Mitigation measures in NIS & Environmental Management Plan.

**Reason:** In order to safeguard local amenities and protection of the environment.

11. During the construction phase of the proposed development, the noise level from within the boundaries of the site measured at the façade of the nearest noise sensitive location in the vicinity shall not exceed the following:
- a) A rating of LAr, 1 hr value of 55 dB (A) during the period 0800 to 1800 hours Monday to Friday (inclusive) and 0800 to 1400 hours on Saturdays
  - b) An LAr, 15 min value of 45 dB(A) at any other time.

Clearly audible and impulsive tones at noise sensitive locations during the evening and night shall be avoided.

**Reason:** To protect the residential amenities of property in the vicinity.

12. During the construction phase, dust emissions shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details to be submitted shall include monitoring locations, the commencement date and the frequency of monitoring results.

**Reason:** To protect the residential amenities of property in the vicinity.

13. (i) All necessary measures shall be taken by the applicant / developer to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the applicant / developers own expense.

(ii) The applicant or developer shall be responsible for the full cost of repair in respect of any damage cause to the adjoining public road arising from the construction work and shall either make good any damage to the satisfaction of the planning authority or pay the Council the cost of making good any such damage upon requirement by the Council

**Reason:** To protect the amenities of the area.

14. Prior to the commencement of the development the applicant shall enter into a Connection Agreement with Uisce Eireann to provide for a service connection to the public water network and adhere to the standards and conditions set out in the agreement.

**Reason:** In the interest of public health and to ensure a satisfactory standard of development.

15. Measures shall be implemented to prevent the spread of Alien Invasive Species during construction works and control measures shall have regard to The Management of Noxious Weeds and Non-native Invasive Plant Species on National Roads (NRA).

**Reason:** In the interest of the protection of the environment.

16. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted for the written agreement of the planning authority.

(i) All works on the site shall be carried out strictly in accordance with the mitigation measures specified in the Construction Environmental Management Plan (CEMP).

(ii) No development shall be commenced on the site until part (i) of this condition is complied with.

**Reason:** In the interest of environmental protection.

17. Details of road signage including advance warning notices and proposals for traffic management at the site entrance shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of traffic safety.

18. 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.

**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.

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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Catherine Dillon  
Planning Inspector

30th April 2025

## Consideration of Planning Authority Conditions

P.A condition No	Subject	Included/Modified/Excluded in schedule of conditions and reasons
1	Plans & particulars	Modified  Covered in Condition 1-standard ABP condition.
2	Restriction on tonnage to be imported over 8 year period	Modified – Condition ABP 4 -Restricted tonnage & period of permission
3	Phasing of restoration works in accordance with plans & particulars submitted	Modified condition 9
4	No commencement until EPA Waste Licence obtained	Modified in ABP condition 6
5	All material to be imported to be non hazardous	Modified in ABP condition 5

6	Annual tonnage intake to be submitted to P.A	Modified in ABP condition 7
7	Prior consent to advertising/signage	Modified in ABP condition 17
8	Maximum truck movement & haul routes/operational hours	Excluded -Truck movements & haul routes covered in ABP condition 1. ABP condition 8 relates to hours of operation
9	5m buffer zone	ABP condition 9
10	Mitigation measures to be carried out in accordance with NIS & Environmental Management Plan	ABP standard condition 2, & 10
11	Site operations to be carried out in accordance with CIRIS C532/no fuels to be stored on site	Excluded- covered in condition 1 & 10
12	Hauliers to hold a valid waste licence	Amended ABP Condition 16 re CEMP

13	Best practice measures in relation to dust	Covered in ABP condition 1, 10 & 16
14	Noise restrictions & monitoring in accordance with EMP	Included & modified in ABP condition 10
15	Dust level restrictions	Included & modified in ABP condition 10
16	Ground water monitoring	Excluded as covered in ABP condition 1 & 10
17	Best practice re noise & dust emissions	Excluded as covered in condition 1, 11, & 12
18	Dust & muck prevention from vehicles	Modified in ABP condition 16
19	Site to be maintained & all waste to be disposed of to an authorised facility.	Covered in EMP -ABP condition 10
20	Applicant responsible for cost of road damage	Excluded covered in ABP condition 13 (ii)

21	Applicant to keep a record of vehicular movements in & out of site	Excluded covered in ABP condition 1& 16
22	Surface water controls	Excluded covered in ABP condition 1& 10
23	Connection agreement with Uisce Eireann	Added & modified ABP condition 14.
24	Existing hedgerows to be maintained	Added in ABP condition 9
25	Prevent spread of invasive species	Added- ABP condition 15
26	Development Contribution condition	Added ABP condition 18

## 13.0 Appendix 1 Appropriate Assessment Stage 1 and Stage 2

### Appropriate Assessment Stage 1 Screening Determination

I have considered the proposed development in light of the requirements of section 177U of the Planning and Development Act 2000, as amended.

#### Description of the Project

The proposed development relates to an area of 4.84 hectares comprising, the infilling, as a soil recovery facility of a 4.79 hectare area with uncontaminated soil and stone, for agricultural improvement purposes, over an 8 year period. It is proposed to import 199,500 tonnes in total (133,000m<sup>3</sup>) or 24,937 tonnes per annum (16,625m<sup>3</sup>). The construction of an administrative area, on a 0.048-hectare area, to include a site hut and portable chemical toilet and soakaway which would connect to the existing site office and designed in accordance with BRE Digest 365 for a 1 in 30 storm event. A storage tank is proposed for grey water from the canteen with a storing capacity of 4.75m<sup>3</sup>. Greywater and wastewater from the welfare facilities will be collected on a regular basis, as required, by a licensed operator.

#### Subject site

The subject site comprises part of a 9.19-hectare site, which was formerly quarried by Kilcarring Quarries and which has been partially restored. The subject site is located at its closest point approximately 169m east from the River Barrow and River Nore SAC (site code: 002162). The site is not directly connected to the SAC. The River Barrow is c.531m from the western boundary of the subject site. The subject site includes an area with an extant planning permission P.A Ref: 13/187 (1.98 ha) for 7,500tonnes of raw material including existing stockpiles of sand and gravel material on the eastern section of the site. P.A Ref: 13/187 expires in 2029.

The majority of the site comprises of bare ground and gravel and recolonised bare ground with vegetation cover and pockets of grass areas. The eastern side of the subject site although not operational on the day of the site inspection is an active quarry and comprises stockpiles of sand and gravel. The site is of low ecological value, with no suitable conditions for habitats, plant or animal species of relevance to the nearby SAC.

#### Consultation & Submissions

Dept. of Environment, Climate & Communications: Report dated 11/6/2024.No County Geological sites in the vicinity of the proposed development. Due to the underlying karstified aquifer, gravel aquifer and groundwater vulnerability of the site, the proposed development should ensure that the importation of uncontaminated soil, stone and dredging spoil does not have a negative impact on the environment and underlying karst and gravel aquifers.

Carlow Environmental Section carried out an assessment of the NIS and concluded on receipt of the further information that the proposed development will have no adverse effects on the QIs, SCIs and on the integrity and extent of the River Barrow and River Nore SAC.

## Potential Impact Mechanisms from the Project

### Site Survey

The NIS does not refer to a specific site survey but refers to previous surveys carried out on the site which indicated the presence of Basil Thyme and Sand Martins, neither of which are qualifying interests to the SAC.

The Powerstown Stream is 250m at its closest point to the proposed development site which flows in a westerly direction into the River Barrow & River Nore SAC. The subject site is above the water table.

### European Sites:

The NIS identifies 1 European site within the zone of influence of the proposed development. This is the River Barrow & River Nore SAC (site code: 002161), c. 169m to the west of the site. Having regard to the source-pathway-receptor model, and given the separation distance from the subject site and associated habitats, I consider this reasonable.

According to the site synopsis for the River Barrow & River Nore SAC, the site consists most of the freshwater stretches of the Barrow/Nore River catchments. The Barrow is tidal as far upriver as Graiguenamanagh while the Nore is tidal as far upriver as Inishtioige. The site also includes the extreme lower reaches of the River Suir and all of the estuarine components of Waterford Harbour extending to Creadan Head. A wide range of habitats associated with the rivers are included within the site, including substantial areas of woodlands, dry heath, wet grassland, marsh vegetation, salt marshes, reefs and intertidal sand and mud flats. The SAC supports many Annexed habitats including the priority habitats of alluvial woodland and petrifying springs. The site also supports a number of Annex II animal species and a range of rare plants and invertebrates are found in the woods along these rivers and rare plants are also associated with the saltmarsh.

### Effect Mechanisms

- Deterioration of water quality as a result of sediment, pollution, dust, oil/hydrocarbon, hard surface run off etc., during development/infilling phase.

### **European Sites at Risk**

**Table 1: European Sites at risk from impacts of the proposed project**

<b>Impact Mechanism</b>	<b>Impact pathway/zone of influence</b>	<b>European Site</b>	<b>Qualifying /conservation features at risk</b>
Deterioration of water quality during the infilling phase	Indirect impact via hydrogeological pathway due to karst aquifer	River Barrow & River Nore SAC (site code: 002162)	Water habitats & species

I am satisfied that the River Barrow & River Nore Special Area of Conservation (SAC) (site code : 002162) as identified in the submitted AA screening and Natura Impact Statement (NIS) is the only

European site of relevance which could be impacted by the proposed development applying the source-pathway-receptor model.

**Table 2: Identification of likely significant effects on the European site ‘alone’**

European Site & Qualifying feature	Conservation Objectives To maintain favourable conservation condition (M) and to restore favourable conservation condition (R)	Could the conservation objectives be undermined (Y/N)?
		Deterioration of water quality due to development/infill phase
<b>River Barrow &amp; River Nore SAC (site code: 002162)</b>		
Estuaries	Maintain favourable condition	No
Mudflats & sandflats	Maintain favourable condition	No
Reefs	Maintain favourable condition	No
Salicornia and other annuals colonising mud and sand	Maintain favourable condition	No
Atlantic salt meadows Mediterranean salt meadows	Restore favourable condition	No
Mediterranean Salt Meadows	Restore favourable condition	No
Water courses of plain to montane levels	Maintain favourable condition	No
European dry heaths	Maintain favourable condition	
Hydrophilous tall herb fringe communities	Maintain favourable condition	No
Petrifying springs	Maintain favourable condition	No
Old sessile oak woods	Restore favourable condition	No
Alluvial forests	Restore favourable condition	No, upstream from site (Map 6)
Freshwater Pearl Mussel	Status currently under review	No information
White-clawed Crayfish	Maintain favourable condition Target- no reduction from baseline. No decline EPA Q value at least 3-4 for all sites sampled	Yes in locality of site/throughout SAC

Sea, Brook, River Lamprey	Restore favourable condition Target- No decline	Yes – studies indicate in River Barrow
Twaite Shad	Restore favourable condition Target- no decline in extent and distribution	Yes -in decline artificial barriers restrict upstream movement
Salmon	Restore favourable condition Target No decline Water quality at least Q4 at all sites sampled	Yes
Otter	Restore favourable condition No significant decline in distribution Target- no decline	No watercourses close to site
Killarney Fern	Maintain favourable condition	Yes in locality- downstream; only 3 areas known (Map 7)

#### **Appropriate Assessment: Stage 1: Conclusion- Screening Determination**

In accordance with section 177U of the Planning and Development Act 2000 as amended, and on the basis of objective information, having carried out Appropriate Assessment screening (Stage 1) of the project, it has been determined that the project may have likely significant effects on the River Barrow & River Nore SAC (site code: 002162) in view of the sites' conservation objectives and qualifying interests.

An Appropriate Assessment (Stage 2) is therefore required of the implications of the project on the qualifying interests of the River Barrow & River Nore SAC in light of its conservation objectives. The possibility of likely significant effects on other European sites has been excluded on the basis of the nature and scale of the project, separation distances, and the weakness of connections between the project, the appeal site, and the European sites. No measures intended to avoid or reduce harmful effects on European sites have been taken into account in reaching this conclusion.

#### **Appropriate Assessment Stage 2**

#### **Aspects of the Proposed Development**

The project would entail the reinstatement of existing excavated lands to agricultural use. The lands are not subject to flooding and there are no direct hydrological links to a designated site. The infill material to the site would be subject to a Waste Facility Permit. The filling of the site would be between 5-9m across the site. The finished site levels and contours are designed to maintain the existing banks. A 5m buffer area would be maintained around the perimeter of the site.

The nearest stream passing the location is the Powerstown Stream and that flows adjacent to the landfill site and is c. 250m north from the proposed development site, and flows west towards the

River Barrow & River Barrow & River Nore SAC. The River Barrow is c.531m to the west of the subject site. This river was deemed to have 'poor' water quality status in the EPA Surface water Monitoring programme 2012-2018.

To the south of the site, c.685m is the Garryhundon watercourse which flows into the Ballynaboley stream which also flows into the River Barrow & River Nore SAC to the west. The subject site is not hydrologically linked to these watercourses. The site is not located within or directly adjacent to any European Site and therefore there will be no loss or alteration of habitat associated with a European Site.

In terms of ground water, the site overlies a Regionally Important gravel aquifer and a Regionally Important Aquifer – Karstified. The groundwater vulnerability of the site is classified as high. The site is situated on the Bagenalstown Lower groundwater body (IE\_SE\_G\_160), with a ground water direction flow from east to west. The ground water status for this waterbody was poor in 2016-2021. There are no inner or outer source protection zones in the vicinity of the site. The Environment Protection Agency (EPA) operates a water quality monitoring programme and has a monitoring station at Fenniscourt Lock located downstream of the project area. The most recent results for water quality monitoring at all this station gives the water quality as good (Q value of 4).

The NIS states as the site lies outside the SAC there will be no reduction in the habitat area of the SAC. It notes the SAC is very important for the presence of a number of key EU Habitats Directive Annex II animal species including Freshwater Pearl Mussel, Freshwater Crayfish, Salmon, Twaite Shad, three Lamprey species, the marsh snail and Otter. It further notes the SAC is the only site in the world for the hard water form of the Pearl Mussel and one of only a handful of spawning grounds in the country for Twaite Shad. The freshwater stretches of the River Nore main channel is a designated salmonid river. The Barrow/Nore is mainly a grilse fishery though spring salmon fishing is good in the vicinity of Thomastown and Inistioge on the Nore. The upper stretches of the Barrow and Nore, particularly the Owenass River, are very important for spawning. There are populations of freshwater pearl mussel and good salmon spawning habitat upstream and downstream of the proposed development site. Any uncontrolled discharges or release of sediment from project activities has the potential to impact on the species occurring downstream of the project site.

**Direct effects**

None.

**Indirect effects**

The key element is the potential impact on water quality during the infilling works due to indirect impacts on ground water quality as a consequence of an increase in siltation and discharges of polluting substances which could impact on the aquatic species of the SAC. The NIS considers this unlikely as all works will be above the water table, but there is a limited potential regarding a hydrological connection to the SAC as they are both underlain by the same karst aquifer. The site will operate above the water table and therefore contamination of the groundwater is unlikely. The Conservation Objectives for the SAC indicate targets for the QIs identified above are showing no decline and are either stable or increasing. As there are no direct or indirect discharges to the SAC

it is considered the proposed development would not affect the present suspended concentration levels in the SAC.

The proposed development will not impact on the surface waters in the vicinity of the site as there will be no discharge of any surface water run off from the site to any surface water body.

#### **Mitigation Measures during development/reinstatement phase**

The NIS outlines specific measures for the project to prevent pollution to ground water in Section 9.0 of the NIS. Under the mitigation measures section in the NIS it states that Kilcarrig Quarries in the past have adhered to licence conditions and the Annual Environmental Report (AER) associated with the quarry on the eastern area of the site indicates ongoing compliance with existing planning permission P.A Ref 13/187. An Environmental Management Plan (EMP) was submitted with the current application which outlines the proposed measures to be implemented during the operational phase (i.e infilling phase) and includes measures for the backfilling of the site and restoration works on completion of the infill. All fill material will be subject to visual inspections by the site manager and in accordance with the waste permit. Grey matter and waste water from the welfare facilities will be collected by a licensed operator.

The NIS outlines management measures including specific measures to prevent pollution affecting water quality to ground water which include inter alia the following measures:

- Continue to work within the requirements of the existing Environmental Management System;
- All plant and machinery will be stored, serviced and refuelled on hard standing on the adjoining extraction site;
- Water from the wheelwash will be recycled in accordance with best practice.
- Hydrocarbons at the site will be delivered via fuel truck at a nearby location. There will be no storage of hydrocarbons on site.
- Major repairs will be completed off site. Emergency mechanical repairs will use spill kits kept on-site.
- In line with the existing EMS monitoring and inspections of ambient dust levels, surface and groundwater will continue at the location.
- Preventative maintenance and relevant maintenance logs will be kept for all on-site plant and equipment;
- The site will continue to operate under its dedicated Environmental Management System.
- Reinstatement works will take place during periods of low rainfall to reduce run-off and potential siltation of watercourses.
- Best practice measures as outlined within the site EMS in relation to the use of oils and fuels on-site will continue to be implemented during the Reinstatement Phase.

#### **Assessment of Mitigation Measures**

The mitigation measures proposed in the NIS are in line with Best Practice Measures to protect surface and ground water. The NIS concluded with the implementation of the mitigation measures,

no potential impacts on water quality exists, and that the proposed development, individually or in combination that there would be no adverse effects on the QIs, SCIs and on the integrity and extent of the River Barrow & River Nore SAC.

**Where relevant, likely significant effects on the European site(s) ‘in-combination with other plans and projects’**

Lands along the eastern section of the subject site were the subject of planning permission P.A Ref: 13/187, which was granted planning permission for a period of 15 years in 2014 for sand and gravel extraction. In the applicant’s F.I response it is stated there is 7,500 tonnes of aggregate remaining associated with this development, and a maximum of two outbound daily truck movements. This development was subject to an Environmental Management System, which the NIS proposes to continue for the proposed development. I note the EMP suggests where possible truck deliveries would be shared between both sites. The maximum duration of extraction is 24 months.

There is an amenity recycling centre to the east of the site operated by Carlow County Council. I note there are a number of quarries in close proximity to the site. Kilcarrig Quarries Ltd opposite the subject site to the south of the local road were granted planning permission for a concrete plant in April 2012 (P.A Ref: 10/202 & ABP Ref: 01.238351) and this development was subject to an AA screening. A further retention permission (P.A Ref: 15/121) was granted at the same site for a pre cast manufacturing facility. I also note a site to the west of the subject site (P.A Ref: 15/377) was refused for the importation of material onto a disused quarry, however this site abutted the SAC and was subject to flooding.

The EMP submitted by way of F.I notes active quarrying has ceased on most of the subject site and on other sites in the vicinity. Some minor quantities of sand & gravel deposits remain to be extracted/ removed (P.A Ref:13/187) to the east of the subject site. In addition, the former landfill facility adjacent to the site is now in the aftercare phase.

In terms of in combination impacts, other projects within the Carlow area which could influence conditions in Natura 2000 sites, would be subject to an AA. In this way in-combination impacts of plans or projects are avoided.

**Table 3: Plans & Projects that act in combination with effect mechanism of the proposed project (e.g approved but uncompleted, or proposed )**

Plan/Project	Effect Mechanism
Listed in 2.6 & Table 1 of the NIS received 25/4/2024 Refers to 13/187 and nearby landfill site	– no impact

**Likely significant effects on the European sites in view of the conservation objectives impacts**

The evidence available provides certainty that the project would not result in pollution of water or significant adverse impacts for qualifying interests, and it can be concluded that the proposed development would not be likely to have significant adverse impacts on the River Barrow & River Nore SAC, in view of the sites’ conservation objectives. I am therefore satisfied that the

development would not cause changes to the key indicators of conservation value, hence there is no potential for any adverse impacts to occur on either the habitat or the species associated with River Barrow & River Nore SAC.

**Table 4: Could the project undermine the Conservation Objectives in combination with other projects**

European Site	Conservation Objectives	Could the conservation objectives be undermined (Y/N)?
		Deterioration of water quality due to surface run off at construction stage
River Barrow & River Nore SAC	To maintain favourable conservation condition (M) and to restore favourable conservation condition (R)	No

**Appropriate Assessment Stage 2 Conclusion**

The project has been considered in light of the assessment requirements of sections 177U and 177V of the Planning and Development Act 2000, as amended. On the basis of objective information, I have assessed the implications of the project on the River Barrow & River Nore SAC in view of the sites' conservation objectives. I have had regard to the applicant's NIS and all other relevant documentation and submissions on the case file. I consider that the information include in the case file is adequate to allow the carrying out of an Appropriate Assessment.

Following the Appropriate Assessment (Stage 2), it has been concluded that the project, individually or in-combination with other plans or projects would not adversely affect the integrity of the River Barrow & River Nore SAC (site code:002162) in view of the sites' conservation objectives and qualifying interests.

This conclusion is based on:

- An assessment of all aspects of the project including proposed mitigation measures.
- An assessment of in-combination effects with other plans and projects including historical and current plans and projects.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the River Barrow & River Nore SAC.

14.0 Appendix 2 EIA Screening Form 1

EIA Pre-Screening

<b>An Bord Pleanála</b>	ABP Ref: 320180-24		
<b>Case Reference</b>			
<b>Proposed Development Summary</b>	<p>The infilling of 4.79 hectares of land as a soil recovery facility with inert waste consisting of suitable uncontaminated soil &amp; stone and dredging spoil, to improve the land for agricultural use.</p> <p>It is stated the infilling would be carried out over a period of eight years, resulting in an average annual import of 16,625 m<sup>3</sup> or 24,937 tonnes.</p>		
<b>Development Address</b>	Mary Kelly's Pit, Powerstown, Milford, Co.Carlow		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b>	✓	
	<b>No</b>		
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>			Proceed to Q3.
<b>No</b>	✓		
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	✓	Part 2 Class 11 (b) Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.	Proceed to Q4

<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	✓	The proposed development states the infilling of the subject site with 24,937 tonnes per annum falls of inert material so is very close to the threshold of Class 11(b).	Preliminary examination required (Form 2)
<b>5. Has Schedule 7A information been submitted?</b>			
<b>No</b>		<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>	
<b>Yes</b>	✓	<b>Screening Determination required</b>	

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## 15.0 Appendix 3 EIA Screening Determination Form 3

A. CASE DETAILS		
<b>An Bord Pleanála Case Reference</b>	<b>ABP Ref: 320180-24</b>	
<b>Development Summary</b>	The infilling of 4.79 hectares of land as a soil recovery facility with inert waste consisting of suitable uncontaminated soil & stone and dredging spoil, to improve the land for agricultural use and construction of a site hut and portable chemical toilet and all associated site works and services to facilitate the development.. It is stated the infilling would be carried out over a period of eight years, resulting in an average annual import of 16,625 m <sup>3</sup> or 24,937 tonnes.	
	<b>Yes / No/ N/A</b>	<b>Comment (if relevant)</b>
<b>1. Was a Screening Determination carried out by the PA?</b>	Yes	Undertaken and included with planner's report concluding an EIAR was not required.
<b>2. Has Schedule 7A information been submitted?</b>	Yes	EIA screening report with Schedule 7A information accompanied the application.
<b>3. Has an AA screening report or NIS been submitted?</b>	Yes	NIS submitted
<b>4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</b>	No	Waste facility permit required. EPA were consulted by the P.A on the planning application & there is no record of a response being received.

<p>5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</p>	<p>Yes</p>	<p>Other assessments include:</p> <ul style="list-style-type: none"> <li>• An Environmental Impact Assessment Screening Report (EAISR) which considers the EIA Directive (2011/92/EU), as amended by 2014/52/EU.</li> <li>• Environmental Management Plan</li> <li>• Natura Impact Statement (NIS) which considers the Habitats Directive (92/43/EEC) &amp; Bird Directive (2009/147/EC).</li> <li>• SEA was undertaken by the P.A in respect of Carlow CDP 2022-2028.</li> </ul>	
<p><b>B. EXAMINATION</b></p>	<p>Yes/ No/ Uncertain</p>	<p><b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b></p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p><b>Mitigation measures</b> –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p><b>Is this likely to result in significant effects on the environment?</b></p> <p>Yes/ No/ Uncertain</p>
<p><b>This screening examination should be read with, and in light of, the rest of the Inspector’s Report attached herewith</b></p>			
<p><b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b></p>			
<p><b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>No</p>	<p>The subject site is in a rural area and has an overall area of 4.79 ha and would revert existing quarried lands back to agricultural use.</p>	<p>No</p>
<p><b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Yes</p>	<p>There will be changes to the topography of the site with levels increasing between 5-9m in height. Finished ground levels would create a concave dish in the centre and would prevent all surface water from escaping beyond the site.</p>	<p>No</p>

		<p>The submitted cross sections indicate the lands would not rise above the height of the existing boundaries.</p> <p>The development would change the use of the site from a former quarry to agricultural use. These changes however would be consistent with the character of the existing area – i.e agricultural.</p> <p>There are no watercourses at or immediately adjacent to the site. The closest watercourse is the Powerstown stream, c.250m north of the site and separated by the existing former landfill site.</p> <p>Applicant is proposing to utilise the natural drainage pattern of the site, so that all surface water within the infill area will discharge to ground via the permeable surface maintaining ground water and reestablishing natural drainage patterns. The site would not go below the water table, and is not subject to flooding. Proposed surface water from administration area /office will discharge to groundwater via soakaway designed in accordance with BRE Digest 365.</p> <p>I do not consider the physical changes arising from the project are likely to result in significant effects on the environment in terms of topography, land use and hydrology/hydrogeology.</p>	
<p><b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>The proposed development will result in the placing of uncontaminated soil &amp; stone and dredging spoil on an existing worked-out sand and gravel quarry to raise the existing ground levels and to return the land to agricultural use.</p> <p>The process shall be carried out in accordance with an Environmental Management Plan (EMP) and EIAR screening report (required by condition).</p>	<p>No</p>

<p><b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>The materials to fill the site would be transported to the site. All infill to the site will be inert waste and subject to a Waste Facility Permit. Noise and dust emissions during the operational phase of the development are likely. These emissions would be controlled via the EMP &amp; EMS as stated in NIS (required by condition).</p> <p>It is considered the facility is located sufficiently remote from any noise sensitive receptors. Dust emissions may arise during periods of dry weather however measures such as the use of a wheel wash and dampening down during periods of dry weather, the development is unlikely to impact on human health or the environment.</p>	<p>No</p>
<p><b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>The key potential hazards from the proposed development are suspended solids, spillages, and accidental emissions of potential pollutants to surface water or groundwater causing deterioration in water quality. It should be noted that the proposed imported material will be limited to uncontaminated soil &amp; stone and dredging spoil and will therefore contain no harmful/toxic contaminants and would be subject to an EPA licence.</p>	<p>No</p>
<p><b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>Yes</p>	<p>The proposed development will not involve the discharge of surface water run-off from the site to any surface water body.</p> <p>The Site overlies a Regionally Important Karst Aquifer (Rkd), the Bagelastown Lower Aquifer (i.e., European Code: IE_SE_G_160), with a groundwater direction flow from east to west. The vulnerability of the site is high. No extraction is to occur at the site and any fill material would be subject to a Waste Licence. No oils or fuels are to be stored on the site. Although the eastern area of the site is not completely extracted, the quarrying of this site was subject to a separate planning application (P.A Ref:</p>	<p>No</p>

		13/187) which included conditions to protect surface and ground water. I do not therefore consider the proposed development will impact surface or groundwater.	
<b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	Noise impacts are likely during the construction works. There would be no vibration as a result of the development. Hours of operation & noise conditions would be in place in accordance with Best Practice Standards.	No
<b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	The proposed works would reclaim the lands back to agricultural use. The potential for water contamination, noise and dust emissions during the construction phase is unlikely.  The proposed works would be managed through the implementation of the proposed Environmental Management Plan.	No
<b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?	No	There is no risk of major accidents given the nature of the project and location of the site.	No
<b>1.10</b> Will the project affect the social environment (population, employment)	Yes	There may be some localised temporary employment during the construction phase of the development.	No
<b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	Activities within the site include the existing quarry ( P.A Ref: 13/187) to the eastern side of the subject site has relatively small quantities of sand and gravel remaining to be removed and is specified as 7,500 tonnes. The estimated duration of extraction / removal of material from this part of the site having regard to the reserves is 24 months. The remainder of the subject site is not in use as an active quarry. The infilling of the site would occur in 4	No

		<p>phases across the site of which the existing quarry area would be the fourth &amp; final phase.</p> <p>The Powerstown area is characterised by sand and gravel quarries which have been substantially worked out. There is an existing landfill operated by Carlow County Council located to the north of the site, and a pre cast concrete manufacturing facility, c.300m to the south of the site (P.A Ref:15/121). This latter site was subject to noise, bi annual groundwater monitoring, EMS, dust monitoring and an Annual Environmental Report.</p> <p>I consider given the relatively low level of activity proposed and that that the quarrying has ceased on the larger area of the site and other quarry sites in the vicinity, significant cumulative effects on the environment are unlikely.</p>	
<b>2. Location of proposed development</b>			
<p><b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> <li>- European site (SAC/ SPA/ pSAC/ pSPA), NHA/ pNHA</li> <li>- Designated Nature Reserve</li> <li>-Designated refuge for flora or fauna</li> <li>- Place, site or feature of ecological interest, the reservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</li> </ul>	Yes	<p>The site is not located in, or adjoining any European site, or any designated or proposed NHA, or any other listed area of ecological or landscape interest or protection.</p> <p>Powerstown Stream is located c.250m to the north of the subject site and flows in a westerly direction towards the River Barrow c.531m to the west of the site.</p> <p>The River Barrow &amp; River Nore SAC (site code: 002162) is located to 169m the west from the site at its closest point.</p> <p>There are no County Geological sites in the vicinity of the proposed development and the site is not within a conservation area or within a protected view.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the environment in terms of ecological designations or biodiversity.</p>	No

<p><b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>No</p>	<p>The site is not under any wildlife or conservation designation.</p> <p>There are no protected habitats or species identified on the site.</p> <p>The NIS &amp; EIAR screening report make reference to Thyme Basil and Sand Martins on the site but it is not proposed to disturb these species of flora or fauna.</p>	<p>No</p>
<p><b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>There are no landscape or protected scenic views at the site. There are no protected structures or architectural conservation area designations at the site.</p> <p>There are no recorded monuments at the site.</p>	<p>No</p>
<p><b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>	<p>There are no such resources on or close to the site.</p>	<p>No</p>
<p><b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No</p>	<p>The site is not subject to flooding. It is proposed that the surface water runoff from administration area/ office and hut will discharge to groundwater via soakaway designed in accordance with Bre Digest 365.</p> <p>A impermeable concrete tank will be installed close to the Site Hut/Site office in the Administration Area. Grey water from the canteen will be directed to this tank. The greywater tank will be emptied by a licensed contractor in conjunction with the emptying of the portable chemical toilet.</p> <p>4 groundwater monitoring boreholes would be installed (3 existing associated with the quarry to east). It is proposed to continue to monitor the groundwater quality every six months throughout the duration of the infilling operations</p>	<p>No</p>

		for the parameters required by European Communities Environmental Objectives (Groundwater) Regulations, 2010.	
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	No	There is no evidence of these risks on the site.	No
<b>2.7</b> Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	The main route to the site is via the R448 which connects to the M9 c. 1km to the north of the site.  During the construction works the project will increase the level of vehicular activity along this route by 14 vehicular inbound and outbound movements per day.  The TTA concludes that the surrounding network has the capacity to accommodate the increased traffic volumes associated with the development.	No
<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	There are no sensitive community facilities such as hospitals or schools , in close proximity to the site that could be affected by the project.	No
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	Existing and/or approved planning permissions in the vicinity of the site have been noted in the application documentation, in the NIS and EIAR screening report.  No cumulative effects on the area are reasonably anticipated.	No
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	No	There are no transboundary effects arising.	No
<b>3.3</b> Are there any other relevant considerations?	No	No	No

## C. CONCLUSION

No real likelihood of significant effects on the environment.	✓	EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required

## D. MAIN REASONS AND CONSIDERATIONS

Regard has been had to: -

- (a) The nature and scale of the project, which is just below the threshold in respect of Class 11 (b) of the Planning and Development Regulations 2001, as amended.
- (b) The location of the site in a rural area, and other relevant policies and objectives in the Carlow County Development Plan 2022-2028, and the results of the strategic environmental assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC).
- (c) The absence of any significant environmental sensitivity in the vicinity of the site.
- (d) The pattern of existing and permitted development in the area.
- (e) The planning history of the site and within the area.
- (f) The location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended).

- (g) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-Threshold Development “, issued by the Department of the Environment, Heritage, and Local Government (2003).
- (h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended.
- (i) The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive.
- (j) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the Natura Impact Assessment and continuing monitoring in line with the existing Environmental Management System (EMS) in place.

In so doing the Board concluded that by reason of the nature, size and location of the proposed development, the development would not be likely to have significant effects on the environment, and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report would not therefore, be required.

**Inspector** \_\_\_\_\_

**Date** \_\_\_\_\_

**Approved (DP/ADP)** \_\_\_\_\_

**Date** \_\_\_\_\_

