Inspector's Report
ABP-321255-24

Development	Ballinclare Quarry, Proposed Material Recovery / Recycling Facility and Inert Landfill
Location	In the townlands of Ballinclare and Carrigmore, near Kilbride, Co. Wicklow
Planning Authority	Wicklow County Council
Applicant(s)	Kilsaran Concrete Unlimited Company
Type of Application	Application for approval Permission under 37E of the Planning and Development Act 2000, as amended
Prescribed Bodies	Development Applications Unit. Eastern Midlands Connacht Ulster and Southern Regional Waste Management Planning Offices. Geological Survey of Ireland. Health Services Executive.

	Inland Fisheries Ireland.
	Office of Public Works.
	Transport Infrastructure Ireland.
	Uisce Eireann.
	Environmental Protection Authority.
Observer(s)	Amanda O' Sullivan and others
	Ballinclare Alliance Co. Ltd.
	Christian Osthof
	Cllr. Joe Behan
	Cllr. Pier Leonard
	Colclough Byrne
	Jane Bradbury
	Jane Dwyer
	Jean Melia
	Joe Fallover
	Karl Hutchinson
	Keith Hutchinson
	Mary Kavanagh
	Michael Dwyer
	Sarah Caffrey & James Cranley
	Terry Hughes & Catherine Wright
Date of Site Inspection	01st October 2025
Inspector	Donogh O'Donoghue

Contents

1.0 Introduction

1.1. This case concerns an application for strategic infrastructure under section 37E of the Planning and Development Act, 2000, as amended. It is made on foot of pre-application discussions with the Board under ABP-318997-24 for a proposed Resource Recovery and Recycling Facility incorporating an Inert Engineered Landfill Facility for Quarry Backfilling and Restoration at Ballinclare, Kilbride, Co. Wicklow, where the Board decided on the 17th of May 2024 that the development would fall within the scope of section 37A of the Act and would be strategic infrastructure. The Board decided having regard to the size, scale and location of the proposed development with an intake greater than 100,000 tonnes per annum it considered that the proposed development falls within the definition of environmental infrastructure in the Seventh Schedule of the Planning and Development Act 2000, as amended.

1.2. A planning application for a similar development to what is now sought was refused by the Board on the 27th September 2023 under ABP-309991-21. The refusal reason states the following:

It is considered that the proposed development would be in accordance with European waste policy, the National Planning Framework and relevant provisions of applicable regional and local planning policy and would be acceptable in principle in terms of its contribution to Ireland's national strategic policy on sustainable waste management and its move to a circular economy. However, having regard to the previous use of the site for quarrying and to the lack of survey information submitted with this application and the appeal under An Bord Pleanala reference number ABP-301135-18 regarding the existing environmental and ecological status of the subject site and surroundings, the Board is not satisfied, on the basis of the documentation submitted with this application and appeal ABP-301135-18, that it can be demonstrated that adverse impacts on water quality, habitat and species can be avoided, managed and mitigated or that the extent of such impacts have been identified with certainty. In this regard, it is considered that the proposed development would have unacceptable direct and indirect impacts on biodiversity and would, therefore, be contrary to the proper planning and sustainable development of the area.

1.3. The application, ABP-301135-18 (WCC planning ref 17/866) referred to in the above refusal reason was for the importation and deposition of inert subsoil and topsoil to improve 7.53 hectares of agricultural land at Kilnamanagh More, Glenealy, Co. Wicklow. This application site was circa 300m to the northwest of the proposed development and was refused in December 2018 on the ground that the site was at risk of fluvial flooding and the Board was not satisfied that the proposed development would not cause or exacerbate flooding on adjoining lands and that the potential flooding could result in loss of biodiversity and habitats in the local area.

1.4. **Oral Hearing Request -** No Oral Hearing was held in relation to the application as per the Commissions Direction, CD-021415-25, dated 27th November 2025. The Commission decided, as recommended by the inspector, that there was sufficient evidence on file to enable an assessment of issues raised, and therefore that an Oral Hearing should not be held.

2.0 Site Location and Description

2.1. The subject site is located in the townlands of Ballinclare and Carrigmore in eastern Co. Wicklow approximately 2km north-west of Kilbride and 7km south-west of Wicklow town. The M11 is approximately 400m east of the site and there are local roads to the south-western and north-western sides of the site. The main access to the site is from the local road to the south-west. Wicklow County Council's Carrigmore Depot is situated to the west of the quarry and is accessed from the local road to the north-west.

2.2. The surrounding area is characterised by undulating rural landscape with a varied mix of agricultural fields, deciduous woodlands, scrub vegetation and forestry plantation. Potter's River flows to the north and east of the proposed development site and there are a number of other streams and drains in the vicinity. The applicant sets out that there are 13 dwellings within 500m of the application boundary. The National Botanic Gardens, Kilmacurragh is located approximately 1km to the south-west.

2.3. The site has a stated area of 32.6 hectares. The site contains an existing quarry void with an area of approximately 17.2 hectares, which has flooded since the cessation of quarrying activities in 2016. Settlement ponds are located to the west of the site and a concrete block yard was constructed in recent times.

2.4. There is another quarry situated approximately 400m to the south-west at Kilmacurra, which is understood to be abandoned.

2.5. Located circa 2.5 km to the north-east is the established municipal landfill site at Ballynagran.

3.0 Proposed Development

3.1. The applicant is seeking planning permission for a development comprising a material recycling/recovery facility and inert landfill at its existing quarry at Ballinclare and Carrignore, near Kilbride, Co. Wicklow.

The development, within an application area of 32.6 hectares, will comprise:

I. a soil washing plant to win aggregate from imported soil and stone,

II. a construction and demolition (C&D) waste recycling facility to produce aggregate from construction and demolition waste (principally concrete). This facility includes an industrial shed to house crushing and screening equipment and process / recycle inert C&D waste and the use of external paved and surrounding hardstanding areas for the external handling and storage of both unprocessed and processed C&D wastes,

III. an inert engineered (i.e. lined) landfill to facilitate backfilling and restoration of the existing quarry void through disposal of approximately 6,500,000 tonnes of imported inert soil and stone waste, residual particulates / fines from the soil washing process and the use of non-waste natural (greenfield) soil by-product for engineering, capping and/or landscaping purposes, and

IV. progressive restoration of the backfilled quarry to long-term native woodland habitat.

3.2. The planning permission is sought for a period of 25 years and the proposed development requires a waste licence from the Environmental Protection Agency.

3.3. The application to the Commission includes:

- Completed Planning Application Form
- Site Notice and Public (Newspaper) Notice
- Drawings / Plans
- Planning Statement

- Consultation Report
- Natura Impact Statement
- Environmental Impact Assessment Report

3.4. The applicant has created a standalone website for the development, www.ballinclarematerialsrecovery.ie

3.5. A local public information and consultation event at the Green Angel Skincare / Junction 18 Café premises (the former Tap Restaurant) in Kilbride was held on the evening of 21st August 2024, between 16.00 hours and 20.00 hours. The event was an informal and open forum, with a series of display boards available for inspection, presenting details of the proposed development, visualisations / photomontages and information on environmental topics. Company representatives were available for question / discussion in relation to any potential concerns.

4.0 Consultation

4.1. Chief Executive's Report

4.1.1. The planning authority submitted a Planning Report on the proposed development to the Board on the 22nd January 2025 setting out its views on the effects of the proposed development on the environment and the proper planning and sustainable development of the area. The main points raised in the report are summarised as follow:

- Principle of Development - Given the existing character/historic use of the lands, its location in terms of access to the National Road network, the restoration of the existing quarry lands which would be achieved by this development, the need for facilities to provide the disposal of inert materials and the need for C&D recycling facilities, it is considered that the proposal would ensure a sustainable approach to the management of waste streams in accordance with the Eastern-Midlands Region Waste Management Plan 2015 - 2021 and the objectives of the County Development Plan 2022-2028.
- Visual Impact - The restoration of the quarry will over time rehabilitate the area such that the lands will blend into the existing rural landscape and therefore have a positive visual impact.

- Hydrology and Hydrogeology – The existing quarry void is subject to a discharge licence. Due to the elevated natural levels of arsenic in the water collecting in the quarry void, the discharge is treated via a Siltbuster treatment system and following treatment to remove arsenic in the water, the treated water then passes through the existing settlement lagoons before discharging to the Ballinclare Stream. The reports set out that the mitigation measures identified in the EIAR are considered appropriate. It is noted that the current discharge licence will be superseded by any EPA Waste Licence required for the facility.
- Traffic - Road strengthening/widening works are identified along the L1157 to allow for the increased movement. Subject to the mitigation measures identified in the EIAR being implemented and the restriction of traffic volumes to a maximum of 120 per day, the proposal would be acceptable.
- Amenity – Having regard to the details submitted, previous site history and mitigation measures identified it is considered that the proposal will not have a negative impact on the amenities of adjoining residents/tourism facilities in terms of noise and dust.
- Biodiversity – The proposal provides for the retention of the settlement ponds and the proposed wetland treatment system will be retained post closure. The infilled areas of the quarry are to be progressively restored with native woodland species and the landscaping plan outlines early re-planting of some screening vegetation. In addition, mitigation measures identified a number of biodiversity enhancement measures including native woodland planting, Peregrine Falcon ledge, artificial Sand Martin nesting wall, and bird and bat boxes. The reports considers that the measures identified are sufficient to offset any moderate impacts and the development will result in positive benefits of rehabilitating the existing quarry, retaining water features and appropriate planting to increase biodiversity.
- Archaeology - No national monuments or Areas of Archaeological Significance are located within the site. The mitigation measures include archaeological monitoring of undisturbed areas on site.

- Killmacurragh House and Arboretum - Killmacurragh House and Arboretum are located 800m to the southwest of the quarry. Given the distance, vegetation and operations proposed, the proposal will not have a determinantal impact on Killmacurragh.
- Community Gain – the ultimate rehabilitation of the quarry will provide for the establishment of native woodland habitat and additional biodiversity enhancements.
- EIAR – It is considered that the EIAR and supporting documentation identifies and describes adequately the direct and indirect significant effects of the development. Furthermore, the document clearly sets out all measures to avoid, prevent and reduce impacts of the development and all necessary mitigation measures.
- AA - The development is not located on or adjoining any Natura 2000 site.
- The Planning Authority's report has recommended eight conditions to be attached to any grant of permission. These generally relate to - CEMP to be submitted, EIAR/NIS mitigation measures to be complied with, development contribution, number of truck movement per day, road improvements/signage and landscaping. In Section 10.12 below I provide further commentary on these recommended conditions.

4.1.2. Summary of Internal Technical Reports

Environment Section

- No objections in principle to the proposed development as it is in line with the National Waste Management Plan 2024 -2030.
- A testing regime would be required to confirm no impact on groundwater from the development.
- Silt trapping measures to be incorporated into the proposed widened section of the haul route given proximity to Potters River. Clarity required on silt and hydrocarbon trap measures around the entrance, wheel-wash and weighbridge.

- Condition required to govern monitoring and mitigation of noise and dust from the site.
- Given naturally occurring asbestos on the site, confirmation is required that the site is safe prior to development commencing.

Roads Section

- Recommend that the maximum annual intake of material to the facility be set at 600,000 tonnes.
- Proposed road improvements works and advance signage on the L1157 to be carried out at applicant expense.

4.1.3. The Chief Executive's Report came before the members of Wicklow County Council at a Council Meeting on the 13th January 2025 for their consideration. The members passed a resolution which is appended to the CE report recommending to the Commission that:

'*This development poses severe environmental, safety, biodiversity, and health risk, particularly concerning asbestos contamination, groundwater impacts, and insufficient safeguards for wildlife. Furthermore, the lack of meaningful consultation and public engagement throughout this process necessitates an Oral Hearing to ensure transparency and address public concerns. In light of the genuine and legitimate concerns of local residents and the many issues specified above, we the Elected Members of Wicklow County Council recommend An Bord Pleanala to refuse permission for this SID application. We also request the transcript of the meeting accompany the report submitted to An Bord Pleanala.*

4.1.4. The members raised the following key objections to the proposed development and highlighted discrepancies in the Chief Executive's Report:

Environmental

- Groundwater – Claims of no change in water levels during dewatering are unsubstantiated. Uisce Eireann warn that backfill could discrupt groundwater flow, levels and quality.
- Waste Acceptance Criteria – applicant proposes extending waste intake beyond inert soil.

- Wastewater – no provisions are made for leachate or landfill gas monitoring leaving potential contamination risks unaddressed.
- Untreated Surface Water – Runoff from the site will flow untreated into Kilmacurragh Stream and Potter's River via a swale.
- Quarry Lining - potentially polluted cake risks lining the quarry with harmful substances.
- Invasive Species – Kilsaran intend to apply to EPA for approval to dispose soils with invasive species.

Road Safety

- The proposed design of the L1157 is inadequate for trucks to pass safely and will increase accident risks. The road widening will encourage higher speeds.
- The addition of 600-750 movements weekly will exacerbate congestion on the N11/M11 corridor.

Biodiversity

- The proposal fails to protect breeding peregrine falcons and red kite.
- The NIS fails to conclusively address potential impacts on water dependents habitats in the Buckroney Brittas Dunes and Fen SAC. Hydrology and leachate studies contain uncertainties.

Human Health

- Asbestos – the site contains asbestos, and the mitigation plans are insufficient. Dewatering the quarry and proposed activities could release asbestos particles into the air posing severe health risks to locals. An independently review plan to mitigate these risks must be enforced before approval.

Additional issues raised at Council Meeting

- Impact on National Arboretum, Kilmacurragh, local schools and sports facilities.
- Impact on scenic amenity Brittas Bay beach and tourism.
- Lack of public consultation.
- Impacts on business and enterprise in the county.

- Implementation of mitigation measures.
- Environmental risks and compliance.
- The lack of meaningful consultation and public engagement necessitates an Oral Hearing to ensure transparency and address public concerns.

The full transcript of the council meeting accompanies the CE report submitted to the Commission.

4.2. Prescribed Bodies

4.2.1. Details of the application to the Commission were circulated to the following prescribed bodies:

- Minister for Housing, Local Government and Heritage
- Minister for the Environment, Climate and Communications
- Wicklow County Council
- Eastern and Midland Regional Assembly
- Inland Fisheries Ireland (IFI)
- Environmental Protection Authority
- Failte Ireland
- The Heritage Council.
- An Chomhairle Ealaíon (The Arts Council)
- An Taisce
- Health Services Executive
- Transport Infrastructure Ireland
- Health and Safety Authority
- Eastern-Midlands Waste Regional Authority
- Geological Survey of Ireland
- Uisce Eireann

4.2.2. Submissions were received from the following bodies, the contents of which are summarised as follows:

<u>Development Applications Unit, DoHLGH</u>

Two reports received from the DAU

- The first report received from the DAU dated 09th Januray 2025 noted the following:
    - The National Monuments Service and the DoHLGH have reviewed the EIAR and is broadly in agreement with the findings.
    - Recommends that licensed Archaeological Monitoring be included as a condition of any grant of permission (a drafted archaeological condition included in the submission) and the Construction Environmental Management Plan (CEMP) to include all identified archaeological impacts and mitigation measures.
- The Commission requested comments from the 'NPWS Section' of the DAU dated 23rd May 2023 in relation to the implication of the proposed development for the proper planning and sustainable development and the likely effect on the environment.
- In response the DAU submitted the following comments on the 19th June 2025:
    - The Department notes that the comments and recommendations given by NPWS to the applicant during pre-planning consultation meetings in June 2024 have been incorporated into the planning application.
    - However, it appears that the deer exclusion fence illustrated on the Proposed Landscape and Restoration Plan Drawing, does not extend past the area designated for Restoration Phase 1 and Phase 2, which could allow deer entry into the site. The Department recommends that the deer fence is extended so that it will ensure deer are fully excluded from the site, with mammal gates for badger, otter and fox access installed along active paths, preferably using a Clipex deer fencing system. Long-term monitoring should include for management of any deer that may enter the site, and for fence monitoring and maintenance.

<u>Eastern Midlands Connacht Ulster and Southern Regional Waste Management Planning Offices</u>

- The Eastern Midlands, Connacht-Ulster and Southern Regional Waste Management Planning Offices made a joint submission.

- It references a number of relevant policies in the National Waste Management Plan 2024-2030 including enhanced national waste self-sufficiency in relation to waste and support for the treatment capacity for non-hazardous construction and demolition waste streams. The proposed activity is consistent with the policies of the NWMP.
- It sets out that 8.3 million tonnes of C&D waste was generated in Ireland in 2022. This is more than half all the waste generated (15.7 million tonnes). The majority of C&D waste (82%) is made up of soil and stone and dredging spoil. Upcoming and future infrastructure developments involve major earthworks and should ideally be able to rely on domestic outlets for the treatment of waste/byproducts generated.
- The proposed Soil Washing Facility with an expected average throughput of 300,000 tonnes per year qualifies as Nationally Important Infrastructure under the NWMP. The applicant estimates that 75% (225,000 tonnes) of the soil and stone throughput can be recycled into aggregate and this would contribute significantly to increasing Ireland's Circularity Rate and the expansion of the circular economy.
- The periodic acceptance of non-hazardous waste streams subject to prior agreement with the EPA is also supported and consistent with the policies of the NWMP.
- The development of a C&D Recycling Facility for the processing of 50,000 tonnes per annum is consistent with the policies of the NWMP and would contribute to the provision and availability of secondary materials, thereby contributing to the expansion of the circular economy in Ireland.
- With respect to the acceptance of Greenfield Soil & Stone byproduct it is recommended that the Commission pays particular attention to EPA National Decision for Greenfield Soil & Stone under Regulation 27 (By-product) - Annex 1, Part 5, Criterion 5 (b)
- With respect to the proposal to produce recycled aggregates from waste inputs the Commissions attention is drawn to the EPA National Decision for Recycled Aggregates under Regulation 28 (End of Waste).

Geological Survey Ireland

- They suggest that following completion of the final restoration works that preservation of some quarry faces for biodiversity would be of benefit to the geodiversity and geoheritage value of the site and they recommend the inclusion of geology in any information panels that might be proposed as part of the biodiversity offering.

Health Services Executive

- They recommend that in the interest of protection of public health all mitigation identified in the EIAR be implemented in full and the effectiveness of the mitigation is validated by a sampling programme. The report considered the following areas:

  Protection of surface and ground water:

  - They note evidence of significant contamination of groundwater and recommend that all 12 private domestic wells should be included in the sampling programme specified in the EIAR and reviewed. This recommendation is made in the interest of protection of public health.
  - More detail required in relation to the remedial works proposed in GW2 to resolve the detection of hydrocarbons.
  - They note that if all mitigation measures identified in the EIAR are implemented, there is adequate protection of ground and surface water. However, if as a result of the sampling programme, exceedances of the sampling parameters are identified, then the mitigation measures should be revisited and amended.
  - If consent for the proposed development is given, the activities consented should not commence prior to the EPA license being reviewed by the EPA.

  Noise and Vibration:

  - The proposed operational hours are to be limited to daytime hours, Monday to Friday.
  - Noise monitoring in line with EPA NG4 should continue if consent is given and if there are exceedances of the guidance levels mitigation measures should be reviewed and additional measures for noise control implemented.

Emissions to Air:

- If there are exceedances of the guidance levels mitigation measures should be reviewed and additional measures for dust control implemented.
- They recommend that dust deposition monitoring be undertaken at the application site. Dust monitoring locations should be reviewed and revised where and as/when necessary.

Land:

- They recommend that an Asbestos Management Plan be submitted to the approved notifiable Authorities with a full history of the Asbestos at the proposed site if new excavations, exposures or if asbestos is mobilised.
- They recommend that a testing regime will be established to test soils/ wastes imported to the proposed waste facility to ensure compliance with agreed inert waste intake parameters (as per established EPA methodologies 5 for licensed waste facilities).

Inland Fisheries Ireland

- There is direct connectivity to the Kilmacurra Stream which discharges into the Potters River, beyond the site entrance through the road drainage network which is an area of concern considering the volume and type of the vehicles accessing the site.
- The treatment and removal of muddy material from the wheels of trucks before they re-emerge on to the public road network is critical in protecting the aquatic environment. The proposal to use an immersion wheel wash and a further addition of a wheel wash at the C&D deposition area and a road sweeper to address this risk is inadequate. The application has not addressed these concerns and they recommend that further measures and infrastructure are considered.
- The proposed upgrade of Local Road L1157 should consider kerbing of the road and silt containment and maintenance within the swales adjoining the public road network which discharge into watercourses.

Office of Public Works

- The OPW owns and manages the National Botanic Gardens at Kilmacurragh.

- They raise concerns in relation to the increase in HGV traffic on local roads which also serve the Kilmacurragh House and Gardens.

Transport Infrastructure Ireland

- Recommend a condition that the developer submit appropriate plans and details for the proposed road strengthening works on Local Road L1157 associated with Mll overpass 'Eirspan Structure no: BM-Mll-046.00.' The plans and details shall demonstrate compliance with TII Publications and shall also ensure the 5.3m clearance shall be maintained over the extents of the new road layout on the Local Road L1157.

Uisce Eireann

- The development site is not located within a surface water abstraction catchment or groundwater abstraction catchment. The closest surface water abstraction is Glenealy, 4.5km upstream of the quarry. The closest groundwater abstraction is Barrinderg Well, 3km from the quarry to the south (out of service) and Ballinteskin borehole located 3.8km to the east. Given the distances, there is unlikely to be any connectivity between the site and the abstraction points and therefore it is unlikely to impact any waters used for the abstraction of drinking water.
- The applicant in Section 3.16 of the Pre Planning Consultation Report and in Chapter 7 of the EIAR has adequately addressed the issues raised by Uisce Eireann in the previous SID application, regarding the existing flooded site having elevated levels of arsenic and how this would be managed, the potential to alter groundwater flows and impact local wells and the mobility of metals in the effluent from soil washing operations.
- There are no new connections proposed to Uisce Eireann's water or wastewater networks.

Environmental Protection Agency

Two reports received from the EPA

- The first report received on the 09th January 2025 notes the following:

- The development may require a Waste licence under the Waste Management Act 1996 as amended, or an Industrial Emissions licence under the EPA Act 1992 as amended. The Agency has not received a licence application relating to this development.
- Should a licence application be received by the EPA all matters to do with emissions to the environment will be considered and assessed by the Agency.
- The EPA cannot issue a Proposed Determination on a licence application until a planning decision has been made.

- The Commission requested the EPA to make observations on the effectiveness of mitigations measures proposed in relation to the risk to groundwater and surface water contamination in particular the treatment of arsenic during the dewatering and operational phase and the mitigation measures proposed in relation to the naturally occurring asbestos in the bedrock.
  In response the EPA submitted the following comments on the 28th February 2025:
  - They consider that the effectiveness of mitigation measures proposed would be best demonstrated at a minimum through:
    • Provision of monitoring results from the inlet and outlet points of the Siltbuster WWTP to demonstrate its effectiveness for reducing arsenic levels.
    • Provision of monitoring results on the discharge point to Potters River post settlement pond treatment and the provision of monitoring results on the upstream and downstream monitoring points on Potters River.
    • An assessment on the potential impact to groundwater and down-gradient water supply wells from the site, having regard to the Agency "Guidance on the Authorisation of Discharges to Groundwater" and provision of mitigation measures to address identified potential impacts.
    • Provision of relevant on-site and off-site ground water monitoring results and comparison of the results to the relevant groundwater threshold values.
  - The EPA also recommended requesting the following information

• Detail as to how and where the returned asbestos materials are buried on-site and provide details on the measures to be put in for the management of these materials in the long term.

• Details on the disposal of the sludge and any other waste from the Siltbuster WWTP.

4.2.3. **Applicant Response to Wicklow County Council's Chief Executive's Report**

- Applicant notes and welcomes the findings of the review and assessment undertaken by Wicklow County Council.
- The applicant has committed itself to developing detailed protocols and procedures for management and handling of any existing aggregate stockpiles at the application site known to contain NOA above detectable limits.
- The applicant makes observations on the proposed 8 no. planning conditions set out in the Chief Executive's Report. Apart from recommended condition no 4 which relates to limiting HGV traffic movement, the applicant has no objections in principle to the other recommended conditions and invites similar conditions to be considered by ACP.
- In relation to recommended condition no 4 which sets out that traffic generated by site activities be limited to a maximum of 120 No. trips per day the applicant sets out the following:
    - The rationale for imposing this figure of 120 no. trips as a 'maximum' is unclear.
    - The current proposal seeks permission for a Strategic Infrastructure Development (SID) with the potential to generate an average of 96 No. HGV trips per day. The EIAR traffic assessments consider both the average and a higher value figure of 144 No. trips per day which reflects an average ± 50% fluctuation to take account for seasonal fluctuations etc.
    - The previous SID development (Ref. ABP-309991-21) was forecast to generate 150 No. trips per day using the same haul route and Wicklow County Councils Chief Executive's Report dated 24 June-2021, concluded in respect of 'Traffic' that subject to the mitigation measures

identified in the Environmental Impact Assessment Report being implemented, and restriction of traffic volume numbers to 150 per day / 90 per day Sat, the proposal would be acceptable, and would not have a negative impact on the road network.

- The proposed development a Ballinclare Quarry requires flexibility in the number of vehicles permitted to arrive per day due to several operational and seasonal factors.
- At Para 14.192 in Chapter 14 of the EIAR (Traffic), a calculation is put forward based upon an average payload of 20t per vehicle where the underlying assumption is that all vehicles arriving to the site are the 8-wheel tipper type and on that hypothetical basis the development would give rise to an average of 120 No. HGV trips per day. The figure suggested in Wicklow County Council's recommended Condition No.4 is also 120 No. and appears to have its origin in EIAR Para 14.192.
- It is respectfully requested that if the Board is minded to apply a limit on the maximum number of daily loads to / from the application site, that the figure of 144 No. loads per day be applied as opposed to 120 No. which the applicant considers to be an unrealistic hypothetical and over-restrictive value which was only provided in the EIAR to provide some context.
- The Board will note that were it to set a maximum limit of 150 No. loads per day, this would be consistent with that proposed in the Planning Authority assessment / determination of the previous SID application and would, in addition, also be consistent with a previous grant of permission under Planning Reg. Ref. 14/2118.

4.2.4. **Applicant's response to submission from received from the Prescribed Bodies**

<u>Development Applications Unit, DoHLGH</u>

Two reports received from the DAU

- The response to the first report notes the following
  - The Applicant notes that DAU has requested that a number of conditions in respect of archaeology and cultural heritage be applied by the Commission

should it decide to grant permission. The Applicant confirms that it has no difficulty or objection to the inclusion of the proposed conditions in any grant of planning permission in respect of the proposed development.

- The second report from the DAU was in response to the Commissions correspondence dated 23rd May 2025 and noted the following:
  - The comments and recommendations given by NPWS to the applicant during pre-planning consultation meetings in June 2024 have been incorporated into the planning application.
  - The Department recommends that the deer fence is extended so that it will ensure deer are fully excluded from the site, with mammal gates for badger, otter and fox access installed along active paths, preferably using a Clipex deer fencing system. Long-term monitoring should include for management of any deer that may enter the site, and for fence monitoring and maintenance.

    See also the Further Information Request (in relation to the deer fence) and applicant's response set out below under Section 5 below

<u>Eastern Midlands Connacht Ulster and Southern Regional Waste Management Planning Offices</u>

- The applicant welcomes the largely positive and supportive stance adopted by the RWMPO in respect of the proposed material recovery / recycling facility and inert landfill at Ballinclare Quarry.
- The Commission will note from the submission that the RWMPO considers that the proposed development is consistent with several policies and objectives in the National Waste Management Plan (NWMP).

<u>Geological Survey Ireland</u>

- The Applicant has made provision for the long-term preservation of some of the existing quarry face exposures, principally to facilitate continued nesting by peregrine falcon at the site. The preserved section of upper quarry face will be up to 15m high and will extend for a distance of over 250m.

- Recognising that the preservation of the quarry face will also serve a dual function as a record of local geoheritage, the applicant confirms it has no difficulty or objection to the application of a condition which make explicit provision for this measure in any grant of permission.

Health Services Executive

- The proposed development at Ballinclare Quarry will require a waste licence from the Environmental Protection Agency (EPA) and as such, the consideration of issues and application of conditions around the management, control and monitoring of emissions to the environment is the preserve of the EPA when making a decision in respect of any waste licence application in respect of the proposed development.
- The detailed procedures around future management of operational health and safety issues at the facility, specifically in respect of the management, control and handling of any Naturally Occurring Asbestos (NOA) in existing aggregate stockpiles located around the facility, will be subject to guidance and prior approval from the Health and Safety Authority (HSA).
- Water
    - In its submission, the HSE make 5 No. observations regarding water, a number of which also include recommendations in respect of environmental control and monitoring. The Applicant notes that the HSE considers the mitigation measures proposed in the EIAR are appropriate and sufficient to ensure protection of groundwater and surface water. No further mitigation measures are proposed.
    - In response to the query in respect of remedial works to groundwater well GW2 where some hydrocarbon contamination was detected, the Commission is referred to Para 7.325 in Chapter 7 of the EIAR which states the following:

        • A replacement monitoring well for GW2 will be installed. It will be called GW2A.

        • Monitoring well GW2 will undergo remedial works to remove residual hydrocarbons from that well, and following that remediation, monitoring well GW2 will be decommissioned.

• The well remediation works will be agreed with the EPA under the terms of any waste licence.

- Noise and Vibration
  - In respect of working hours, the Applicant confirms it is seeking permission for core working hours in respect of on-site waste activities between 08:00 hours and 18:00 hours, Monday to Friday.
  - It would however also ask that the Commission include a relaxation to facilitate loading and unloading of HGV's / lorries from 7am each working day, in line with the previous planning permission (Ref. 14/2118, refer to Para 2.235 in Chapter 2 of the EIAR).
- Air Quality
  - The Applicant confirms it has no objection to any of the proposed conditions but would comment that for licensed waste activities, such conditions would typically be applied by way of an EPA licence.
- Asbestos Management
  - At all times since the discovery of NOA in 2016, all on-site activities were overseen by, and subject to detailed protocols agreed with, both the Health and Safety Authority (HSA) and the EPA. The Applicant engaged specialist independent consultants at that time to prepare an Asbestos Management Plan.
  - Although NOA (actinolite) was detected in several stockpiles (of varying size) around the application site, it was absent or at / below the limit of detection at the majority (>65%) of them. These stockpile locations are known and mapped, are identified on-site by warning signage (referenced in several submissions) and have access to them restricted.
  - Returned NOA materials were placed above the quarry floor in the north-eastern corner of the quarry and capped with a layer of sand, geotextile, stone and topsoil.
  - Bi-annual monitoring of ambient air and water since the discovery of asbestos in 2016 has not detected elevated asbestos levels in any air or water samples.
  - The Applicant is satisfied that at the present time, the potential presence of NOA in rock exposures, and its presence at a number of aggregate

stockpiles and at the returns area does not present any risk to site staff, contractors, hauliers or to the general public.

- The Applicant commits to placing all stockpiled aggregate materials above / within the landfill liner to inhibit potential future mobility of any NOA / ACM fibres in groundwater. Any stockpiles which are known to have NOA above detectable limits will be handled in line with detailed protocols and procedures developed with the technical advice and support of an independent specialist consultant and subject to prior agreement, approval and oversight by both the HSA and the EPA.
- The NOA materials on the quarry floor in the north-eastern corner which are currently capped in-situ will not be moved or disturbed and will remain in place. The inert landfill liner (composing a minimum of 1m depth of low permeability soil) in this area will be placed and compacted over these materials.
- Any existing stockpiles of site-won aggregate located beyond the quarry / landfill footprint which are also known to have NOA above detectable limits will not be disturbed (excavated or moved) at any stage of the proposed development, will be further capped as required and traffic / personnel access will be restricted.

- Waste Acceptance
  - Rigorous pre-screening and prior approval for all waste intake, in line with waste licence conditions prescribed by the EPA will be carried out.
  - All inert waste intake to the proposed landfill facility will comply with the contaminant threshold limits for such waste permitted by Council Decision 2003/33/EC which establishes criteria and procedures for the acceptance of waste at landfills in accordance with principles set out in the Landfill Directive (1999/31/EC).

<u>Inland Fisheries Ireland</u>

- Wheel wash Facilities - all egressing HGVs will be routed through two high pressure wheelwash facilities located approx. 500m apart before they depart the site. The Applicant's experience is that in travelling over this distance of paved surface between the two wheelwash facilities, HGVs will likely shed

much of the soil, mud or particulate matter which might remain after passing through the first wheelwash.

- Drainage at Entrance - drainage infrastructure have been appropriately checked and sized to ensure there is effective drainage management at the entrance which will prevent ponding of surface water run-off along the L1157 Local Road
- Roadside Drainage – A package of road improvement works along the L1157 which are considered appropriate to accommodate the proposed development and baseline network traffic are proposed. These measures include provision for the preservation and improvement of existing drainage systems and will include silt trappings. A condition recommended by Wicklow County Council states that the detailed road improvement works should be agreed with the Roads Authority and include provision for silt containment measures along the L1157.

Office of Public Works

- The proposed development includes an identified haul route that includes the L1157 Local Road and R772 Regional Road and specifically excludes the use of the L1113 Local Road. HGV traffic generated by the proposed development will therefore have no impact on the L1113 which the OPW submission identifies as 'the only route to Kilmacurragh'.
- This development proposal provides for the upgrading and widening of the L1157 to 6m along its full length between its junction with the R772 and the site access to facilitate the safe opposed passage of 2 HGVs travelling on the road.
- Observation suggests that where the L1157 Local Road is used by tourist traffic or for recreation purposes, this is generally focused around the weekend when the proposed facility will be closed.

Transport Infrastructure Ireland

- The Applicant notes the request from TII for a condition to be applied to any grant of permission which would require the Applicant to agree proposed strengthening works at and around the L1157 overpass with the Planning

Authority (Wicklow County Council). The Applicant confirms it has no difficulty or objection to such a condition being applied to any grant of permission.

Uisce Eireann

- A number of queries which were previously raised by Uisce Éireann (UÉ) in respect of the previous (2021) SID application at Ballinclare Quarry (Ref. ABP-309991-21) and at pre-planning application stage, have been adequately addressed to the satisfaction of UÉ specifically in respect of
  - • elevated arsenic levels (and management thereof),
  - • the potential to alter groundwater flows and impact groundwater supply to local wells, and
  - • the mobility of metals in trade effluent.
- The Applicant notes the request from UÉ for a condition to be applied to any prospective grant of permission in respect of this SID application requiring the Applicant to ensure no negative impact arises to drinking water sources and abstractions through compliance with the mitigation measures proposed in the Environmental Impact Assessment Report (EIAR). The Applicant confirms it has no difficulty or objection to this condition in any grant of permission.

Environmental Protection Agency

Two reports received from the EPA

- The response to the first report notes the following:
  - ➢ It acknowledges that in the event that permission is granted by the Commission for the proposed SID development at Ballinclare Quarry, a separate waste licence will also be required from the EPA before any waste activities can be commenced. The Applicant confirms that it will submit an application for a waste licence to the Agency in due course, accompanied by an Environmental Impact Assessment Report (EIAR) and Natura Impact Statement.

- The second report from the EPA was in response to the Commissions correspondence dated 04th February 2025 and recommended Further Information be sought in relation to the following:

- The effectiveness of mitigation measures proposed in relation to the risk to groundwater and surface water contamination.
- Detail as to how and where the returned asbestos materials are buried on-site and details on the measures to be put in place for the management of these materials in the long term.
- Details on the disposal of the sludge and any other waste from the Siltbuster WWTP.

See the Further Information Request (in relation to the above listed issues) and applicant's response set out below under Section 5 below.

4.3. Public Submissions

4.3.1. A total of 16 no. public submission were received from the following third parties:

- Amanda O' Sullivan and others
- Ballinclare Alliance Co. Ltd.
- Christian Osthof
- Cllr Joe Behan
- Cllr. Pier Leonard
- Colclough Byrne
- Jane Bradbury
- Jane Dwyer
- Jean Melia
- Joe Fallover
- Karl Hutchinson
- Keith Hutchinson
- Mary Kavanagh
- Michael Dwyer
- Sarah Caffrey & James Cranley

- Terry Hughes & Catherine Wright

4.3.2. The main points raised in these submissions can be summarised as follows:

Amanda O' Sullivan and others

- Not advised by Kilsaran of public consultation in Sept 2024.
- Concerns raised in relation to the competence of the applicant to carry out such a development and inconsistencies in the EIAR in relation to consultation with Uisce Eireann, invasive species and working hours.
- Asbestos concerns and potential health effects on workers and residents.
- Particularly concerned about the heaps of processed aggregate on the quarry floor may be contaminated.
- ACP must engage suitable experts to scrutinise the application.
- Proposal will have an adverse impact on the environment, biodiversity, local wildlife, the water table, local wells and the SAC in Brittas Bay.
- Habitat created by previous activity has been populated by wildlife that might otherwise not have thrived in the original landscape.
- Given likely effects of climate change the quarry is even more important to the Peregrine falcon population.
- The level of planned activity on site will disturb resident birds and wildlife. There will be 20 years of daily disturbance and destruction of nests, dens and other habitat and food sources.
- Concerns that the screening of waste will not be adequate given the anticipated level of activity.
- Impact on groundwater, private wells and potential flooding.
- Contamination of Potters River and impact on Buckroney-Brittas and Fen SAC.
- No explanation of why a neighbouring site was relevant to the refusal reason attached to previous application on this site - ABP-301135-18.
- CO2 emissions from truck movements travelling long distances to the site and the need for proposed levels of unloading/loading.

- Inadequate road infrastructure for HGV's.
- The measures proposed to the L1157 will change the character and safety of the neighbourhood and will attract increased volumes of traffic attempting to bypass the congested M11.
- Size of trucks accessing the site should be restricted and deliveries scheduled therefore not requiring the widening of rural road.

Ballinclare Alliance Co. Ltd.

- Development will cause adverse impact on water quality, habitat and species.
- Current dewatering activities taking place on site are unauthorised.
- Part of the site comprises the natural floodplain of Potters River.
- At the maximum level of the quarry lake much of the cliff face had the seams of asbestos covered by water rendering it safer.
- No study done on local asbestos fallout from the operation in the quarry considering its length in operation.
- Nothing in place at present to address the arsenic level in the water in the quarry.
- Development will cause adverse impact on local roads, one-way system which managed truck trips to the quarry via the L1113 and L1157 to be discarded. No improvement works to R772 Regional Road.
- Roads Safety Audit required for haul routes.
- Proposal will have a significant impact on groundwater supplies and local wells.
- Noise and airborne dust.
- Wildlife surveys not clear.
- Impact on tourism.
- Area is oversubscribed with landfills and dumps.
- Community Fund mostly irrelevant to people impacted by scheme.

- Proposal will lead to a depreciation of property values in area.
- Quarry is below water table, and this greatly increases the risk of groundwater contamination.
- Arsenic, asbestos and metals released from imported materials present a permanent risk to surface water.
- Long term contamination of Potters River.
- NIS is incomplete.
- More in-depth analysis of the hydrology of the site and the hydro morphology surrounding the site and downstream along Potters River to its outlet at Brittas Bay required.
- Noise.
- Biodiversity Loss.
- Measures to protect the Peregrine Falcon inadequate – height of proposed rockface being left exposed should be doubled.
- Concerns in relation to removal of hedgerow along haul route.
- Site is contaminated and should remain closed.
- EIAR is not of a sufficient standard.
- Public notices are inadequate.
- Site is not zoned/designated for proposed development.
- No redline around L1157 local road despite road widening works and L1157 cannot be widened to 6m at private properties. Proposed sightline is outside the redline boundary.
- Ongoing dewatering works on site impacting the amphibian population on site including the smooth newts.
- Proposed working hours are inconsistent throughout the application.
- Site restoration plan as set out in the permitted planning permission 14/2118 was not submitted in accordance with Condition 23(b) or has not taken place.

- Eastern-Midlands Region Waste Management Plan, 2015-2021 Policy E13 states that “future authorisations by local authorities, the EPA and An Bord Pleanála must take account of the scale and availability of existing backfilling capacity”. There is a notable lack of empirical information about the volumes of inert waste and C&D waste currently being generated in the region and the capacity for same.
- Application should be accompanied by an independent assessment of all inert landfills within the Region and a detailed capacity assessment of same along with an analysis of the amount of inert waste and C&D waste being generated in the Dublin region.
- There is no provision in any statutory landuse plan including the Wicklow Development Plan for a facility of this nature at this location.
- Proposal will generate approximately 100 HGV movements in peak hour and will have an adverse impact on local roads/local junctions and the N11/M11.
- Proposal would impact on future provision of motorway services at the Beehive (the Wilds).
- The previous one-way system haul route sought to protect local roads. Road widening on the L1157 is outside the redline boundary and will result in loss of trees and hedgerow and have an adverse impact on bats, badgers and breeding birds.
- Report appended to observation from Mr Michael Moran, Traffic Engineer, TPS Consulting outlining the following concerns with road widening:
    - There does not appear to be a letter of consent from the Local Authority for upgrade works along the L1157.
    - No base year traffic modelling, capacity assessments, traffic modelling of adjacent road links and junctions and independent road safety assessment.
    - Deficient sight line to north-west within southern intersection of R772 and L1157. Restricted sight lines within minor junction arm to view northbound HGVs turning into L1157 from R772.

- Applicant identifies a plethora of off-site road improvements along the L1157 but fails to identify any difficulties in terms of road capacity or road safety.
- A change of use planning permission at the Tap café could generate significant trips, which would require more detailed analysis of the R772/ L1157 junction.
- Road upgrade not required if applicant reverts to the permitted one-way haul route via the L1113.

- Carbon emissions from truck movements.
- Concern raised is relation to noise from truck movement and Observer does not accept that screening will reduce noise. The adverse impact on the closest 7 no dwellings and on the Green Angel (formerly Tap Café) would all be major under DMRB Impact Rating. For those closest the haul route the noise impact should be recalculated.
- The proposal requires active excavation and other works within the site will disturb contaminated ground resulting in air pollution which is at variance with NPO 64 and the Wicklow Development Plan.
- Proposal involving at least 30 one-way HGV hourly movements will directly conflict with tourist traffic – National Botanic Gardens at Kilmacurragh are accessed off the L1113 to the west of the site.
- Ecological report by Dr Niamh Ni Bhroin of Dulra is Duchais appended to the submission outlining the following concerns:
  - Since the site closed in 2016, the area has re-emerged strongly as regards all the species noted in the EcIA and Biodiversity Chapter in the EIAR. Concerns remain that the ecological surveying is insufficient.
  - Road widening will impact on bats.
  - Watercourses in vicinity of quarry support high conservation aquatic species.
  - A rare and protected plant survey is required.

- Translocation of amphibian population from settlement lagoons to already existing on site habitat will be adversely impacted by asbestos, arsenic, heavy metals and silt.
- NIS fails to address Buckroney – Brittas Dunes and Fen SAC which will be significantly impacted by naturally contaminated surface water discharged from the site.

- Observer sets out that the planning application has been reviewed by Dr Pamela Bartley, a water focused Engineer who outlines the following concerns:
  - Water Framework Directive concerns – the rivers associated with the site are moderate status and at risk. The applicant presents that the upstream is moderate status and the downstream is good status which is not the case.
  - The applicant's asbestos analysis of waters was by field evaluation which is not acceptable.
  - No development in proximity to areas characterised by naturally occurring asbestos in rock should take place. No amount of liner technology should be considered. The liner proposal in any case is excessive and inadequate. The proposals are much as assessed previously by ACP.
  - Clear concerns regarding arsenic and metals in the water sump and discharge.
  - An unauthorised and not fully assessed WWTP operating on site.
  - Mitigation measures do not address impact on surface water and ground water.
  - The site cannot act as a landfill given the underlying geology.
  - The likely quantity of leachate and contaminant from the landfill has not been assessed adequately.
- The groundwater surveying is the same as the previous application. The same number of boreholes (3) have been assessed.

- Only 3 groundwater monitoring holes in a straight line assessed and there are gaps in the information to properly assess the hydrogeological situation. There remains not enough boreholes to support the claim that the surrounding rock is low permeability, and this is mitigation enough for allowing the use of the aquifer as a transport route for leachate. Borehole GW02 showed a high inflow rate and moderate to good groundwater productivity and there are fault lines which can enhance flow paths.
- The site contains areas of the River Potter flood plain. This is extremely serious given the presence on the site of spoil heaps of stored chipped stone which contains asbestos, arsenic and heavy metals. The development would also increase flood risk to adjacent lands.
- A nearby similar application for the filling of lands (plan ref 17/866/ABP-301135-18) was refused on the grounds of flood risk and habitat/biodiversity loss. Similar concerns arise with the proposed application.
- Observation includes copy of observation submitted by Marron Environmental on behalf of Michael O Dwyer, Traffic Report prepared by TPS Limited and Ecology Report prepared by Dr Niamh Ni Bhroin of Dulra is Duchais Teoranta.

Christian Osthoff (and others)

- Their lands including forestry, farmland and residential houses adjoin the quarry site. There are 3 full-time and 3 part-time jobs on the observer's land.
- Opposed to development on grounds of sustainability, habitat loss and a dis-improvement of a place to live.
- Presence of asbestos fines scatted throughout the site particularly in aggregate piles and associated health risk. Asbestos as part of the extractive activities was taking place as early as the 1990's and therefore potential fibres are across the entire site and this is not considered in the application.
- Applicant does not refer to specific scientific name of the asbestos found on site – Actinolite.

- Lack of asbestos signage along boundary and on public road and a lack of a map or even description of location of asbestos.
- No mention in application that they received a licence from the EPA to bury 2739 tonnes of returned contaminated material on site. This need to be addressed in EIAR.
- Water chapter of EIAR notes that BH1 drilling hole (2014) was found to have a fracture filled with a soft fibrous dark green material, this could possibly be actinolite asbestos.
- Dewatering of quarry lake has resulted in exposure of contaminated material
- EIAR does not address the risks posed by asbestos – gravels soils and sediments below water have not been tested.
- Placing contaminated material below/under water will impact groundwater and wells. All European legislation is that you do not put waste under the water table.
- A number of photos of site and newspaper articles included with the submission.
- Concerns raised in relation to the material used for the clay liner and its durability.
- Elevated arsenic levels in sump.
- Concerns raised in relation to quality of water from Potters River used in observers' organic horticulture business if development permitted.
- In relation to birds including the Peregrine Falcon a minimum 150m exclusion zone from a nest and 30m high cliff face including a lake at the cliff base is required.
- Dust from site impacting on observers' horticultural business including polytunnels.
- Noise impact from development and insufficient noise mitigation proposed.
- Light pollution with lights at siltbuster on all night.
- Hours of operation to be limited to 9am - 5pm Monday to Friday.

- Concerns raised in relation to truck movements, applicant places a big reliance on 2016 planning permission to justify HGV movements.
- Concerns raised at public consultation not taken on board by applicant.
- No CEMP submitted.
- A 13-point vision submitted for the restoration of the quarry submitted which includes comprehensive testing for asbestos, more wetlands, monitoring of surface water flows, public access walkways, and the development to be completed within the region of 5 years
- All wells within 1km to be baselines tested and monitor biannually afterwards.
- Proposal will impact local tourism.
- A resident's fund should be given to local residents and not Wicklow County Council.
- Observer employed Faith Wilson, Ecological Consultant who concluded as follows:
    - Concerns raised with the dewatering process undertaken in relation to ecology (loss of breeding habitat for several waterbirds), human health (exposure of contaminated material including asbestos fibres) and planning compliance (dewatering activity is in direct conflict with landscape restoration plan attached to planning ref 14/2118).
    - Impact on Peregrine Falcon from disturbance and noise which is likely to lead to the loss of this long-used site - British Columbia guidance recommends buffer zones of 300-600m during breeding season and 200-500m during non-breeding season.
    - Wicklow Mountains SPA is within 14km of site - Applicant has not provided sufficient information to determine that Peregrine have historically nested at the location of proposed retained cliff face or that it amounts to a nesting habitat.
    - Concerns raised in the loss of freshwater habitat - No detailed aquatic surveys from a boat or other means to identify charophyte communities present in quarry.

- Rare plant - Two species of particular note recorded were recorded on site in 2014 – Rigid hornwort and Common Cudweed, no records made in 2024 and it may have been overlooked.
- In relation to the bat survey the quarry cliff face with its cracks and crevices were not surveyed, therefore bat assessment incomplete.
- Destruction of breeding site for Peregrine Falcon (Annex I of the Bird Directive), is in contravention of National Planning Framework (NPO 60).
- Proposed development contains a number of significant ecological gaps and limited ecological restoration objectives, which lack the detail required for a successful outcome and implementation. The proposed development does not meet Development Plan objectives NH6, NH8 and NH12.
- The chapter on Alternatives has not considered the implementation of the restoration plan from the 2014 EIS in its list of potential alternatives.
- The restoration plan in the 2014 application should be implemented under the Nature Restoration Law.
- Both EIAR (chapter 7) and The NIS fails to include/access 2170 – Dunes with *Salix repens* ssp. Argentea and 2190 Humid Dune slacks as qualifying habitat potentially negatively affected by water quality effects.
- The NIS only detail cumulative impact of plans/projects within local area.
- The Water Framework Directive compliance assessment fails to assess impacts on the water dependent habitats within dune system at Buckroney-Brittas Dunes and Fen SAC/pNHA.
- Email included from Richard Nairn MSc (Zoology) stating that a cliff face with a maximum height of 15m, would make the site unsuitable for breeding by Peregrines.
- Note included from Dr Stephen Newton, Senior Conservation Office at Bird watch Ireland 1997-2024 stating that the resumption of industrial activity at Ballinclare Quarry will lead to a high likelihood of desertion or impaired breeding success. The proposed infilling of the quarry to within 15m of the top of the cliff face rendered the site unsuitable in his opinion.

Cllr Joe Behan

- Appalled at the environmental, traffic, noise and potentially disastrous health implications of the proposed development.
- Dismayed at the Chief Executive of Wicklow County Council to support the application.
- Extremely unhappy with the quality of public consultation with local people.

Cllr. Pier Leonard

- Insufficient awareness of proposed development in local community. In addition, the members of WCC only received the CE report for viewing one day before the deadline for submissions.
- Concerns in relation to the presence of asbestos in blasted rock and debris on site and lack of independent monitoring.
- A substantial reduction in tonnage and a reduction in annual material intake is needed if development is to be granted.
- Proposal will impact negatively on County Wicklow's tourism industry.
- The highest standards of mitigation against contamination of water table and surrounding soils need to be adhered to.
- Concerns raised about excessive number of trucks that will use the roads, in particular the L1157. The volume of truck will impact negatively on the local residents quality of life and their safety.
- Concerned that WCC Environment Section made no reference to the onsite asbestos and how it will be dealt with.
- References issues raised in the IFI report and raises concerns in relation to the lack of mention to the onsite asbestos in the HSA and HSE reports. In addition, concerns raised about lack of report from the EPA.
- Depreciation of property values.

Colclough Byrne

- His farm adjoins the application site, extends to both sides of the L1157 and has multiple farm gates along the L1157.
- The quarry had a huge imposition on his life. Since its closure in 2016 his life has returned to normality without blasting or constant rattle of HGV trucks along roads.
- Proposal will have a massive adverse impact on his farm business, livelihood, health and well-being with the level of HGV movements on small local roads.
- Concerns raised in relation to the previous successful one-way haulage route being disregarded in favour of a two-way route along the L1157.
- Number of truck movements per day is excessive and shows no regard for local residents (166 trips per day when you include their round trip). There will inevitably be queuing of trucks on public road.
- Not in favour of the construction of a passing bay opposite his front gate.
- Since closure of quarry there has been a massive increase in people walking, jogging and cycling along the L1157. Character of road will change as a result of works.
- Object to the proposed road widening on the grounds that the applicant plans assume control of some of his lands within his boundary.
- The existing scrub/woodland referred to on in the applicant's submission to be retained is not within the applicant ownership.
- Devaluation of property in area.
- Operating hours should be curtailed to 8 30 am to 5pm Monday to Friday only.
- Noise from the operation including the soil washing and C&D processing. This will get more amplified as filling gets higher, they should only be allowed fill the current ground level of 60mOD. Effective acoustic barrier to be constructed around applicant site.
- Proximity of soil washing facility to his home.

- Applicant to secure areas of his property to prevent trespassers accessing quarry through his lands.
- Concern raised in relation to impacts on groundwater and wells.
- Concerns given his proximity to the site of asbestos fibres being disturbed.
- Dust pollution from activity and trucks.
- Potential importation of noxious weed.
- It should be a condition of any planning permission that any road widening outside observer's property should take place on the opposite side of the road and a low kerb and bollard should be installed at the entrance; no trees or hedgerow along the L1157 should be removed and grass verges shall remain in place, no trucks should be allowed to park within 3km of the site, machinery should not start/ end prior to/ after permitted times, vehicles should be fitted with low noise level reverse warning devices, trucks should be kept moving forward and no discharge to dyke at eastern side of L1157.

Jane Bradbury

- Concerns raised in relation to impact proposed development will have on her home and farm producing young horses for showing and competitions.
- The L1157 will not take the proposed traffic generated by proposal.
- The proposed works to the L1157 will cause damage to the open water course.
- Who will enforce the restrictions on hourly use/speed limit.
- The access and egress onto the Old N11 are impractical and very dangerous.

Jane Dwyer

- Applicant has failed to disclose the extent and location of asbestos contaminated crushed rock, returned and buried on site – therefore significant concerns about the potential health risks to workers and members of public.

- Extract from Irish times article by Paul Cullen, 01st Aug 2016, included in submission.
- EU and Irish Law stipulate the disposal methods for Asbestos waste.
- No information provided by applicant to show that they are licenced to store asbestos contaminated crushed rock.
- The asbestos history, scope and handling processes should be clearly outlined.
- An independent and impartial environmental assessment should be carried out by a proven Asbestos Specialists. This assessment should determine whether this site can be safely developed at all.

Jean Melia

- Dwells on the road where quarry is located and was not advised by Kilsaran of public consultation in Sept 2024.
- Concerned that applicant states that they have detailed knowledge of the site and environmental issues, yet this detailed knowledge did not prevent them buying the quarry.
- No external body has investigated or surveyed the quarry about extent of asbestos. Independent specialist body must assess quarry.
- Applicant has failed to place asbestos signs around boundary of quarry.
- Insufficient evidence provided on the environmental impact.
- Applicant has done little to address concern raised by local people last September.
- Potential for immense and irreversible adverse environmental and human impacts as well as impacts on biodiversity.
- Proposal is a contradiction to Climate Action Plan.
- Kilsaran's 2014 planning application for a quarry development includes a remedial plan. They have failed to implement this restoration plan since the operations ceased in 2016. This included letting the void fill with water to create a wetland habitat.

- Natural asbestos deposits can contaminate water supplies through various mechanisms – erosion/weathering of asbestos containing rock, exposed fibres can travel through the air contaminating surrounding and runoff.
- Short-term and long-term effects of exposure to asbestos outlined.
- Concerned that ABP did not include Uisce Eireann in list of prescribed bodies given there is a high risk of contamination of the waterbed because the quarry base is below the water table.
- Proposed development would impose a huge unpredictable and volatile risk of contamination to wells and water supply from asbestos, arsenic and other dangerous substances.
- No similar proposal ever granted permission in the country to fill a quarry where asbestos is present.
- Wicklow County Council wrote to the EPA requesting them to investigate presence of asbestos. The EPA replied stating that the responsibility for such an investigation lies with the council – newspaper article included.
- Inconsistencies in proposed working hours - proposed working hours are from 8am to 6pm with loading and unloading allowed to begin at 7am each day.
- Increased traffic congestion on local and national roads. Given the need to reduce emissions sorting and recycling should be carried out at source on larger building sites.
- Proposal will have an adverse impact on the environment, biodiversity, local wildlife, water table, local wells, the SAC in Brittas Bay and health and safety of local people.
- Concerned in relation to the threat of airborne asbestos fibres - No detail provided as to whether the plant was cleaned by specialist before moving off site after the discovery of asbestos.
- Concerned in relation to the heaps of contaminated processed aggregate on the quarry floor and applicant's intension to move them into the sump below the quarry floor.

- Leachate from C&D waste will pose serious risks to groundwater, domestic water supplies and aquatic life in Potters River.
- Concerned there is no response from the EPA as a prescribed body
- The level of planned activity is enough to disturb the Peregrine Falcon.
- Having regard to anticipated level of activity, concerns raised in relation to screening of waste – quarantine bay is open on 3 sides which could lead to runoff from contaminated waste.
- Contradictory statements on invasive species in application. They state they will not accept soil contaminated with invasive species, however if permission is granted, they will apply to the EPA to accept soil contaminated with invasive species.
- The 2020 C&D Waste capacity report states there is still sufficient capacity in both active and not yet commenced authorised facilities to cater for national demand.
- The measures proposed will change the character of the L1157.

Joe Fallover

- Living on the proposed route to the quarry and was not advised by Kilsaran of public consultation in Sept 2024.
- Proposal will impact on residential amenity of neighbouring houses.
- Application only mentions asbestos briefly which reflects a concerning lack of understating regarding potential health risk for workers and local residents.
- Application provides no clarity on what measures took place to address the asbestos on site and how effective they were.
- Concerned in relation to the heaps of contaminated processed aggregate on the quarry floor and applicant's intension to move them into the sump below the quarry floor.

- No safeguards are outlined to ensure the remaining asbestos seams in the bedrock do not allow surface water to transport fibres into the groundwater and further downstream.
- A thorough, independent evaluation is required.
- Failure of EPA to respond as a prescribed body.
- Concerned in relation to applicant knowledge and expertise of the site as they purchased a contaminated site in the first place and then blasted through an asbestos seam. The discovery of asbestos in the quarry was known as far back as the 1990's.
- Given level of activity proposed concerns raised in relation to screening process and open quarantine area to prevent contaminated material entering the quarry.
- All private wells and community water supplies within a 10km radius of the site should undergo comprehensive baseline testing to establish a clear mark for water quality. Regular monitoring of water supplies by an independent company certified by WCC to take place every 6 months throughout the project duration.
- Concerned that ABP did not include Uisce Eireann in list of prescribed bodies given there is a high risk of contamination of the waterbed because the quarry base is below the water table.
- Proposed development would impose a huge unpredictable and volatile risk of contamination to wells and water supply from asbestos, arsenic and other dangerous substances.
- No similar proposal ever granted permission in the country to fill a quarry where asbestos is present.
- Natural asbestos deposits can contaminate water supplies through various mechanisms – erosion/weathering of asbestos containing rock may release fibres into groundwater and surface water.
- No asbestos signs erected on main gate and L1157.
- Comprehensive survey and monitoring plan of groundwater and wells as groundwater system is highly complex.

- Contradictory statements on invasive species in application. They state they will not accept soil contaminated with invasive species, however if permission is granted, they will apply to the EPA to accept soil contaminated with invasive species.
- Road infrastructure is unsuited to increased HGV traffic – reintroducing heavy load traffic to the Ballinameeda Bends is a reckless step backwards. Applicant should provide evidence of baseline figures.
- Sorting and recycling materials closer to construction sites would reduce HGV journeys and emissions.
- To mitigate environmental concerns, any approval should limit material to those sourced with a 40km radius.
- Kilsaran's 2014 planning application for a quarry development includes a remedial plan. They have failed to implement this restoration plan since the operations ceased in 2016. This included letting the void fill with water to create a wetland habitat.
- Peregrine Falcons which are protected under the Wildlife Act, nest in the quarry and the proposed activity even with plans to retain some cliff face will disturb and lead to their abandoning this critical breeding site.
- The current quarry habitat should be protected and preserved. The proposed prolonged daily disturbance will impact on biodiversity.
- Inconsistencies in proposed working hours - proposed working hours are from 8am to 6pm with loading and unloading allowed to begin at 7am each day.
- Concerns that development will worsen flooding as Potters River frequently floods.
- The L1157 is used by joggers, cyclist and dog walkers and proposal to widen it would be devastating to area.
- Submission sets out an 11-point vision for restoring the quarry ranging from initial testing and safety measures to community involvement and engagement and collaboration with Killmacurra Gardens and OPW.

Karl Hutchinson

- The parameter of the permission being sought in the application are very broad and ill defined, particularly in the area proposed operational procedures. The scope of variance being sought is unacceptably wide.
- Clarity required in relation to what specific permission is being sought in relation to limits on volumes and frequency within operational protocols being proposed.
- A significant proportion of proposed operation details are prefaced within intent rather than commitments.
- The application needs revisions to reduce the scope of flexibility being sought by the applicant.

Keith Hutchinson

- Concerned that the applicant's own due diligence failed to discover the site was contaminated with Actinolite Asbestos before they purchased it, therefore how can any of their information and data be presumed to be accurate. The discovery of asbestos in the quarry was reported in the mid 1990's.
- Concerned that Uisce Eireann was not listed as a prescribed body to be consulted. A copy of Uisce Eireann report on the 2021 application as well as correspondence with Uisce Eireann informing them of a potential new included in submission.
- Concerns raised with the public consultation process run by the applicant including short notice periods of public meeting, number of people provided with notice of the meeting, the quality of engagement from applicant at the meeting and the lack of further engagement from the applicant.
- A post consultation comments, and feedback report dated 04th Sept 2024 addressed to Kilsaran Concrete is included with submission.
- Non-compliance with conditions attached to previous permission on site, plan ref 14/2118.
- A number of newspaper articles noting breaches of licence and health and safety at other Kilsaran operated quarries included with submission.

- Planning ref 14/2118 is subject to a restoration plan. Therefore, whether or not new development proceeds, the applicant is legally bound to restore the quarry.
- What is under the surface of the quarry maybe referred to as Naturally Occurring Asbestos but what lies across the surface of the quarry contained in piles of previously crushed aggregate and in dust on old buildings, plant and machinery cannot be referred as Naturally Occurring Asbestos. There is a high risk that the entire site is contaminated.
- Following closure of the quarry in 2016 the void was allowed to flood covering contaminated piles. The dewatering process commenced in 2022 has once again exposed these mounds which could be determinantal
- Site needs to be rigorously and independently tested by experts who have no dealings with Kilsaran.
- Concerns raised as to why asbestos containing material was returned to the site in 2016 and not sent abroad as is usual practice and what happened to plant and machinery following closure.
- Proposed road widening of the L1157 Breagura Road is flawed and proposed road width of 6m is not sufficient.
- Proposal will impact M11 which is already gridlocked.
- There is a well on the opposite side of the road to the applicant property that they are connected to.
- Kilsaran's carbon footprint calculations are very conservative.
- C&D recycling should be removed from their proposal and set up a number of smaller facilities closer to Dublin.
- Stone and soil washing should take place closer to source from where it is derived.
- Insufficient groundwater surveys completed and queries why applicant did not drill more boreholes in the void to be filled.
- The Hydrology and Hydrogeology chapter in the EIAR notes Borehole GW 2 experienced a significant water inflow and require further investigation. This

was not carried out and is concerning as it is the location of the swale to catch all the water run-off before letting it pass into the local water network untreated. This particular spot could be a direct conduit to groundwater.

- More investigations required to determine the exact levels and volume of groundwater ingress and egress to establish hard baseline figures required.
- Queries why sump is not being dewatered, if the sump is emptied and it fills again in the absence of rainfall its clear evidence of water ingress.
- The lowest point of the quarry is below the water table.
- Concerns that contaminated brownfield material is to be accepted.
- Project description referring to inert waste is misleading.
- Applicant states that if permission is granted, they intend to seek waste derogations from the EPA. This will seek to increase in permitted parameters and non-hazardous waste. Leachates from non-hazardous waste pose a threat to groundwaters and surface waters.
- Concerns raised in relation to invasive species derogation.
- No information provided in relation to testing protocols and regimes in determining waste suitability for acceptance.
- Proposed staffing levels too low and this risks contaminated loads being delivered.
- If permission is granted conditions should be attached including that all loads should be covered, a no park zone for HGV's be established within a 5km radius of the site, and dedicated complaints section established.
- Applicant only received permission for 150 truck movements per day in early 2016 and within a couple of months the site closed, therefore there is no way the site every operated at that capacity. Weigh bridge records should be provided to show actual movements.
- Applicant is unclear as to what number of trips per day are proposed and proposed movements are impractical and inoperable.

- Ballinameesda Bends is a notorious accident blackspot location (newspaper articles included).
- Presence of otters has not been proved or disproved.
- Height of cliff face and CCTV security for peregrine falcon is insufficient. A significant water body is required at the base of the cliff face for security and to encourage the re-introduction of a mix of wildlife. Creating small areas is insufficient.
- Kestrel which nest in quarry from time to time require more consideration and moth studies are required.
- A strict lighting plan and a network of pathway for wildlife is required.
- A list of wildlife recoded in area included in submission.
- The NIS is deficient as a number of studies that inform it are deficient e.g groundwater study is inconclusive.

Mary Kavanagh

- The number of trucks that will use the road, in particular the L1157 is unsustainable. The L1157 is already a very busy road with walkers, joggers and dog walkers and is used by visitor to Kilmacurrgh Gardens and as a route to Avondale Gardens. The proposed volume of trucks will impact quality of life for locals as well as safety.
- Applicant has not proven toxic substances will not enter the site or poisonous substances won't leach from the quarry over time impacting water table, wildlife, biodiversity and Potters River.
- Concerns raised in relation to monitoring of waste coming into quarry.
- Movement of vehicles around the site could potentially disturb the asbestos.
- Devaluation of property as a result of the development.
- Adequate notice of public consultation was not provided.

- Base of quarry is below groundwater level which makes it even less suitable as a landfill facility and not enough details provided as to how they intend to mitigate against contamination of water table and soil.
- Noise level will force Peregrine Falcon and other species to abandon site.

Michael Dwyer

- Observation made by Marron Environmental Consultants on behalf of Michael Dwyer.
- Principal concerns are potential increase in pollution and flooding of Potters river and the overall impact of the development on the local community.

Waste Acceptance

- Section 7.277 to 7.279 of the EIAR states that only large consignments of soil imported to the site will be subject to basic characterisation testing – all consignments should be subject to testing.
- Review of waste license issued for IMS Inert Landfill Facility in north Co. Dublin states that "a representative load from every excavation/ demolition/ waste removal/ dredging works is subjected to a comprehensive assessment which must satisfy Level 1 characterisation" and also Level 2 testing of samples shall also take place – These measures should have been the minimum proposed by the applicant in terms of initial waste acceptance procedures.
- As little as 6 no. staff is incredibly small to manage and run an operation of this scale with 600,000 tonnes of waste per year required to be processed. This may lead to all manner of errors and breakdown in environmental controls.
- Applicant should enter into agreement with Wicklow County Council and the EPA to employ a member of their staff on a full-time basis to inspect loads and acceptance documentation.

Leachate Quality and Management

- The high levels of ammoniacal nitrogen, BOD, COD, TOC, DOC, Chloride, Sulphate and metals were not considered (apart from sulphate) in any of the leachate treatment design or impact assessment.

- Also elevated levels of hydrocarbons in the leachate, however no elaboration on these.
- No information provided in the likely or worst-case scenario for volumes of landfill leachate that will be generated.
- The applicant has provided no information, raw data or rationale for the volume of leachate that will be generated at the proposed facility and therefore has not proven that it will be a mild or slightly contaminated liquid. The available evidence from EPA publications and existing inert landfills is that it will in fact be slightly contaminated.
- Queries the wisdom of using contaminated leachate for washing soil from aggregate.
- No justification/details provided for the wetland system and no information provided in relation to what volumes/constituents of leachate were considered for the design (1.06ha). No detail provided in relation to the anaerobic (biochemical reactor) wetland, the iron sequestering unit, the aerobic wetland element and chemical dosing plant.
- Applicant has not provided any proof that the proposed treatment system will work and therefore poses extreme risk to Ballinclare stream and Potters river, an important salmonid spawning river and therefore requires a higher level of protection.

Leachate management post landfill closure

- Anywhere between 100 and 300mm of rainfall could percolate through the landfill cap and into the waste pile to generate leachate. Leachate will collect in the base of the landfill and the leachate will eventually overtop the side walls and flow down uncontrolled over the surface of the landfill and into the surface water collection system.
- Leachate breakout can be exacerbated by stratification of low permeability clay layers within the waste pile causing leachate to be perched and flowing laterally leading to multiple breakouts points – could lead to dieback of grass and soil erosion.

- Once filling is completed plus one year the site is practically abandoned and effluent will naturally seek its own flow paths through areas of least resistance.
- Landfill design should include for leachate collection by way of pumping chambers with pumps installed to the base of cells within each phase of landfill, and leachate should be pumped directly to treatment plant. In this arrangement, leachate will not build up in cells and overtop lined side walls.

Non-Leachate Water Management

- The operation of the C&D recycling, soil washing, waste inspection/quarantine area and refuelling should be carried out in fully roofed and bunded or ramped areas such that leaks and spills can be collected.
- No information provided in relation to hydrocarbon interceptors or soakaways in the design.
- It is unclear if the bulk of the non-leachate drainage will be passed through the ICW.
- No information provided in relation to the volume or quality of the non-leachate flows to be treated, therefore it is unknown if the siltbuster and settlement treatment pond system is designed properly.

On site sewage treatment

- The percolation area should not be sited over an area of fill, an alternative percolation area should be assessed.
- The nature of the fill in the existing percolation area maybe contributing to bacteriological contamination of site boreholes.

Hydrology

- The section on hydrology in the EIAR contains many flaws chief among them is the fact that only 3 groundwater monitoring boreholes were installed at the site and is too small a number, given scale of project.
- The lack of information from bespoke designed borehole results in significant gaps in information necessary to properly describe the hydrogeological situation with any degree of confidence.

- For context the existing inert landfill in north county Dublin drilled c.14 boreholes in total and is currently monitoring 10 of those on a quarterly basis.
- 3 boreholes simply do not provide anywhere near enough data points to give any meaningful description of the hydrogeological regimes present at the site. This is compounded by the fact that the 3 boreholes are located almost in a straight line with each other. In order to provide groundwater contours and flow directions there must be a triangulation between a minimum of 3 boreholes and the 3 boreholes at Ballinclare are located as such that they provide little and almost no triangulation.
- No groundwater level data is provided for the quarry sump which if actively being pumped out would completely change groundwater flow direction during that time.

Permeability

- No permeability testing of any wells on or off site was carried out to prove permeability of the bedrock or of the overlying overburden.
- The presence of high levels of total coliforms and E-coli reported in the EIAR indicates that contamination is moving onto the site from off-site sources through both the bedrock and the overburden and given that the contamination is microbiological it is moving relatively fast.
- The bedrock may well be of low permeability but there is not enough evidence to establish this as fact.

Conceptual Site Model

- Only one graphic provided which shows a simplified cross section through the site.
- No groundwater contour map and no sections provided.
- The previous planning application (2017) stated groundwater was moving in a westerly to south-westerly direction and the textual CSM in the current application states that groundwater is moving in an easterly to southeasterly direction. All of this conflicting information shows there is significant uncertainty as to the actual hydrogeological regime operating at the site and surrounds.

- Landfill has significant potential to contaminate local wells, the deeper aquifer and all streams and rivers within the catchment.

Landfill Depth

- Landfill is designed such that the bulk of its depth will be located beneath the water table. The applicant needs to prove that constructing a landfill beneath the water-table is safe.

Hydrology

- The siltbuster system actually increases total suspended solids by 35% and this was not accounted for in the assessment.
- The assimilative capacity/mass balance assessment contained many flaws that require more detailed assessment.
- The WFD assessment in the EIAR is purely qualitative and does not provide any detail.
- No baseline information provided that would enable an assessment of the quality/volume of leachate to be treated. In not having this information it is impossible to carry out an Assimilative Capacity Assessment of the effects of the discharge on Potters river.
- EIAR only provides leachate treatment in the operational phase. Leachate will build up inside the landfill and will eventually overtop the sidewalls during the operational life of the landfill or afterwards.

River Potter Water levels /Flood Events

- Flood events at observers' property with photos attached to the submission.
- Clarification needed as to what methodology will be used to predict when the river is likely to overspill its banks in order that dewatering can be halted prior to flooding.
- There are no calculations in the EIAR relating to the changes in surface water flows to the local drainage network during or after filling is complete.
- EIAR should have provided calculations of the present-day volumes of surface water flow from the site and the predicted flows from the site during landfilling

and after landfilling is complete. This is to demonstrate that there will not be increased flows in the river due to the proposed activities or after closure of the landfill.

Sarah Caffrey & James Cranley

- Proposed development will have a significant negative impact on natural habitat for protected species such as peregrine falcon and otters leading to a loss of biodiversity and potential contamination of local ground water supply.
- Applicant fails to show that proposal will not impact wells and water supply.
- Acceptance of waste will be based on self-testing, self-policing and self-reporting which is unacceptable.
- Applicant has not communicated with them that they will base test the well on their property which is circa 1km from the site prior to commencement of development.
- The road network is incapable of catering for the increase in heavy vehicle traffic and poses a serious safety risks for local residents, walkers and joggers.
- Noise dust and visual impact of works will impact quality of life of residents, local business and tourism.
- Large majority of community were not informed about public consultation meeting.
- At public consultation meeting applicant was very dismissive to concerns of local residents.

Terry Hughes & Catherine Wright

- Resident and closest noise and dust receptors are horrified with the lack of transparency and disclosure both with this proposal and previous refusal on site.

- Scant mention in proposal of asbestos found in 2016 which was sent out to over 20 building sites and had to be returned.
- Dewatering of the site puts risk of asbestos fibres becoming airborne where they can cause serious health risk. The re-introduction of activities could disturb the asbestos leading to air quality deterioration and health risks.
- Before any consideration can be given to this proposal, a comprehensive plan to deal with asbestos must be independently considered and enforced.
- No work should commence on site without the advice of both HSE and EPA.
- Specialized management and abatement procedures including use of PPE for staff as well as air monitoring throughout life of project is required.
- Lack of specific measures to managing asbestos.
- Distances indicated from site to their property in submitted documents is incorrect. Observers' property is less than 755m from the furthest part of quarry, therefore the impact on them is totally incorrect.
- Independent noise assessment to be carried out as figures and calculations included in this application are flawed.
- Inaccurate representation of situation by applicant to make reference to the 2014 permission as this permission was only active for a short period and quarry closed in 2016 following discovery of asbestos.
- Noise disruption is a considerable factor as observers work from home.
- Influx of HGV's will cause exponential increase in noise level along haul route.
- EIAR does not provide detailed information on how noise mitigation measures will be implemented or monitored.
- Concerns in relation to noise impact on wildlife and cumulative noise impacts.
- Concerns in relation to contaminant emissions from landfills and C&D waste affecting quality of groundwater.
- Potential of water discharge causing contamination of Potters River and downstream area including SAC at Brittas.

- A previous application (ABP -301136-18) for landfill less than 200m from the site was denied in 2018. Proposed negative impact of this application on the area far outweighs that one in term of flood, noise traffic, environmental and health impacts.
- Insufficient data and not enough borehole data to fully characterise local hydrogeology and groundwater regime. Backfilling could disrupt groundwater flow patterns impacting nearby wells. Concerns raised about mitigation measures to protect water quality.
- Duration of works.
- Concerns that baseline condition do not accurately reflect current environmental realities.
- Biodiversity enhancement measures do not specify a timeline.
- Restoration plan as part of the original permission was ignored since quarry closed in 2016.
- Loss of habitats including woodland, grassland scrub which are home to a diverse range of flora and fauna and potential loss of annex 1 habitat.
- Impact on Peregrine Falcon, Smooth Newt and Common Frog.
- Invasive species could pose a threat if not properly managed.
- Increased traffic will impact wildlife.
- Appointment of an Ecological Clerk of Works to oversee implementation is a positive step.
- Backloading of HGV's don't make sense and is an inaccurate claim.
- Proposal will increase traffic on the L1113 and L1157 with the added danger of numerous HGV movement.

4.3.3. **Applicant's Responses to Third Party Observations:**

A number of third-party observations have raised similar issues/concerns, and the applicant has responded with a similar response in each of the individual submissions.

In order to avoid repetition, I have addressed these common issues/concerns under individual headings below and referenced where relevant in each response.

- Consultation Process
  - The Applicant considers that the local community had adequate notice of the public event and that there was targeted and effective advance communication of it through direct leaflet drops to impacted properties / residential receptors within 1km of the application site and along the L1157 haul route as well as placement of a public notice in the local press.
- Engagement with Uisce Eireann
  - There was engagement with Uisce Eireann at pre-planning consultation stage and that in its recent submission to the board UÉ advised that it is satisfied that the consultants retained by the Applicant have adequately addressed the concerns previously raised.
- Asbestos
  - Although NOA (actinolite) was detected in several stockpiles (of varying size) around the application site, it was absent or at / below the limit of detection at the majority (>65%) of them. These stockpile locations are known and mapped, are identified on-site by warning signage and have not been disturbed since the quarrying and production activities were suspended at the quarry in 2016.
  - Returned NOA materials were placed above the quarry floor in the north-eastern corner of the quarry and capped with a layer of sand, geotextile, stone and topsoil. Traffic movements around the quarry were also re-routed where necessary to avoid stockpiles with detectable levels of NOA.
  - The Applicant sets out details of air and water testing undertaken and engagement with the HSA and WCC in relation to Naturally Occurring Asbestos (NOA) on site. The applicant is satisfied that at the present time, the potential presence of NOA in rock exposures, and its presence at a number of aggregate stockpiles and at the returns area, does not present any risk to site staff, contractors, hauliers or to the general public.

- In response to concerns raised in this and other submission around the potential for any asbestos fibres in stockpiled aggregates placed in the sump to become potentially mobile in groundwater and impact surrounding groundwater supply wells, the Applicant commits to placing all stockpiled aggregate materials above / within the landfill liner to inhibit potential future mobility of any NOA / ACM fibres in groundwater. These works will be carried out in line with detailed protocols and procedures, developed with the technical advice and support of an independent specialist consultant and subject to prior agreement, approval and oversight by both the HSA (as regulatory body for occupational health and safety) and the EPA (as part of the waste licensing process or in accordance with waste licence conditions).
- The NOA materials on the quarry floor in the north-eastern corner which are currently capped in-situ will not be moved or disturbed and will remain in place. The inert landfill liner (composing a minimum of 1m depth of low permeability soil) in this area will be placed and compacted over these materials.
- Any existing stockpiles of site-won aggregate located beyond the quarry / landfill footprint which are also known to have NOA above detectable limits will not be disturbed (excavated or moved) at any stage of the proposed development, will be further capped as required and traffic / personnel access will be restricted.

- Flooding
  - The application site is not adjacent to the Potter's River, nor does it interact with or overlap with any fluvial floodplain along the Potter's River.
  - In addition, the discharge flow volumes from the site are negligible in comparison to flood flow volumes within the Potter's River and the discharge can be put on hold during significant flood events in the Potter's River.
  - There will be no significant change in flow discharging to the Potter's River, and therefore the flow (or volume) of water will not affect the functioning of the hydrology of protected habitat.

- Quarry Restoration - in accordance with plans and conditions attached to one or other permitted past permissions - Wicklow County Council (WCC) Planning Ref. 07/45 and Planning Ref. 14/2118
    - To advocate for this essentially 'do-nothing' scenario is to ignore the fact that there have been two significant developments at Ballinclare Quarry since the referenced permissions were granted – the first being the discovery of Naturally Occurring Asbestos (NOA) in rock exposures around the quarry in June 2016, the second being the identification of elevated metal concentrations (specifically arsenic from natural sources) in the surface water body which developed in the quarry void following the cessation of dewatering and pumping from the sump on the quarry floor. (Prior to this, when the quarry was operational, all incident rainfall, surface water run-off and groundwater ingress which collected in a sump at the lowest point on the quarry floor was used for on-site concrete production and dust suppression, with the result that there was little or no off-site discharge).
    - The proposed backfill of the quarry void by way of an inert, lined landfill facility, principally using excess soil and stone from construction and demolition activity, as provided for in this application, will simultaneously cover / seal rock exposures in the quarry face and floor and prevent formation of a surface water body with elevated metal concentrations within the quarry void.
- Traffic
    - The current proposal forecasts an average daily trip generation of 96 No. loads per day which is forecast to generate 10 No. loads per hour arriving at the development (a 'trip' includes the inbound and outbound 'movements'). On the basis of the proposed backhaul arrangement there will be a corresponding 4-5 No. loads per hour leaving the development and 5-6 No. HGV leaving the site empty.
    - The speed limit on the L1157 is 60 km/h and the distance from R772 to the site access is 2 km so it is reasonable to expect that the travel time along the L1157 will be approximately 2 minutes.

- Ballinclare Quarry was granted planning permission in 2008 (under Planning Reg. Ref. 07/45). That permission was subject to 70 No. HGV. The grant of permission did not restrict or limit in any way the use of the receiving road network.
- The development permitted under Planning Reg. Ref. 14/2118 was restricted to a total daily HGV traffic generation rate of 150 No. in and 150 No. out). Similarly, that permission does not restrict traffic movements to the receiving road network. The Applicant has on a voluntary basis, applied an informal policy of HGV traffic following a one-way route comprising the L1157 and L1113 Local Roads.
- The current proposal seeks to generate an average of 96 No. HGV trips per day and the traffic assessments consider both the average and a robust figure of 144 No. trips (based upon ± 50% fluctuation) to account for seasonal fluctuations etc. and the best practice consideration of figures higher than the average.
- For the 2km section between the application site and the R772 junction under a scenario where the quarry is closed, the annual average daily traffic (AADT) is forecast at 545 No. vehicles. With the permitted development operating at the forecast average rate, the forecast AADT is 762 No. vehicles. It is clear that the link capacity of the L1157 is a multiple of the forecast flows. Traffic flows on the L1157 cannot therefore be characterised as 'extremely busy'.
- The Council indicated at pre-planning that a shorter haul route along the L1157, directly to and from the R772, was preferred and that the shorter route would need to be subject not only to appropriate road strengthening, but also to road widening works where appropriate, to accommodate the safe opposed passage of HGV traffic.
- The proposed improvement works to the public road are all within the existing public road curtilage and can be carried out by the Road Authority. This is reflected in the Wicklow County Council Chief Executive's Report.
- The existing R772 / L1157 junction was designed and constructed by Wicklow County Council expressly to accommodate HGV traffic and to

provide visibility standards at the R772 ghost island junction that comply with the appropriate DMRB requirements. The small incremental increase in traffic at a lightly trafficked junction is not significant. It is also noted that TII in their submission raised no concerns whatsoever with respect to the potential impact of the proposed development upon the capacity or operation of the M11.

- Dewatering Consent
  - The dewatering process which commenced in October 2022 (including treatment to reduce elevated concentrations of arsenic in ponded water to specified environmental standards) is fully authorised by existing planning and/or discharge consents. It is in accordance with discharge licence Wicklow County Council Ref No. WPL 116.
- Peregrine Falcons
  - The Applicant and its retained ecological consultant team, through a series of consultations with experts in the National Parks and Wildlife Service (NPWS), developed a mitigation strategy which includes the retention of an area of the rock face and the provision of an artificial nesting ledge. In addition, biodiversity considerations were also to the fore in the design of the progressive landscaping and restoration plan.
  - Peregrine, like many other birds, are vulnerable to nest predators, from above and below. Given that nest predators are also often bird species, the stated concern that a cliff height of 15m is intrinsically unsuitable for nesting, whereas a cliff height of 20 or 30m might be deemed suitable does not withstand scrutiny.
  - Peregrines are also highly capable of defending their nest site from ground predators and do so irrespective of the height of nest, or the direction from which the threat approaches.
  - There will be active monitoring of breeding Peregrine as part of the package of mitigation commitments provided in Chapter 5 of the EIAR. There is also provision for a camera mount to enable licensed monitoring of the nest site which should be an effective deterrent for those seeking to disturb or remove

nesting birds, eggs or chicks. The monitoring strategy was developed on foot of consultations with the experts in NPWS.

- Invasive Species
  - The Applicant is not seeking a derogation to import and dispose of invasive species at the inert landfill facility, rather it seeks to accept soil which could potentially contain (or be contaminated by) rhizomes from which such plants could grow. Such intake would only be permitted with the prior approval of the EPA to establish a small, dedicated cell within the landfill void space in which such impacted soils could be placed, managed and regulated by way of conditions attaching to a waste licence. This provision is included in the development proposal on a contingency basis as there is currently a shortage of facilities with capacity to accept and manage these impacted soil wastes within the State at the present time.
- Hours of Operation
  - Weekday operating hours for proposed development activities will be between 08:00 hours and 18:00 hours, Monday to Friday. In line with the previous planning permission, it is envisaged that that loading and unloading of lorries will take place from 7am each working day. No work other than general housekeeping (site management) activities and plant maintenance will take place on site on Saturdays. The facility will be closed on Sundays and Public / Bank Holidays.
  - The Applicant considers that the proposed weekday working hours are essential to service the needs of the construction and development sector which typically observe similar working hours.
  - The Applicant has no intention of permitting HGV drivers to remain on site overnight to facilitate early commencement on site works / haulage trips, nor is there any suggestion or proposal to this effect in the EIAR
- Groundwater Surveys
  - A significant quantity of hydrological and hydrogeological baseline data was collected for the 2024 EIAR.

- Figure 7-1 of the EIAR indicates 24 No. locations at the application site and surrounding the application site where geological and hydrogeological data was gathered. To imply only 3 No. groundwater boreholes were used, and that they are in a straight line is not correct. Water level monitoring data from 8 No. groundwater boreholes are included in Figure 7-6 of the EIAR.
- With regards to the quantity of drilling data, it is important to also point out that the need for further investigation was considered unnecessary for the following reasons:

  • All previous drilling at the application site essentially indicated the same geology.

  • There is ~1.5km of exposed quarry face within the site, some of which are 30-40m high. These exposures tell us all that needs to be known about the geology of the application site.

  • There are also further exposures of bedrock in the Council Yard to the west/northwest of the application site.

  • Geology and hydrogeology at the application site was not a reason for refusal on the previous application (ABP-309991-21).

  • Additional drilling would likely have invited criticism from a Health & Safety perspective.

  - In summary, the geology of the application site does not change in any corner east or west, north or south. The geology of the application site is dominated by hard, competent, very low permeability Diorite. All previous drilling recorded this same geology. There is sufficient data contained within the EIAR to describe the geology of the application site, and also to characterize and define the hydrogeology of the application site.

- Groundwater Contamination
  - With respect to concerns regarding potential development impacts on groundwater quality, the following mitigation measures are outlined in Chapter 7 of the EIAR:

    • Standard controls for re-fuelling of plant and machinery and the existing on-site wastewater system.

• Phased approach to drainage management within the application site for all phases of the proposed development.

• Reuse, and/or treatment and discharge of excess water.

• All material placed within the quarry will be inert.

• Imported material will be inspected and tested.

• The infill area will have an engineered liner.

Response to Amanda O'Sullivan and others

- Consultation Process - See Response above
- Engagement with Uisce Eireann - See Response above
- Asbestos - See Response above
- Biodiversity
    - The Applicant and its retained ecological consultant team, through a series of consultations with experts in the National Parks and Wildlife Service (NPWS), developed a mitigation strategy to address such concerns.
    - Biodiversity considerations were also to the fore in the design of the progressive landscaping and restoration plan. It will see the creation and retention of high biodiversity value habitats such as broad-leaved woodland and wetlands
- Peregrine Falcon – See response above
- Invasive Species – See response above
- Groundwater contamination
    - See response above
    - Contamination of groundwater wells - This will not occur as all water will be treated prior to discharge and will be discharged in accordance with the terms of the discharge licence.
- Flooding
    - See response above

- All discharge water from the application site will be treated prior to discharge, and the discharge flow volumes are negligible in comparison to flood flow volumes within the Potter's River.

- Designated sites
  - Buckroney-Brittas Dunes and Fen SAC / pNHA is located a considerable distance downstream of the proposed site (c. 11.5km downstream when measured along the river channel), therefore there is very limited potential for site operations to affect groundwater or surface water quality over those distances.
  - With the application of the recommended mitigation, the NIS concludes that there is no residual risk of significant effects occurring as a result of negative effects on water quality.

- Climate
  - The proposed development will not, of itself, generate any additional HGV haulage emissions – these will primarily be generated by future construction and development activity, and such emissions will arise irrespective of whether the proposed development proceeds or not.
  - The co-location of soil waste / by-product intake and processing facilities and (recycled) aggregate production at one site will facilitate a reduction in the overall number of HGV journeys generated by these activities through optimisation of haulage activities using backloading systems.

- Traffic
  - See response above
  - This development provides for the L1157 to be strengthened and widened with additional works to improve drainage and the roadside verge. The L1157 will be resurfaced and will provide an upgraded geometry which can accommodate the passage of two large vehicles meeting opposed.
  - In respect of traffic conflicts with pedestrians and amenity uses of the L1157 Local Road, it is noted that the widening of the existing road will

accommodate walkers and cyclists by providing additional road space. While existing verges will be reduced in width, it will not be to the extent that areas where walkers can step off the road and into the verge will become inaccessible

Ballinclare Alliance Co. Ltd.

- The proposed development accords with planning policy and national objectives in respect of sustainable waste management and that the need for this infrastructure is, if anything, more pressing than ever, particularly in view of more recent legislative enactments designed to support circularity and promote sustainable waste management.
- Quarry Restoration - See response above.
- Air emissions arising from NOA exposures at the quarry and the potential impacts of elevated arsenic levels and/or asbestos fibres on local groundwater quality
    - The proposed backfill of the quarry void by way of an inert, lined landfill facility, principally using excess soil and stone from construction and demolition activity, will simultaneously cover / seal rock exposures in the quarry face and floor and prevent formation of a surface water body with elevated metal concentrations within the quarry void.
- The backfilling of the quarry will also facilitate, complement and progress concurrently with the continued production of construction grade aggregates from both natural materials (soil washing / cleaning) and construction and demolition (C&D waste materials (though recovery / recycling processes).
- Dewatering Consent– see response above.
- Asbestos - See response above.
- Contrary to assertion made by the observer no soils or subsoils at Ballinclare Quarry have recently been moved around the application site.
- The results of water quality tests in respect of off-site discharges to the Ballinclare Stream / Potters River have been provided to Local Authority

officials on an ongoing basis since October 2022. Water quality test results to date have all been generally compliant with licence discharge standards with only occasional minor exceedances.

- The Board will note from its more recent submission that UÉ is satisfied that consultants retained by the Applicant have adequately addressed the concerns previously raised by it.
- It is noted that Transport Infrastructure Ireland (TII) who hold responsibility for the development and operation of the national road network has not identified any concern around potential capacity constraints along the M11 / N11 transport corridor in its submission in respect of the proposed development
- it is emphasised that off-site tankering of surface water discharge is only identified as the ultimate backstop in the highly unlikely event that a myriad of other management solutions fails to achieve the off-site discharge quality. In addition, for much of the projected life of the proposed development (following Phase 1C landfilling), there will be a water deficit on site and much of the rainfall / run-off will be captured and re-used within the facility for soil washing purposes, dust suppression and wheel washing.
- Contrary to the observers' assertions, the Board did not refuse the previous SID application (ABP-309991-21) because of concerns about the adverse impacts on water quality at the application site. Such concerns were principally tied to potential interactions between the aquatic environment and biodiversity, which in turn arose principally from the perceived inadequacy of baseline ecological / species surveys.
- Of the maximum of 600,000 tonnes imported per annum, it is expected that there will be almost 100% recovery of solid C&D waste (maximum 50,000 tonnes / annum) and of the order of 225,000 tonnes per annum of recycled aggregate won from soil washing activities.
- The design and sizing of the proposed Integrated Constructed Wetlands is based on several conservative assumptions around the nature (geochemical composition) of the soil and stone materials which will be accepted. The

detailed design of the ICW will be subject to review and approval by the EPA as part of the waste licensing process.

- It is not possible to provide raw data on leachate quality in advance of commencing landfilling activities at the facility.
- The design of the inert landfill at this site (including details in respect of basal / side lining systems, capping and leachate management) complies with the Landfill Design Manual published by the EPA and will be subject to detailed scrutiny and review by the Agency as part of the waste licensing process.
- The previous SID application was refused primarily on the grounds of a perceived deficiency in the baseline ecological surveys undertaken at the site. This issue has been substantially addressed by this application and by extensive engagement with officials from the National Parks and Wildlife Service (NPWS) as detailed in the application documentation, with the result that there is greater certainty around the potential development impacts on ecology and biodiversity.
- The Applicant acknowledges that the application site at Ballinclare has not been restored in line with previous planning permissions (Ref 07/45 and 14/2118), principally because of changed circumstances to those envisaged at the time those permissions were granted (i.e. presence of NOA and elevated arsenic levels in the water body within the quarry void). The Applicant considers that backfilling the quarry provides for a better long-term environmental solution than leaving rock faces exposed and an open contaminated water body at the site.
- The fact that the application site is not specifically zoned for the proposed development (or indeed any) activity or land use does not preclude the Applicant from seeking permission for any proposed rural enterprise development provided it complies with national, regional and local planning policies and objectives.
- Traffic
    - See response above

- There is no objective rationale or calculation that might reasonably confirm the claimed scenario where there would be 24 No. HGV on L1157 at any one time. The calculation in the submission is incorrect.

- Noise
  - No quantitative analysis to support the assertion that noise emissions from the application site would be contrary to national guidance and legislation as well as the Wicklow County Development Plan 2022-2028 provided.
  - The distances presented reflect proximity to the nearest façade of each dwelling. A review of satellite imagery suggests that all of the impacted dwellings along the L1157 have some acoustically sheltered amenity space to the rear. Conversely all dwellings have facades that are located in much closer proximity to the roadside. The most important consideration in assessment is therefore the façade of noise sensitive dwellings rather than external amenity space.
  - In relation to noise concerns at the Green Angel Skincare a planning application (20/982) for change of use of first floor from residential to a function room was submitted in October 2020 in the full knowledge and awareness that there were two extant permissions in place for quarry development at Ballinclare Quarry and that this did not appear to unduly concern the site owners / developers at the time.

- Air quality - the proposed development envisages that only the aggregate stockpiles located across the quarry / landfill footprint will be excavated and placed above / within the landfill liner to inhibit potential future mobility of any NOA / ACM fibres in groundwater. Any of these stockpiles which are known to have NOA above detectable limits will be handled in line with detailed protocols and procedures subject to prior approval both by the HSA and by the EPA (as part of the waste licensing process). Any existing stockpiles of site-won aggregate located beyond the quarry / landfill footprint which are known to have NOA above detectable limits will not be disturbed (excavated or moved) at any stage of the proposed development.

- Ecology/biodiversity
    - The proposed development site is not within or closely adjacent to any designated European site
    - A full survey for invasive species within the proposed development site was carried out and an Invasive Species Management Plan was provided in Appendix 5.4 of the EIAR. There are no pathways by which invasive plants would be likely to be spread to any of the European sites in the wider hinterland area.
    - A key difference from the previous SID development is that the settlement ponds at the application site where Smooth Newts are confirmed to be present will be retained as part of this current application. Water flow will be directed through the ponds on an ongoing basis to keep the ponds aerated and open and, as such, it is likely these ponds will continue to be attractive for Smooth Newt and Common Frog.
    - The site was subject to detailed ecological surveys, and the mitigation approach and assessment were prepared by a team of experienced professional ecologists.
    - The Glenealy Woods pNHA and Deputy's Pass Nature Reserve SAC are located c. 1.1km and 1.6km north-west of the application site respectively. However, as both are at a higher ground level, in different aquifers and upstream of the discharge to the Potter's River, they will not be impacted by any activities at the application site. There is no hydrological pathway from the proposed development site to Glenealy Woods pNHA and Deputy's Pass Nature Reserve SAC. There are no aspects of the proposed project, alone or in combination with other plans or projects that were identified which would give rise to likely significant effects on Deputy's Pass Nature Reserve SAC or Glenealy Woods pNHA.
    - Buckroney-Brittas Dunes and Fen SAC / pNHA is located a considerable distance downstream of the proposed site (c. 11.5km downstream when measured along the river channel), therefore there is very limited potential for site operations to affect groundwater or surface water quality over those distances. The NIS considers the potential for adverse impacts on the SAC

through each stage of the development and into decommissioning/restoration phase.

  - NPWS has not made any submission on this application to contradict the Applicant's contention that the detailed surveys carried out on its behalf by Ecology Ireland (refer to Chapter 5 of the EIAR and the NIS) are sufficient to inform the ecological assessments of the proposed development.
  - Detailed surveys were carried out of both terrestrial and aquatic habitats, as stated in Chapter 5 of the EIAR.

- Water Framework Directive
  - The application presents detailed mitigation measures designed to protect downstream water quality. With the implementation of those prescribed mitigation measures, the potential for the proposed development to alter the current WFD status or to contribute to the prevention of the SWB from meeting its WFD objectives remains unaltered.
  - The proposed infill of the quarry void (including the engineered liner) prevents the indefinite exposure of the exposed geology and proposes a long-term managed solution for drainage and run-off control at the application site.
- Groundwater Surveys - see response above
- Flooding – See response above

Christian Osthof

- Quarry Restoration – See response above
- Dewatering Consent - See response above
- Consultation Process - See response above
- Timescale - the applicant is confident that based on current economic and demographic trends that the project, as conceived, will be completed within the projected 25-year lifespan.
- Asbestos **-** See response above

- Water and Hydrology
    - See response to Groundwater Surveys above
    - Dewatering of the quarry commenced in October 2022. Over 25% of the total drawdown in the quarry void since the commencement of pumping occurred during the 2024 calendar year. During 2024 monitoring of on-site wells GW2 and GW3 commenced in January 2024, and monitoring in other domestic wells further from the application site commenced in June 2024. None of the continuous monitoring of groundwater levels at the site or off site shows any evidence of water level drawdown beyond normal (local) pumping and minor seasonal trends.
    - All inert waste intake to the proposed inert landfill facility will comply with the contaminant threshold limits for such waste permitted by Council Decision 2003/33/EC which establishes criteria and procedures for the acceptance of waste at landfills in accordance with principles set out in the Landfill Directive (1999/31/EC). While a significant proportion of the annual intake to the landfill facility (~25%) will be generated by soil / aggregate washing activities, the bulk of it will be soil and stone imported (as-product) from greenfield sites and as waste from brownfield sites. The Applicant's expectation, based on experience of soil wash plant performance at established locations elsewhere is that the filter cake materials will readily comply with the permitted landfill intake criteria set for waste at the co-located landfill facility and that there will be no impediment to its use in backfilling the quarry.
    - Regarding the assertion that legislation prohibits waste materials being placed below the water table, the Board will note that there are a number of operational (unlined) soil waste recovery facilities currently licensed by the EPA including a soil recovery facilities operated by Kilsaran at Kilmessan (Licence Ref. W0296-01) and two operated by Roadstone Ltd. at Huntstown (Licence Ref W0277- 03) and Milverton (Licence Ref. W0272-01). It is further noted that soil waste intake criteria for unlined soil recovery facilities before early 2020 (when the EPA amended intake criteria) were, in practice

and effect, the same as those prescribed for inert landfills by Council Decision 2003/33/EC.

- Post landfill closure, most incident rainfall over the landfilled mass will run-off over the restored ground surface to the local surface water drainage network and will not infiltrate or recharge to groundwater through the landfilled soil mass.

- Invasive Species – See response above
- Peregrine Falcon
  - See response above
  - While the facility will be gradually infilled to the final restoration level it will take many years for the void to be filled and the restoration to be completed. The nest ledge will be installed at the outset of the project, not at the termination of the restoration. This will provide a stable and consistent nesting resource for Peregrine during the infilling and into the restoration and closure phase.
  - Peregrine Falcon pairs nest successfully in many of Ireland's most active quarry facilities (G. Fennessy pers obs.). Birds which are frequently exposed to human activities may become more accustomed and tolerant of certain activities compared to those which do not regularly encounter anthropogenic activity (Newton 1979). Peregrines have successfully nested in densely populated urban environments and in close proximity to human activities in active quarries.
  - The mitigation strategy developed for Peregrine Falcon was informed by consultation with experts from NPWS from Wicklow Mountains SPA. Providing nesting habitat in perpetuity is part of the current proposal and the assessment of impacts has had due regard to all National and European legislation.
- Annex I habitat 3140 Hard oligo-mesotrophic waters with benthic vegetation of Chara spp
  - The Marl Lake (3140) Surveys and Assessment Methods Manual (Roden et al. 2020) makes no mention of the known occurrence of this habitat at

artificial sites in Ireland. In addition, the Applicant's aquatic ecologist (Ross Macklin) is familiar with the habitat and is satisfied that the quarry void did not meet the necessary criteria.

- Bats
  - Mr. Osthoff's observation of crevices in the rock-face and potential suitability for roosting bats is noted.
  - The extensive bat surveys have evaluated evidence for the presence of local roosts, and all of the evidence suggests that the concentration of roost features is likely to be associated with dwellings in the wider locality.
- Natura Impact Statement
  - The likelihood of any significant effects on any of the qualifying interests (Q's) of the Buckroney-Brittas Dunes & Fen SAC is low, even in the absence of mitigation. The proposed development site is located c. 11.5km upstream of the SAC and the dispersal, dilution and settlement effects greatly reduces the likelihood of significant effects on the coastal site. On a precautionary basis, acknowledging the presence of the hydrogeological link, the potential for adverse impacts on this SAC was considered in detail in the NIS. Detailed mitigation measures are presented which serve to address any risks of water-quality mediated effects.
- Dust - The impact assessment concluded that, with much of the planned site activity taking place beneath / in front of a high quarry face combined with the implementation of several mitigation measures, the residual dust impact at Mr. Osthof's property (and by extension his horticultural business) would be acceptable.
- Noise
  - Working hours - The proposed weekday working hours are essential to service the needs of the construction and development sector which typically observe similar working hours.
  - Receptor Distance Inconsistencies - The predicted noise levels presented in Table 10-14 and 10-16 of the EIAR present an accurate reflection of potential noise levels arising at noise sensitive properties.

- The noise impact assessment presented in Chapter 10 of the EIAR conservatively assumed a worst-case scenario whereby the C+D recycling shed would be open fully on the north and south façade. Under this particular scenario, taking into account moderate screening offered by the extant quarry walls, noise levels at nearest noise sensitive receptors could still achieve the adopted operational criteria of 50 dB LAeq,T. It is however envisaged that the C+D recycling shed will be fully enclosed structure and when allowance is made for this, the predicted noise levels associated with the C+D recycling shed should be significantly lower from this specific on-site activity.

- Lighting -There will be no lighting at the application site except during working hours over early morning and late evening periods in winter months. While some heat or movement sensitive security lighting will be fixed to key site structures, it will only be activated (if at all) for short intermittent periods.
- Traffic/Climate - When implemented, backloading of haulage trucks / HGVs will effectively halve the number of return trips which would otherwise arise. Co-location of facilities at one site will therefore help to achieve a net overall reduction in the current combined volume of HGV movements to and from waste / by-product intake facilities and existing pits and quarries.
- Operational Aspect – there will be rigorous pre-screening and prior approval for all waste intake, in line with waste licence conditions prescribed by the EPA.
- Vision
    - Many of the elements in the observer's vison (other than the drowned quarry void) will be incorporated in one form or another into the proposed site restoration plan The key differences between the two visions are those of scale and timing.
    - To advocate for the inclusion of an open water body in the existing quarry void is to ignore the fact that there have been two significant developments at the quarry since these permissions were granted – the first being the discovery of NOA in rock exposures around the quarry in June 2016, the second being the identification of elevated metal concentrations (specifically

arsenic from natural sources) in the surface water body which developed in the quarry void following cessation of pumping from the quarry sump.

Cllr Joe Behan

- Consultation Process – see response above
- Asbestos
  - See Response above
  - In addition, the Applicant states that at all times since discovery of NOA at the quarry in 2016, all on-site activities were overseen by, and subject to detailed protocols agreed with, both the Health and Safety Authority (HSA) and Environmental Protection Agency (EPA).
  - Bi-annual monitoring of ambient air and water since the discovery of asbestos in 2016 has not detected elevated asbestos levels in any air or water samples.
  - The Applicant has shared the results of all asbestos related tests to date with both WCC and the HSA and will continue to do so. It also commits itself to continued engagement with the HSA and EPA on the future management / handling of NOA / ACM at the application site.
  - The Applicant is satisfied that at the present time, the potential presence of NOA in rock exposures, and its presence at a number of aggregate stockpiles and at the returns area, does not present any risk to site staff, contractors, hauliers or to the general public.
- With the application of the recommended mitigation, the NIS concludes that there is no residual risk of significant effects occurring as a result of negative effects on water quality.
- Traffic
  - See response above.
  - It is noted that the widening of the existing L1157 road will accommodate walkers and cyclists by providing additional road space. While existing

verges will be reduced in width, it will not be to the extent that areas where walkers can step off the road and into the verge will become inaccessible.

- The proposed development increases the queuing capabilities at the application site from 10 No. articulated vehicles to approximately 28 No. articulated vehicles. There is space to queue and recirculate articulated vehicles at the site reception area and the system has the capacity to handle approximately 30% of the forecast daily traffic were it all to arrive at the one time. There will be no buildup of trucks on the public road.

Cllr. Pier Leonard

- See Response above to re - Consultation Process
- See Response above to re – Asbestos
  - In addition, the Applicant states that at all times since discovery of NOA at the quarry in 2016, all on-site activities were overseen by, and subject to detailed protocols agreed with, both the Health and Safety Authority (HSA) and Environmental Protection Agency (EPA)
  - Bi-annual monitoring of ambient air and water since the discovery of asbestos in 2016 has not detected elevated asbestos levels in any air or water samples.
  - The Applicant has shared the results of all asbestos related tests to date with both WCC and the HSA and will continue to do so. It also commits itself to continued engagement with the HSA and EPA on the future management / handling of NOA / ACM at the application site.
  - The Applicant is satisfied that at the present time, the potential presence of NOA in rock exposures, and its presence at a number of aggregate stockpiles and at the returns area, does not present any risk to site staff, contractors, hauliers or to the general public.
- Scale of Proposal - the applicant sets out that it is appropriate that certain categories of infrastructure development at strategically located sites within the County should accommodate not just local area and County needs, but also

those of the wider regional area. As the proposed waste facility has been classified as Strategic Infrastructure Development by An Bord Pleanála, the Applicant considers that its siting / location and scale should be viewed in a regional context, and not just solely in a local or community context.

- Tourism Impacts - The EIAR established that the proposed development will have little, if any, adverse impact on Kilmaccuragh Gardens. Potential visual impacts are assessed in the EIAR as minor to negligible.
- Waste Intake Procedures - Rigorous pre-screening and prior approval for all waste intake, in line with waste licence conditions prescribed by the EPA will be adhered to.
- Biodiversity - With the application of the recommended mitigation, the NIS concludes that there is no residual risk of significant effects occurring as a result of negative effects on water quality.
- Landfill below ground level - the Applicant points out that several unlined EPA licensed (unlined) soil waste recovery facilities have been developed in former quarries extending below the groundwater table e.g. at Kilmessan Co. Meath (Licence Rec. W0296-01), operated by the Applicant, and at Huntstown Co. Dublin (Licence Ref W0277-04) and Milverton Co. Dublin (Licence Ref. W0272-01), both operated by Roadstone Ltd.
- Traffic
    - See response above
    - It is noted that the widening of the existing L1157 road will accommodate walkers and cyclists by providing additional road space. While existing verges will be reduced in width, it will not be to the extent that areas where walkers can step off the road and into the verge will become inaccessible.
    - The proposed development increases the queuing capabilities at the application site from 10 No. articulated vehicles to approximately 28 No. articulated vehicles. There is space to queue and recirculate articulated vehicles at the site reception area and the system has the capacity to

handle approximately 30% of the forecast daily traffic were it all to arrive at the one time. There will be no buildup of trucks on the public road.

Colclough Byrne

- Quarry Restoration – See response above
- Traffic
    - The Roads Authority advised that it was appropriate that the Applicant consider a shorter haul route to access the application site using the L1157, but qualified that use of this route was contingent on suitable strengthening and improvement works.
    - This volume and frequency of vehicle movement is considered unlikely to give rise to significant road capacity issues - 10 HGV trips per hour.
    - Existing farm traffic - To assist with vehicles positioning for exiting the farm access, road improvement works at the existing main farm access achieve an additional 1.04m separation between the access and the edge of the road, which provides additional space for positioning a vehicle.
    - The widening of the existing road to 6.0m is likely to accommodate walkers and cyclists by providing additional road space. Existing verges will be reduced in width but not to the extent that areas where walkers can step off the road and into the verge will become inaccessible.
    - A key aspect of a public road is that it is under the charge of a Road Authority and maintained at public expense. The boundary of a public road generally extends to the outer edges of the road infrastructure (including verges and footpaths) and includes any drainage ditches or embankments required for the integrity of the road.
- Noise
    - It is now envisaged that the recycling shed will be a fully enclosed structure and as a result, the predicted noise levels associated with the C+D recycling shed represent a worst-case scenario and the noise levels that will arise in reality should be significantly lower from this specific on-site activity.

- In response to concerns expressed by Mr. Byrne about the potential absence of any noise screening once landfilling activities progress to higher levels, it should be noted the landfill landform will not project above original (pre-excavation) slope levels and plant / machinery will only be operating above quarry faces (without any noise screening by them) for relatively short periods over the later stages of the proposed development. Notwithstanding this, it will still be possible to provide some noise screening between landfill activities at higher levels, between working plant and nearby sensitive receptors

- Working Hours - see response above.
- Dust Management - Much of the planned site activity taking place beneath / in front of a high quarry face and combined with the implementation of several mitigation measures, the residual dust impact at Mr. Byrne's property would be insignificant.
- Invasive Species - see response above
- Water - The EIAR infers that water wells which are drilled into bedrock, and do not receive water from the overlying subsoil deposits, are likely to be low yielding. No inference is made in the EIAR regarding the yield of Mr. Byrne's well.
- Air Quality (Asbestos)
  - Bi-annual monitoring of ambient air and water since the discovery of asbestos in 2016 has not detected elevated asbestos levels in any air or water samples.
  - The Applicant has shared the results of all asbestos related tests to date with both WCC and the HSA and will continue to do so. It also commits itself to continued engagement with the HSA and EPA on the future management / handling of NOA / ACM at the application site.
  - The Applicant is satisfied that at the present time, the potential presence of NOA in rock exposures, and its presence at a number of aggregate stockpiles and at the returns area, do not present any risk to site staff, contractors, hauliers or to the general public.

- See also response to Asbestos above

Jane Bradbury

- Road width/Surface Water
  - No road strengthening works are required or proposed along the boundary of the Bradbury property. Local road widening over the frontage of the property is achieved by widening on the opposite side of the road only, so the existing drainage ditch along the property frontage will not be disturbed by road widening works. The road strengthening and widening scheme will prioritise the preservation of existing drainage channels and improvement to existing roadside swales and verge run-off areas.
  - The Applicant asserts that the existing R772 / L1157 junction, as previously designed by Wicklow County Council, was constructed specifically to accommodate HGV traffic movements and provides the required visibility sightlines at the R772 ghost-island junction.
- Speed control - The speed limit along the L1157 has recently been reduced (to 60kph) and the road improvement works include driver feedback signing measures to reinforce the speed limit to all motorists.
- Vehicles Meeting Opposed - The current speed limit along the L1157 is 60 km/h and the distance from R772 to the site access is 2km, so it is reasonable to expect that the travel time along the L1157 will be approximately 2 minutes. Assuming an average traffic generation scenario of 10 HGVs per hour, the frequency of HGV arriving at and leaving the site is 1 every 6 minutes. Given that it takes 2 minutes to travel the route, it can be expected that an inbound vehicle will more frequently not meet an outbound vehicle than meet one.
- Hours of Operation – see response above

Jane Dwyer

- Asbestos Management – See response above

Jean Melia

- Asbestos Management – See response above
- Groundwater Contamination **–** See response above
- Engagement by Uisce Éireann – See response above
- Landfill burial below Groundwater level **-** several unlined EPA licensed soil waste recovery facilities have in fact been developed in former quarries extending below the groundwater table e.g. at Kilmessan Co. Meath (Licence Rec. W0296-01), operated by the Applicant, and at Huntstown Co. Dublin (Licence Ref W0277-04) and Milverton Co. Dublin (Licence Ref. W0272-01) both operated by Roadstone.
- Flooding - The application site at Ballinclare Quarry was a former hill (or high point) and does not lie within any mapped flood zone
- Peregrine Falcon – See response above
- Invasive Species - See response above
- Climate
    - The proposed development will not, of itself, generate any additional HGV haulage emissions – these will primarily be generated by future construction and development activity, and such emissions will arise irrespective of whether the proposed development proceeds or not.
    - The co-location of soil waste / by-product intake and processing facilities and (recycled) aggregate production at one site will facilitate a reduction in the overall number of HGV journeys generated by these activities through optimisation of haulage activities using backloading systems.
- M11 Traffic - It is also noted that TII in its recent submission to the Board raised no concerns whatsoever in respect of the potential impact of the proposed development upon the capacity or operation of the M11.
- Working Hours - the applicant has no intention of permitting HGV drivers to remain on site overnight to facilitate early commencement on site works / haulage trips, nor is there any suggestion or proposal to this effect in the EIAR.

- Traffic – See response above

Joe Fallover

- Asbestos – see response above
- Waste acceptance - rigorous pre-screening and prior approval for all waste intake, in line with waste licence conditions prescribed by the EPA.
- Baseline well survey - To complete a baseline assessment of all groundwater supply wells within 10km of the application site, as suggested, would be cover an area in excess of 300km2 . Such an extensive survey would be unprecedented and is, in any event, entirely unnecessary given the prevailing geological and hydrogeological conditions recorded around the application site.
- Engagement with Uisce Éireann – see response above
- Landfill Burial below Ground water Level - several unlined EPA licensed soil waste recovery facilities have in fact been developed in former quarries extending below the groundwater table e.g. at Kilmessan Co. Meath (Licence Rec. W0296-01), operated by the Applicant, and at Huntstown Co. Dublin (Licence Ref W0277-04) and Milverton Co. Dublin (Licence Ref. W0272-01) both operated by Roadstone.
- Flooding - see response above
- Climate - the co-location of soil waste / by-product intake and processing facilities and (recycled) aggregate production at one site will facilitate a reduction in the overall number of HGV journeys generated by these activities through optimisation of haulage activities using backloading systems
- Invasive Species
    - See response above
    - There is no contradiction between a commitment to prevent the inadvertent importation of material contaminated with invasive plant material and a future potential licensed waste acceptance of soil waste containing rhizomes of invasive species for disposal at the inert landfill facility and the two should not be conflated or confused.

- Peregrine Falcon – See response above
- Traffic – see response above
- Working Hours – see response above
- Vision
    - Many of the elements in the observer's vison (other than the drowned quarry void) will be incorporated in one form or another into the proposed site restoration plan. The key differences between the two visions are those of scale and timing.
    - To advocate for the inclusion of an open water body in the existing quarry void is to ignore the fact that there have been two significant developments at the quarry since these permissions were granted – the first being the discovery of NOA in rock exposures around the quarry in June 2016, the second being the identification of elevated metal concentrations (specifically arsenic from natural sources) in the surface water body which developed in the quarry void following cessation of pumping from the quarry sump.

Karl Hutchinson

- Development Description - It is noted that the regulations require a brief description of the nature and extent of the proposed development rather than an all-encompassing, elaborately detailed description.
- This application seeks planning permission for a 25-year period, based on an assumed average rate of backfilling of the inert landfill facility of between 300,000 and 350,000 tonnes per annum which would correspond to an operational landfill life of between 18.5 and 21.5 years with a number of additional years required for final restoration / landscaping works.
- The applicant confirms that it is committed to fully complying with all undertakings provided within the EIAR and NIS and to the conditions applied by An Bord Pleanála and the Environmental Protection Agency (EPA) in any grant of permission or waste licence issued in respect of the proposed development.

- In response to comments around vagueness of the documentation provided, it is noted that for EPA licensed waste development, much of the specific and detailed operational details in respect of the proposed site activities are often subject to agreement with the Agency prior to commencement under the terms of any waste licence which may be issued by it.

Keith Hutchinson

- Quarry Restoration – See response above
- Engagement with Irish Water – See response above
- Consultation Process
    - See response above
    - The involvement of the EPA in a licensing, oversight and enforcement role should provide the local community with the reassurance and confidence that on-site activities will comply with regulatory requirements and accord with best practice for the waste sector and circular economy industries.
- Dewatering Consent
    - See response above
- Asbestos – see response above
- Traffic
    - See response above
    - The proposed development does not reintroduce 'high' volumes of HGV's.
    - In raising the historic accident record along the R772, it is noted that all of the collisions selected for inclusion in the observer's submission predate the opening of the M11 motorway.
    - Existing verges will be reduced in width but not to the extent that areas where walkers can step off the road and into the verge will become inaccessible.
- Human Health - it should be noted that the assessment of impact presented in the EIAR is typically applied at a community / population rather than individual

level. The social / economic / environmental aspects addressed in Table 4-1 are contributors to overall wellbeing and are not, of themselves, directly causational of physical disease or poor mental health.

- Noise - The noise surveyor undertook the survey within the public road curtilage over which rights of way exist.
- Climate
    - The observer's assessment inflates potential carbon emissions by basing it on maximum trip numbers per day and maximum travel distances.
    - It is emphasised that the emissions assessment provided in the EIAR is conservative as it takes no account of backloading proposals, reduction in number of haulage journeys to more distant waste facilities (or quarries) and potential innovation in fuel mix and technologies over the life of the proposed development.
- Groundwater Surveys
    - See response above
    - The inflow recorded at GW2 is discussed in Para 7.120 of the EIAR. There is no geological reason that a cavity should occur in this type of formation (no karstification is possible). Strong to very strong, dark grey to green, crystalline, medium to coarse grained DIORITE is logged from 7m to 61m depth with no fractures or water strikes recorded.
    - The sump has not been dewatered fully during 2024 / 2025 because of the extended planning process. There is no conspiracy here. The phasing plan outlines that the sump is not intended to be infilled until Phase 2 of the inert landfill development. Keeping it fully dewatered now pending the outcome of the planning process is unnecessary.
    - In summary, the Applicant is confident that there is sufficient data contained within the EIAR to describe the geology of the application site, and to also to characterize and to define the hydrogeology of the application site.
- Flooding
    - See response above

- The application site was a former hill (or high point) and it does not lie within any mapped flood zones of the Potter's River.
- Furthermore, water from the quarry has to be pumped to create a discharge from the area intended to be filled with inert soil and stone waste / by-product.
- The quarry pumps can be turned off at any time, and as a result the applicant has the ability to control / restrict the site contribution to downstream flooding - this impact of the development can be actively managed.

- Operational aspects
  - All material to be imported will go through a rigorous pre-screening, prior approval and post-intake compliance procedures, in line with waste licence conditions prescribed by the EPA
  - staffing levels on site will at all times be appropriate to the level of activity on the site and compliance monitoring and reporting obligations imposed by the EPA waste licence.
- Peregrine Falcon – see response above
- Designated sites - With the application of the recommended mitigation, it is concluded that there is no residual risk of significant effects occurring as a result of negative effects on water quality.
- Baseline Surveys - Chapter 5 of the EIAR presents the results of a detailed botanical survey and habitat mapping of the proposed development site. In addition, there is detailed consideration of the aquatic habitats in the wider area.
- A suitably qualified Ecological Clerk of Works (ECoW) for the project will be appointed and supervise and monitor the delivery of the mitigation and enhancement measures throughout the operation of the facility.
- Fauna
  - Extensive, multi-season surveys at the site did not confirm the presence of Otters at the site and it is certain that there is no active holt within the site.
  - As part of the enhancement plan in Chapter 5 of the EIAR specific provision is made for the erection of a Kestrel nest box at the site.

- Desktop and casual observations of moths and other invertebrates are included in Chapter 5 of the EIAR.

- Vision
  - Many of the elements in the observer's vison (other than the drowned quarry void) will be incorporated in one form or another into the proposed site restoration plan. The key differences between the two visions are those of scale and timing.
  - To advocate for the inclusion of an open water body in the existing quarry void is to ignore the fact that there have been two significant developments at the quarry since these permissions were granted – the first being the discovery of NOA in rock exposures around the quarry in June 2016, the second being the identification of elevated metal concentrations (specifically arsenic from natural sources) in the surface water body which developed in the quarry void following cessation of pumping from the quarry sump.

Mary Kavanagh

- Traffic
  - See response above
  - The proposed development increases the queuing capabilities at the application site from 10 No. articulated vehicles to approximately 28 No. articulated vehicles. There is space to queue and recirculate articulated vehicles at the site reception area and the system has the capacity to handle approximately 30% of the forecast daily traffic were it all to arrive at the one time. There will be no buildup of trucks on the public road
- All material to be imported will go through a rigorous pre-screening, prior approval and post-intake compliance procedures, in line with waste licence conditions prescribed by the EPA
- Asbestos – See response above
- Consultation Process – See response above
- Groundwater Contamination **–** See response above

- Landfill burial below Groundwater level **-** several unlined EPA licensed soil waste recovery facilities have in fact been developed in former quarries extending below the groundwater table e.g. at Kilmessan Co. Meath (Licence Rec. W0296-01), operated by the Applicant, and at Huntstown Co. Dublin (Licence Ref W0277-04) and Milverton Co. Dublin (Licence Ref. W0272-01) both operated by Roadstone.
- Peregrine Falcon – See response above

Michael Dwyer

- Quarry Restoration - see response above
- Waste Acceptance Procedures
    - The outline procedures referenced in the EIAR mirror those currently applied for soil waste intake to other EPA licenced recovery and/or disposal (inert landfill) facilities.
    - Ultimately waste intake acceptance procedures will be regulated by way of any waste licence issued by the EPA. The EPA will determine the level of rigour to be applied around waste intake and acceptance procedures (including procedures around use of CCTV and visual inspection) and post-deposition (compliance) testing of intake material.
    - The applicant will provide the appropriate level of resourcing and staffing required to ensure the proposed waste facility complies with conditions attaching to planning and licencing consents. The number of staff / operatives employed at the facility (as indicated in the EIAR) will vary between 6 and 15 No depending on the level of site-based activity at any given point in time.
- Leachate Quality
    - It is noted that the concentrations of some of the comparator leachate contaminants identified in the Marron report exceed that which could be derived from inert waste intake.

- The design and sizing of the proposed Integrated Constructed Wetlands (ICW) and the other elements of the on-site leachate management system is based on several conservative assumptions around the nature (geochemical composition) of the soil and stone materials which will be accepted at the proposed waste facility, the area of exposed (uncapped) soil and the volume of run-off generated.
- It should also be noted that there is contingency provision within the development proposal to enhance the performance of the ICW by chemical dosing, aeration or other such processes as may be required.
- Hydrocarbons associated with road plannings are generally at the heavy end of the hydrocarbon range and are not generally soluble in water, usually being present within, and associated with sediment. This sediment (if present) will be retained within the wetland system and will not be discharged to controlled waters.
- The detailed design of the ICW and the leachate treatment system will be subject to review and approval by the EPA as part of the waste licensing process. Any discharge to controlled waters from the proposed landfill, via the wetland treatment system or by any other means, will also be regulated by an EPA waste licence. The applicant anticipates that construction details for the wetland treatment system will ultimately be agreed with the EPA prior to its construction.
- The ICW performance post-construction will also be subject to oversight by Agency Inspectors responsible for licence compliance and enforcement and any issues arising can be addressed through extensive powers delegated to the Agency under the Waste Management Act (1996), as amended.
- Ultimately, in the unlikely event that the EPA, in its regulatory oversight and enforcement role, were to form the view that the applicant was unable to treat leachate / discharge to the required quality standard, it can instruct off-site pumping of discharge to cease. It can instruct that it be tankered off-site to an authorised wastewater treatment plant or it can prevent any further on-site activity that could present a risk of environmental pollution.

- Notwithstanding this, the applicant believes that a reasonable, conservative and suitably robust approach has been adopted in its design of the proposed wetland treatment system and that it is capable of achieving likely discharge consent limits imposed under licence by the EPA.
- The proposed wetland system has initially been designed from a process perspective on the basis of the leachate quality and input volume assessments. This has highlighted that a number of wetland processes will be required in the following process train: anaerobic wetland (mainly for precipitation of metals and sulphate precipitation) otherwise called a biochemical reactor (BCR) followed by an iron sequestering unit (ISU) to assist with sulphate removal followed by an aerobic polishing wetland (APW) for removal of barium, chromium and organic substances.
- The overall wetland system has been designed as a 'Tank-in-Series' model and the wetlands are essentially to be designed as shallow, clay lined bowls with drainage media into which reeds will be established. The overall wetland sizing is currently assumed to be 1.06 hectares, this being designed with some redundancy in terms of both hydraulic (volumetric) throughput and pollutant loading.

- Leachate Management – Post Closure
  - The predominantly clayey nature of the backfilled waste materials will ensure slow release of any water, eliminating the risk of erosion associated with an outbreak. Any more granular (sandy / gravelly) soils imported to the proposed facility are likely to be diverted to the soil washing plant for recovery as recycled (secondary) aggregate. Reducing ad/or restricting the potential for groundwater flow or seepage through the waste mass in this manner will also constrain the potential release of contaminants within the inert landfill.
  - The Applicant asserts that the proposed landfill design and leachate management system are fully compliant with EPA design guidance for inert landfills and will be subject to EPA review and assessment prior to award of any waste licence in respect of the proposed development.

- Post-closure of the landfill, it is noted that the facility would still be subject to EPA oversight and ongoing monitoring post closure under conditions which would be attached to any prospective waste licence.

- Surface Water Management
  - At the present time, almost all inert C&D waste recovery activity within the State is undertaken at open external (i.e. unroofed) facilities, over a mix of paved areas and unpaved (hardstand) areas.
  - The proposed C&D waste recovery area at Ballinclare Quarry is located over a paved concrete slab which is set at a slightly lower level than surrounding ground and is effectively bunded by earth mounds on all sides. All surface water run-off across this area will be channelled to a low point in the south-eastern west corner of this area and passed through a hydrocarbon interceptor to a sump before being pumped for re-use elsewhere within the application site, principally to water storage tanks at the soil wash plant.
  - The applicant is satisfied with the in-situ Siltbuster treatment system to remove excess sediment (suspended solids) in surface water run-off and considers that the difference in suspended solids to be minimal at the relatively low-level concentration recorded and would in any event highlight that the concentrations recorded are everywhere lower than the discharge quality standard of 10mg/l set by the current discharge licence (WPL116).

- On-site Sewage Treatment
  - Planning permission was previously granted for the wastewater system at the application site (under permission 14/2118).
  - As regards bacteriological contamination of groundwater, it should be noted that its presence was recorded in wells in 2019 at a time when there was no activity at the application site and the wastewater treatment system was not in use or operation

- Landfill depth
  - Several unlined EPA licensed soil waste recovery facilities have been developed in former quarries extending below the groundwater table.

- Groundwater Levels and flow Direction
    - Groundwater Surveys – See response above
    - There is sufficient data contained within the EIAR to describe the geology of the application site, and to characterize and to define the hydrogeology of the application site.
- Assimilative Capacity for Local Watercourses
    - The application site previously operated as a quarry with (treated) off-site discharge to the Potter's River being regulated by way of a Local Authority discharge licence.
    - It has been assumed for the purposes of this application that the controls applied by the existing discharge licence will be adopted in any waste licence which may be issued in respect of the proposed development by the EPA (although it is recognised that the EPA does ultimately have complete discretion to determine the appropriate discharge controls).
    - The existing discharge licence for Ballinclare Quarry (Ref WPL 116) was issued in November 2019 and provides for the dewatering of the existing quarry and the intake of soil waste (by way of a Local Authority waste facility permit).
    - The Ballinclare Stream, which runs to the north-east of the site and links it to the Potter's River, does not maintain flow throughout the year. The Local Authority has previously accepted that for discharge licensing purposes, the receiving watercourse is the Potter's River, not the Ballinclare Stream.
    - An assimilative capacity assessment was undertaken for the existing discharge licence application, and it was not considered necessary to revisit the assessment for the purposes of this SID application.

    As noted previously, following site closure, only clean surface water run-off from the final landform will be directed (via a treatment pond) to the roadside drain in the southeast corner which drains to the Kilmacurragh Stream. Any requirement for controls in respect of long-term, post closure discharge will be set by any waste licence issued by the EPA.

- Flooding
    - See response above
    - It is asserted that the observer's property is at risk of flooding by virtue of its location (and site history – formerly a Corn Mill or located on a site which was a Corn Mill fed by a mill race associated with Potters River) and that the proposed development at Ballinclare Quarry does not give rise to any increased risk of flooding at the property.

Sarah Caffrey & James Cranley

- Groundwater Contamination **–** see response above
- Waste acceptance
    - Rigorous pre-screening and prior approval for all waste intake, in line with waste licence conditions prescribed by the EPA will take place.
    - All inert waste intake to the proposed landfill facility will comply with the contaminant threshold limits for such waste permitted by Council Decision 2003/33/EC which establishes criteria and procedures for the acceptance of waste at landfills in accordance with principles set out in the Landfill Directive (1999/31/EC).
- Asbestos – see response above.
- Traffic - It is noted that the widening of the existing L1157 road will accommodate walkers and cyclists by providing additional road space. While existing verges will be reduced in width, it will not be to the extent that areas where walkers can step off the road and into the verge will become inaccessible.
- Consultation Process - See response above.

Terry Hughes & Catherine Wright

- Air Quality (Asbestos)
    - Bi-annual monitoring of ambient air and water since the discovery of asbestos in 2016 has not detected elevated asbestos levels in any air or water samples.
    - The applicant has shared the results of all asbestos related tests to date with both WCC and the HSA and will continue to do so. It also commits itself to continued engagement with the HSA and EPA on the future management / handling of NOA / ACM at the application site.
    - The applicant is satisfied that at the present time, the potential presence of NOA in rock exposures, and its presence at a number of aggregate stockpiles and at the returns area, does not present any risk to site staff, contractors, hauliers or to the general public.
    - See also response to Asbestos above
- Noise
    - The predicted noise levels present an accurate reflection of potential noise levels arising at noise sensitive properties. Predicted levels of noise arising at these residents' property during both the construction and operational phase will fall within recommended guideline values intended for the protection of residential amenity.
    - The results of baseline noise monitoring would suggest that the property would already be exposed to road traffic levels of the order of 55 dB LAeq,T and 72 to 78 LAFMax during the daytime period and as such far from what would be considered a tranquil setting. It has already been acknowledged that the scheme will not generate any additional heavy goods vehicles onto the L1113. As such the residential amenity of the dwelling is not deemed to be significantly impacted by noise from the proposed development.
- Groundwater Contamination – see response above
- Impact on Water Quality at designated sites

- Buckroney-Brittas Dunes and Fen SAC / pNHA is located a considerable distance downstream of the application site (c. 11.5km downstream when measured along the river channel), therefore the potential for site operations to effect groundwater or surface water quality over those distances is negligible. In addition, there are several other factors, such as topography and changes in geology that diminish further any potential effects on groundwater quality or groundwater flows.
- Mitigation for the protection of surface water quality during all phases of the proposed development are outlined in the EIAR to deal with sediment, hydrocarbons, and dissolved metals.
- There will be no significant change in discharge volumes to the Potter's River, and therefore flow (or volume) of water will not affect the functioning of the hydrology of the protected habitat.

- Flooding – See Response above
- Groundwater Surveys – See Response above
- Mitigation measures
  - All imported waste accepted for disposal at the landfill facility will comply with the waste acceptance criteria (WAC) for inert landfills set by Council Decision 2003/33/EC.
  - The proposed liner is a cautious and appropriate design response for the site to protect the groundwater environment, and that design response is explained in Paras 2.95 to 2.106 of the EIAR.
  - Drainage water and pumped water from the development footprint will be managed during the various phases of the proposed development as explained in Paras 7.199 to 7.210 of the EIAR.
  - Essentially excess water will be re-used, treated (by the water treatment system and/or constructed wetland) and discharged to the Ballinclare Stream / Potter's River or tankered off site (if required) for treatment and disposal.

- There is extensive mitigation proposals outlined in the EIAR to protect surface water and groundwater through all phases of the proposed development.

- Quarry Restoration – See response above
- Ecology/biodiversity
  - The landscape management and progressive restoration plan will create areas of attractive habitat for a range of bird and mammal species and the availability of these areas across the application site will also serve to provide cover for species more inclined to avoid human interaction, or those species less tolerant of the movement of plant and personnel.
  - It is made clear throughout Chapter 5 of the EIAR that the proposed development will not see the loss of any Annex I woodland and indeed that these areas will be subject to management to control the Cherry Laurel that is decreasing the value of this habitat.
  - Detailed mitigation and biodiversity enhancement measures described in the EIAR will greatly minimize the risk of disturbance of protected species.
  - See response above re Peregrine Falcon
- Climate
  - The proposed development will not, of itself, generate any additional HGV haulage emissions – these will primarily be generated by future construction and development activity, and such emissions will arise irrespective of whether the proposed development proceeds or not.
  - The co-location of soil waste / by-product intake and processing facilities and (recycled) aggregate production at one site will facilitate a reduction in the overall number of HGV journeys generated by these activities through optimisation of haulage activities using backloading systems
- Traffic – See response above

5.0 Further Information Request

5.1. Further Information sought:

The Request to submit further information was issued on the 9th October 2025. It set out the following:

In accordance with correspondence received from the EPA dated 28/02/25 and the correspondence received from the DAU dated 19/06/25 the applicant is requested to address the following further information:

1. In relation to the mitigation measures proposed by the applicant in relation to the risk to groundwater and surface water contamination the EPA considers that the effectiveness of mitigation measures proposed would be best demonstrated at a minimum through:
   (a) Provision of monitoring results from the inlet and outlet points of the Siltbuster WWTP to demonstrate its effectiveness for reducing arsenic levels.
   (b) Provision of monitoring results on the discharge point to Potters River post settlement pond treatment and the provision of monitoring results on the upstream and downstream monitoring points on Potters River. Monitoring results on the discharge point should be compared to the discharge limits of the associated authorisation and to the relevant environmental quality standards, as set out in European Communities Environmental Objectives (Surface Water) Regulations 2009, as amended. A copy of the discharge authorisation should also be provided.
   (c) An assessment on the potential impact to groundwater and down-gradient water supply wells from the site, having regard to the Agency "Guidance on the Authorisation of Discharges to Groundwater" and provision of mitigation measures to address identified potential impacts.
   (d) Provision of relevant on-site and off-site ground water monitoring results and comparison of the results to the relevant groundwater threshold values as set out in European Communities Environmental Objectives (Groundwater) Regulations 2010 as amended, EPA Interim Guideline Values (IGV) and parametric values set out in the European Union (Drinking Water) Regulations 2023.

2. Detail as to how and where the returned asbestos materials are buried on-site and provide details on the measures to be put in for the management of these materials in the long term.

3. Details on the disposal of the sludge and any other waste from the Siltbuster WWTP.

4. The Department notes that the deer exclusion fence illustrated on the Proposed Landscape and Restoration Plan Drawing, does not extend past the area designated for Restoration Phase 1 and Phase 2, which could allow deer entry into the site. The Department recommends that the deer fence is extended so that it will ensure deer are fully excluded from the site, with mammal gates for badger, otter and fox access installed along active paths, preferably using a Clipex deer fencing system. Long-term monitoring should include for management of any deer that may enter the site, and for fence monitoring and maintenance.

5.2. Response to Request

A response was received on the 29th October 2025 with the following:

1(a) The applicant sets out that monitoring of the WWTP discharge is undertaken in accordance with the existing discharge licence (WPL116), which requires sampling of the effluent (treated water) at the wastewater treatment plant and at the discharge location, and the receiving water upstream and downstream of the discharge. The sampling locations were agreed with Wicklow County Council in accordance with the Discharge Licence. The applicant points out that there is no requirement in the Discharge Licence to monitor inlet concentrations (to the WWTP), although over time data was gathered on concentrations of arsenic in the quarry sump, and these data facilitated the design and the WWTP. The following is included in the response

- Available Quarry Sump Arsenic Concentrations (i.e. equivalent to likely inlet arsenic concentrations to the WWTP) are presented in Table A. This show an average arsenic concentration of 488.03 ug/l.

- Outlet/effluent arsenic concentrations are plotted as a time series on Figure 1, and as a % exceedance plot in Figure 2. The applicant sets out that only two samples of the 614 samples were above the discharge limit of 7 ug/L (7.8 ug/l on 20/10/2022, and 9.429 ug/L on 31/01/2023). Therefore, based on the available data the Siltbuster WWTP is assessed to be >99% effective at removing the arsenic load.

1(b) The applicant states that data relating to this request item is presented in Table 7-4 and Table 7-5 of the EIAR. Summary data (parameters and ranges of results) of upstream (MP1) and downstream (MP2) monitoring of the Potters River are presented in Table 7-7 and Table 7-8 of the EIAR. Discussion of data on surface water quality (including Q- index value data) is provided in Paragraphs 7.95 – 7.99 of the EIAR. A copy of the Discharge Licence is presented at Appendix 7-B of the EIAR.

1(c) In response the applicant details that an assessment on local groundwater wells is addressed in the impact assessment presented in the EIAR (refer to Paragraph 7.301 – 7.311. Notwithstanding this, a qualitative assessment based on the information presented in the EIAR has been compiled in the format requested (in accordance with the "*Authorisation of Discharges to Groundwater*") and is attached as Attachment A of the RFI submission. The applicant also sets out that a detailed Quantitative Risk Assessment will be submitted to the EPA in support of a waste license application for the proposed facility once the planning process concludes. This report will model and quantitatively assess the potential developmental impacts on groundwater quality at the application site boundary and/or downstream groundwater receptors.

1(d) The applicant sets out that data relating to this request item is presented in Table 7-12 and Table 7-13 of the EIAR, with supporting copies of laboratory certificates provided in Appendix 7-F. Discussion of data on groundwater quality is provided in Paragraphs 7.160 – 7.163 of the EIAR. Details with regards to proposed future surface water and groundwater quality monitoring are outlined in Paragraph 7.325 to 7.328 of the EIAR.

2. The applicant details that all activities involving the return and handling of NOA were overseen by, and subject to detailed protocols agreed with both the HSA and EPA. The applicant also engaged specialist independent consultants to:

- advise it on how to manage / handle the return of NOA materials to site, including preparation of risk assessments and identification of required control measures),
- advise it on measures required to protect the health and welfare of its staff, contractors, hauliers and the general public,
- prepare an asbestos management plan,
- sample and test materials in stockpiles around the quarry to establish whether or not they contain NOA (actinolite) and
- instigate regular (and ongoing) asbestos monitoring surveys in air and water.

The applicant details the following:

- The impacted stockpiles have not been disturbed since the quarrying and production activities were suspended at the quarry in 2016. All returned NOA materials were placed above the quarry floor in the north-eastern corner of the quarry and capped with a layer of sand, geotextile, stone and topsoil.
- Bi-annual monitoring of ambient air and water since the discovery of asbestos in 2016 has not detected elevated asbestos levels in any air or water samples. Air testing results indicate that asbestos levels are well below 0.01 fibres/cm3 (which is 10 times lower than the Exposure Limit Value of 0.1 fibres/cm3 prescribed by the HSA in its publication *Asbestos-containing Materials (ACMs) in Workplaces (HSA0393)*.
- The Applicant also engaged further with the HSA prior to, and during, the installation of the wastewater treatment plant and HSA officials visited the application site to review and approve procedures prior to commencement of off-site discharge. The Applicant has shared the results of all asbestos related tests to date with both WCC and the HSA and will continue to do so (refer to Tables 7-4 to 7-8 of the EIAR). These result show that no asbestos has been identified in any samples tested to date.
- In view of concerns raised in third party observations to ACP about the potential for asbestos fibres in stockpiled aggregates placed in the sump to become potentially mobile in groundwater and impact surrounding groundwater supply wells, the Applicant has committed to placing stockpiled aggregate materials

above / within the landfill liner to inhibit potential future mobility of any NOA / ACM fibres in groundwater.

- Any aggregate stockpiles which are known to have NOA above detectable limits will be handled in line with detailed protocols and procedures when being relocated above / within the landfill liner. These protocols and procedures will be developed with the technical advice and support of an independent specialist consultant and subject to prior agreement, approval and oversight by both the HSA (as regulatory body for occupational health and safety) and the EPA (as part of the waste licensing process or in accordance with waste licence conditions).
- It is expected that the agreed protocols will be broadly similar to those which were in place previously when the site-won aggregates were returned to the quarry. The protocols will comply with the above referenced HSA guidelines (HSA0393) and the UK Health and Safety Executive (HSE) publication *A Comprehensive Guide to Managing Asbestos in Premises (HSG0227).*
- The NOA materials on the quarry floor in the north-eastern corner which are currently capped in-situ will not be moved or disturbed and will remain in place. The inert landfill liner (composing a minimum of 1m depth of low permeability soil) in this area will be placed and compacted over (and around) these materials.

3. In response the applicant wishes to highlight that it is inaccurate to label the solid waste generated by the on-site treatment plant as ‘sludge’, a term which suggests it has high water content and potential leachability. At the end of the treatment process, precipitated / particulate waste from the plant is compacted by a filter press to produce a semi-solid material which typically comprises 70% to 80% dried solids and is more is accurately described as ‘filter cake’.

The principal wastes generated by the Siltbuster WWTP are precipitated material from treatment process (filter cake), empty IBCs, empty drums and consumables (disposable containers, refuse etc).

The Applicant has tested the filter cake material and is satisfied that it will meet the waste acceptance criteria for intake and acceptance at the proposed Ballinclare inert engineered landfill which will require a licence by the EPA in due course.

4. In response the applicant confirms that the proposed perimeter deer fence will fully enclose the application site. It is envisaged that along a section of the northern boundary, the proposed fence will tie into an existing fence, previously installed by an adjoining property owner. The commitment to fully enclose the application site is flagged as Biodiversity Enhancement Measure No. 5 on the Landscape and Restoration Plan previously submitted with the planning application (as Planning Drawing PL21 and EIAR Figure 2-4). Both drawings referenced above have been slightly amended and updated to more clearly show the fence line surrounding the application site, and specifically around the south-eastern corner (where the Phase 3 landfilling will take place). These amended drawings are set out as Revision 1 in Attachment B of the RFI submission. In addition, the applicant will retain the services of a professional ecologist at the time of the fence installation to ensure that the deer fencing and mammal gate both meet specification requirements and are fully compliant with both product and installation standards.

5.3. Further Consultation

It was determined that the further information received was not significant (Memo dated 15th November 2025) and therefore did not need to be readvertised.

6.0 Planning History

6.1. ABP-318997-24 – A request was received by the Board for pre-application consultation for a proposed resource recovery and recycling facility incorporating an Inert Engineered Landfill facility for Quarry Backfilling and Restoration at Ballinclare, Kilbride, Co. Wicklow. The Board decided on the 17th of May 2024 that the development would fall within the scope of section 37A of the Act and would be strategic infrastructure.

6.2. ABP-309991-21 – Permission refused by An Bord Pleanála for the development and operation of an inert landfill facility to backfill the existing quarry to original ground level; progressive restoration of the backfilled quarry to long-term grassland / scrub habitat; establishment and operation of a construction and demolition waste recovery facility; installation and operation of a soil washing plant; and all associated site works at Ballinclare and Carrigmore townlands, Kilbride, Co. Wicklow. (This application was made on foot a pre-application consultation under ABP-304735-19 which determined

the development falls within the scope of section 37A of the Act and constituted strategic infrastructure).

The refusal reason set out the following:

It is considered that the proposed development would be in accordance with European waste policy, the National Planning Framework and relevant provisions of applicable regional and local planning policy and would be acceptable in principle in terms of its contribution to Ireland's national strategic policy on sustainable waste management and its move to a circular economy. However, having regard to the previous use of the site for quarrying and to the lack of survey information submitted with this application and the appeal under An Bord Pleanala reference number ABP-301135-18 regarding the existing environmental and ecological status of the subject site and surroundings, the Board is not satisfied, on the basis of the documentation submitted with this application and appeal ABP-301135-18, that it can be demonstrated that adverse impacts on water quality, habitat and species can be avoided, managed and mitigated or that the extent of such impacts have been identified with certainty. In this regard, it is considered that the proposed development would have unacceptable direct and indirect impacts on biodiversity and would, therefore, be contrary to the proper planning and sustainable development of the area.

6.3. Wicklow County Council Reg. Ref: 14/2118

Permission granted to Kilsaran Concrete in January 2016 within an overall application area of 36 hectares, and all for a period of 25 years for:

- Continued use of permitted development under Reg. Ref: 07/45 for a period of 25 years including the existing quarry, stone extraction and processing, concrete and asphalt manufacturing facilities, and related ancillary buildings and facilities;
- Extension to the permitted quarry floor level of +1mOD over an extraction area of 16.5 hectares;
- Concrete block manufacturing plant (13.6m high approx) (c 362.1sqm) and a concrete block manufacturing yard (c.6225sqm);
- Aggregate washing plant (c 142.6sqm);

- Replacement of the existing septic tank with a proprietary effluent treatment system (Aeration Treatment Unit and two modular Puraflo);
- Increase product output from the quarry, from 70 to 150 loads per day, in line with market demand.

6.4. Wicklow County Council Reg. Ref: 07/45

Permission granted to SM Morris Ltd. in December 2007 for the following:

- Retention of existing stone quarry (13.414 ha) including extraction areas, processing areas, stockpiling areas, concrete products manufacturing plant, macadam and asphalt manufacturing plant, stone crushing and screening plant, waste recovery facility, car parking areas and ancillary buildings including offices, toilets, laboratory, maintenance workshop, control towers and cabins, aggregate screening and aggregate storage buildings, electricity substations and ancillary buildings (total 2088.28 sqm), together with septic tanks, weighbridge, truck wheelwash bay, floodlighting, oil and fuel storage tanks and water storage tanks.
- Proposed extension of a stone extraction area below the level of existing quarry floor to a level of 25m o.d. within existing quarry (6.634 ha).
- Proposed extension of existing quarry towards the west (10.605 ha) to a level of 25m o.d. into the townland of Carrigmore.

6.5. Wicklow County Council - Section 261 Quarry Registration (Ref: QY/4)

Quarry with area of 13.4 hectares registered on 4th March 2005 and direction issued that a planning application and EIS shall be lodged (Reg. Ref: 07/45 above).

6.6. Wicklow County Council - Section 261A Determination (Ref: S261A/QY/4)

Determined in August 2012 that quarry was in compliance with the EIA and Habitats Directives and no further regulatory controls were required.

6.7. Wicklow County Council Reg. Ref: 95/2380 (PL27.099861)

Permission granted for a concrete batching plant.

6.8. Wicklow County Council Reg. Ref: 93/369 (PL27.092182)

Permission granted in 1994 for a macadam/ asphalt manufacturing plant and the retention of a septic tank.

Nearby Sites:

6.9. Wicklow County Council Reg. Ref: 17/866 (ABP-301135-18)

The Board upheld Wicklow County Council's decision to refuse permission for development comprising the importation and deposition of inert subsoil and topsoil for land profiling and re-contouring purposes including all ancillary site works at an existing agricultural holding of 7.53 hectares approximately 300m northwest of the proposed development site. The purpose of the work was to improve the site for agriculture. The reason for refusal stated as follows:

> *Having regard to the nature of the proposed development, that is the raising of lands by means of filling with inert materials, and to its location in an area identified by the Office of Public Works and the Strategic Flood Risk Assessment appended to the Wicklow County Development Plan 2016-2022, as being at risk of fluvial flooding, the Board is not satisfied, on the basis of the information provided, that the proposed development would not cause or exacerbate flooding on adjoining lands contrary to national flood guidelines. Furthermore, the Board considered that the potential flooding could result in loss of biodiversity and habitats in the local area and considered that the proposed development would set an undesirable precedent for infilling of potential flood plain lands. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

6.10. ABP Ref. 27.131213 (WCC plan ref 01/5285) - Permission was granted for an engineered residual landfill (31 hectares) to accept 180,000 tonnes per annum of non-hazardous waste for 15 years at Ballynagran landfill which is located circa 2.5 km to the northeast of the site. Under WCC planning ref 20/21 this permission was extended for 5 years and is due to cease waste intake in 2026.

7.0 Policy Context

7.1. EU, National and Regional Legislation/Policy

EU, national and regional policy documents are relevant in respect of the proposed development and include:

- Climate Action and Low Carbon Development Act 2015, as amended.
- Climate Action Plan, 2024 ("CAP24") and 2025 ("CAP25")
- National Planning Framework – First Revision of NPF, April 2025
- National Development Plan 2040
- National Biodiversity Plan 2023-2030
- Regional Spatial and Economic Strategy for the Eastern Midlands region (RSES) 2019-2031
- National Waste Plan for a Circular Economy 2024-230

7.2. Wicklow County Development Plan 2022-2028

7.2.1. It is a strategy of the Development Plan to promote and facilitate best practice in prevention, re-use, recovery, recycling and disposal of all waste and environmental emissions produced in the County. The Development Plan will help to guide the location of new facilities and services that are necessary to implement the Eastern–Midlands Region Waste Management Plan (WMP) 2015-2021. The following objectives are relevant in this regard:

- CPO 15.3 To facilitate the development of existing and new waste prevention and recovery facilities and in particular, to facilitate the development of 'green waste' recovery sites.
- CPO 15.6 To facilitate the development of sites, services, and facilities necessary to achieve implementation of the objectives of the Regional Waste Management Plan.

7.2.2. Appendix 1 of the Development Plan sets out Development and Design standards for different types of development. It is stated that in cases where it is proposed to reclaim, regenerate or rehabilitate old quarries (that were not subject to restoration as part of the grant of permission or licence) by filling or re-grading with inert soil or similar material, or to use worked-out quarries as disposal locations for inert materials, the acceptability of the proposal shall be evaluated against the following key criteria:

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

7.2.3. It is stated in Section 2.3.5 in Appendix 1 that applications for the development of commercial waste disposal or recycling facilities catering for the disposal or reuse of inert clean soils, clay, sands, gravels and stones shall only be permitted at appropriate locations and shall be subject to the following:

- It shall be for the disposal of inert clean material only,
- There shall be a proven need for the proposed development,
- The proposed development shall be in accordance with the policies set out in the Eastern-Midlands Region Waste Management Plan,
- The proposed development shall not result in adverse impacts on the landscape or unnecessarily interfere with natural land form and topography in any area, without detailed justification,
- Such facilities shall not give rise to significant adverse impacts on a designated European site, or interfere with a protected view or prospect, a public right of way, an existing or planned piece of strategic infrastructure, or an important tourist site,
- A development shall not be permitted if it has a detrimental impact on the amenity of adjoining residents, by reason of unacceptable levels of traffic, noise, dust, lighting or other impact resulting from the operation of the facility,
- A development shall not be permitted if it has a detrimental impact on the flora and fauna, ecology, ground and surface water, air quality, and geological/ archaeological heritage of the area,

- The development does not result in the creation of a significant traffic hazard, and the road network is suitable and has the capacity for anticipated traffic levels.

It should be noted that this policy pertains to inert clean waste disposal facility only and does not relate to any ancillary activities pertaining to the operation of sorting, manipulation and recycling of waste.

A detailed phasing programme for the importation of material, to include details of the volume of material to be included in each phase, cross sections of each phase of operation, the construction of slopes or banks in each phase, details for the seeding and capping of each phase, details pertaining to the impact on the landscape at each phase and landscaping details for the final phase of site restoration.

7.2.4. It is also stated in Section1.4.5 of Appendix 1 that applications for the development of sites where soil or groundwater contamination is evident or is known to have occurred, or sites where a previous or current activity is at high risk of causing contamination, shall be accompanied by such documentation and investigations as appropriate to identify the nature and extent of the contamination and necessary measures required to contain and redress previous contamination and to prevent new contamination.

Treatment/management of any contaminated material shall comply as appropriate with the Waste Management Act 1996 (waste licence, waste facility permit), as amended, and under the EPA Act 1992 (Industrial Emissions licensing, in particular the First Schedule, Class 11 Waste), as amended. These measures will ensure that contaminated material will be managed in a manner that removes any risk to human health and ensures that the end use will be compatible with any risk.

8.0 Natural Heritage Designations

8.1. Nearest nationally designated site is Glenealy Woods pNHA (001756) located circa 1.6km distant from the application site. There is a total of 14 pNHAs (and no NHAs) located within 15km of the site boundary.

9.0 Assessment

The assessment will be undertaken in three parts as per the requirements of the Planning and Development Act, 2000 (as amended),

- The planning assessment,
- Environmental Impact Assessment and
- Appropriate Assessment.

In each assessment, where necessary, reference is made to issues raised by all parties. There is an inevitable overlap between the assessments, for example, with matters raised falling within both the planning assessment and the environmental assessments.

10.0 Planning Assessment

10.1. This assessment focuses on the principle of the proposed development having regard to relevant policy and guidance for waste management from European to local level, as well as the appropriateness of the site itself for a proposal of this nature. Other issues pertaining to the proposed development and those matters raised within submissions are addressed within the EIA and Appropriate Assessment sections below.

10.2. I note that a similar proposal on this site was refused by the Board in 2023 (ABP309991-21) principally on account of lack of survey information submitted with the application regarding the existing environmental and ecological status of the site and surroundings.

10.3. The key EU directive in respect of waste management is the Waste Framework Directive 2008 (Directive 2008/98/EC). This directive has two key objectives namely the protection of human health and the environment and the conservation of raw materials and strengthening the economic value of waste. The underlying policy objective is to make the EU a recycling society that seeks to prevent waste and, where waste cannot be prevented, uses it as a resource.

10.4. The Government's national waste policy for the period out to 2025 titled 'A Waste Action Plan for a Circular Economy' was published in September 2020. Across all

waste streams, the policy document looks to shift the focus away from waste disposal and treatment to develop a circular economy where waste is re-purposed as a resource. In particular, it references the major construction projects envisaged under Project Ireland 2040 and the huge potential they provide in terms of preventing and recycling of C&D waste and the challenge in ensuring there is capacity to manage the waste generated.

10.5. The National Waste Management Plan 2024-2030 supports enhanced national waste self-sufficiency and treatment capacity for non-hazardous construction and demolition waste streams. It also encourages the development of circular activities which supports viable secondary material product markets in the construction sector. The proposed development would adhere to circular economy principles by recycling construction and demolition wastes and recovering sand, gravel and secondary aggregates from soil waste within the soil washing plant. These waste materials may otherwise end up in non-productive use and the proposed development will allow them to be used as a substitute for virgin quarried materials. In addition, as well as providing an outlet for inert soil and stone waste, the inert landfill facility will also contribute to a local positive impact in facilitating the backfilling of a former quarry void and its long-term restoration to a native woodland habitat.

10.6. In relation to the need for facilities to those proposed, the Regional Waste Management Planning Offices sets out that the current treatment capacity in Ireland for construction and demolition waste is limited with only two Inert Landfills operating in the market. Greater security of supply is needed for these waste streams to provide sufficient treatment capacity into the future. Ireland needs to become self-sufficient and therefore must maintain sufficient treatment capacity for the disposal of these residual and unrecyclable or unrecoverable wastes. With the expected increase in the re-development of brownfield sites and urban regeneration in the coming years, an increased proportion of soil and stone waste generated by construction activities at non-greenfield sites across the Greater Dublin Area will in future need to be diverted to alternative recovery options or for disposal at inert landfill facilities.

10.7. Furthermore, it is noteworthy that soil and stone from many non-greenfield sites have, until recently, been deemed to be acceptable for recovery at unlined soil recovery facilities. The application of the EPA's Guidance on Waste Acceptance Criteria at Authorised Soil Recovery Facilities across all authorised soil recovery facilities, has

brought stricter control on the concentrations of potential contaminants in soil and stone that can be accepted for intake and recovery at existing authorised (unlined) soil recovery facilities. It is therefore expected that significant volumes of soil and stone waste will have to be diverted to lined disposal facilities such as that now proposed. In addition, appropriate processing facilities need to be in place to facilitate the increased reuse, recycling and recovery of C&D waste. The capture of a higher proportion of these waste types for recycling, will contribute to the provision and availability of secondary materials, and thereby increase Ireland's Circularity Rate which is currently well below the EU average - Ireland's rate is 2.7% compared to the EU average of 11.8%.

10.8. Overall, I am satisfied that there is a demonstrated need for the proposed development that is supported by national and regional policies relating to the sustainable management of waste. In this regard, the proposed development complies with National Policy Objective 76 in the National Planning Framework – First Revision, April 2025 which seeks to 'sustainably manage waste generation including construction and demolition waste, invest in different types of waste treatment and support circular economy principles, prioritising prevention, reuse, recycling and recovery, to support a healthy environment, economy and society.'

10.9. At a local level, it is an objective of the Wicklow County Development Plan (CPO 15.3) 'to facilitate the development of existing and new waste prevention and recovery facilities and in particular, to facilitate the development of 'green waste' recovery sites.' Appendix 1 in the Development Plan sets out development and design standards for proposals to reclaim, regenerate or rehabilitate old quarries by filling or re-grading with inert soil or similar material. It is stated that the acceptability of proposals shall be evaluated against key criteria relating to landscape and biodiversity impacts, surface water flows and site access. These issues are address in the EIA section of this report below.

10.10. Requirements are also set out in Section 2.3.5 in Appendix 1 in the Development Plan for applications for the development of commercial waste disposal or recycling facilities catering for the disposal or reuse of inert clean soils, clay, sands, gravels and stones. It is stated that these facilities shall only be permitted at appropriate locations where inter alia there is a proven need, there will be no significant impacts on designated sites, and where there are no detrimental impacts on residential amenity,

flora and fauna, and the surrounding road network. These issues are addressed in the EIA and Appropriate Assessment sections of this report.

10.11. In conclusion I would be satisfied that the proposed development is in compliance with the strategic objectives of national, regional and local policy on waste management. The proposal will contribute towards the circular economy and will successfully reuse existing infrastructure to rejuvenate the site into a useful purpose during its operational and post-operational stages. The proposal will achieve a beneficial end-use through the backfill and restoration of the former quarry void and planted with native woodland. The site has good access to the national and regional road network to the south of the greater Dublin area, and it has been adequately demonstrated that there is a need for such a facility. The proposal would therefore be acceptable in principle and in accordance with the proper planning and sustainable development of the area subject to an assessment of the issues addressed hereunder.

10.12. Table 1 below sets out the 8 no conditions recommended by the Local Authority as set out in the Chief Executive's Report. In the table I also provide commentary on whether these conditions would be applicable to any recommended grant of permission.

Conditions recommended by the Local Authority as set out in the Chief Executive's Report	**Commentary**
1. Mitigation measures and commitments in the EIAR and the NIS to be implemented in full.	A similar worded condition to be included in any recommended grant of permission
2. No works to take place until a CEMP is submitted and agreed with the Planning Authority	A similar worded condition to be included in any recommended grant of permission
3. Development contribution in accordance with WCC Development Contribution scheme to be paid prior to comment of development	A similar worded condition to be included in any recommended grant of permission
4. The movement of all types of material to the proposed facility shall be limited to a maximum of 120 trips per day (Monday to Friday)	The rationale for the maximum figure of 120 trips per day is unclear. I recommend that the maximum HGV trip movements per day shall be as per the submitted EIAR traffic assessment which is 144 HGV trip movements per day (i.e 144 no in and 144 no out). This is slightly lower than the extent quarry permission (Plan

	Ref. 14/2118) which allows for a maximum generation of 150 HGV loads per day i.e 150 no in and 150 no out. However, it is understood that the mitigation measures set out in the EIAR are based on the EIAR traffic assessment, which is for a maximum of 144 HGV trip movements per day (i.e 144 no in and 144 no out). Therefore, I recommend that a condition limiting HGV trip movements to a maximum of 144 trips per day in accordance with the details sets out in the EIAR's traffic assessment be attached to any grant of permission. See Section 23.7 below which gives more detail on this point
5. Road Improvement works on the L1157 in accordance with details set out in the EIAR and associated drawing to be carried out at developer own expense and prior to the commencement of any importation of material to the facility. The works shall include for silt trappings along the L1157 in accordance with requirement of WCC.	A similar worded condition to be included in any recommended grant of permission
6. Details of the new advance warning signs to be installed on the public road to be submitted for agreement with PA	A similar worded condition to be included in any recommended grant of permission
7. The developer shall be responsible for maintaining the adjoining public road in a clean state, free of mud and other debris	A similar worded condition to be included in any recommended grant of permission
8. Upon completion of the inert land fill works the site shall be landscaped in accordance with EIAR and drawing P21. Where any planting/landscaping fails within 3 years following the date of completion of landscaping any planting shall be replaced with similar species	A similar worded condition to be included in any recommended grant of permission

10.13. Table 2 below list the conditions recommended by Prescribed bodies. In the table I also provide commentary on whether the condition would be applicable to any recommended grant of permission.

Conditions recommended by a Prescribed Body	**Commentary**
Development Applications Unit Recommends that licensed Archaeological Monitoring be included as a condition of any grant of permission(a drafted archaeological condition included in the submission).	Condition to be included in any recommended grant of permission
Geological Survey Ireland Recommends the inclusion of geology in any information panels that might be proposed as part of the biodiversity offering.	Condition to be included in any recommended grant of permission
Health Services Executive – All mitigation identified in the EIAR be implemented in full.	Condition to be included in any recommended grant of permission
Transport Infrastructure Ireland Recommends a condition that the developer submit appropriate plans and details for the proposed road strengthening works on Local Road L1157 associated with Mll overpass 'Eirspan Structure no: BM-Mll-046.00.' The plans and details shall demonstrate compliance with TII Publications and shall also ensure the 5.3m clearance shall be maintained over the extents of the new road layout on the Local Road L1157.	Condition to be included in any recommended grant of permission
Uisce Eireann Recommends a condition requiring compliance with the mitigation measures proposed in the Environmental Impact Assessment Report (EIAR)	Condition to be included in any recommended grant of permission

11.0 Environmental Impact Assessment

11.1. Statutory Provisions

11.1.1. Schedule 5, Part 2, Class 11, requires EIA for *'installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.'* The proposed inert landfill and C&D waste recovery facility will have a combined maximum annual intake of 600,000 tonnes per annum and is therefore a prescribed class of development for the purposes of EIA. The proposed development therefore requires EIA.

11.2. EIA Structure

11.2.1. This section of the report comprises the environmental impact assessment of the proposed development in accordance with Planning and Development Act 2000 (as amended) and the associated Regulations, which incorporate the European directives on environmental impact assessment (Directive 2011/92/EU as amended by 2014/52/EU). Section 171 of the Planning and Development Act, 2000 (as amended) defines EIA as:

> a. consisting of the preparation of an EIAR by the applicant, the carrying out of consultations, the examination of the EIAR and relevant supplementary information by the Commission, the reasoned conclusions of the Commission and the integration of the reasoned conclusion into the decision of the Commission, and
>
> b. includes an examination, analysis and evaluation, by the Commission, that identifies, describes and assesses the likely direct and indirect significant effects of the proposed development on defined environmental parameters and the interaction of these factors, and which includes significant effects arising from the vulnerability of the project to risks of major accidents and/or disasters.

11.2.2. Article 94 of the Planning and Development Regulations, 2001 and associated Schedule 6 set out requirements on the contents of an EIAR.

11.2.3. This EIA section of the report is therefore divided into two sections. The first section assesses compliance with the requirements of Article 94 and Schedule 6 of the Regulations. The second section provides an examination, analysis and evaluation of the development and an assessment of the likely direct and indirect significant effects

of it on the following defined environmental parameters, having regard to the EIAR and relevant supplementary information:

- population and human health,
- biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive,
- land, soil, water, air and climate,
- material assets, cultural heritage and the landscape,
- the interaction between the above factors, and
- the vulnerability of the proposed development to risks of major accidents and/or disasters.

11.2.4. The assessment provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Commission's decision, should they agree with the recommendation made.

11.3. Issues Raised in Respect of EIA

11.3.1. Broadly the issues raised in respect of EIA by parties to the application are:

- Presence of naturally occurring asbestos scatted throughout the site and the associated health risk.
- Proposal will have an adverse impact on the environment, biodiversity, local wildlife, and the Buckroney-Brittas and Fen SAC
- Impact on groundwater, local wells and potential flooding.
- Concerns in relation to elevated arsenic levels in the water in the quarry.
- Proposal will result in contamination of Potters River and impact on Buckroney-Brittas and Fen SAC.
- Inadequate road infrastructure for HGV's.
- Noise and dust.
- Inadequate wildlife and groundwater surveys.
- Inadequate public consultation.
- Lack of engagement with Uisce Eireann.

11.4. Compliance with the Requirements of Article 94 and Schedule 6 of the Regulations 2001

11.4.1. Compliance with the requirements of Article 94 and Schedule 6 of the Regulations is assessed below.

Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)
A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development (including the additional information referred to under section 94(b).
A description of the proposed development is contained in Chapters 1 and 2 of the EIAR including details on the location, site, design and size/intake capacity of the proposed development, haul route/access arrangements and existing water management systems on site as well as proposed water management infrastructure. The proposal provides for the establishment and operation of a licensed, integrated material recovery / recycling facility and the backfilling and long-term restoration of the former quarry to native woodland habitat. Key infrastructure elements associated with the proposed development include: • a soil washing plant to win aggregate from imported soil and stone, • a construction and demolition (C&D) waste recycling facility to produce aggregate from construction and demolition waste (principally concrete), and • an inert engineered (i.e. lined) landfill to facilitate backfilling and restoration of the existing quarry void.
A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b).
An assessment of the likely significant direct, indirect, and cumulative effects of the development is carried out for each of the technical chapters of the EIAR. I am satisfied that the assessment of significant effects is comprehensive and robust and enables decision making.
A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development (including the additional information referred to under section 94(b).
The EIAR includes designed in mitigation measures and measures to address potential adverse effects identified in technical studies. These, and arrangements for monitoring, are summarised in Chapter 16 (Mitigation and Monitoring). Mitigation measures comprise inherent and 'designed-in' measures, standard best practices and site-specific measures and are largely capable of offsetting significant adverse effects identified in the EIAR.
A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the

proposed development on the environment (including the additional information referred to under section 94(b).

A description of the alternatives considered is contained in Chapter 3 of the EIAR. The alternatives considered include 'do nothing' and alternative site locations.
A key consideration was the ability to manage, or provide an outlet for, excess soils from brownfield sites which cannot be readily re-used for engineering purposes or otherwise recovered or recycled.
The applicant also notes that at the current time much of the soil generated by construction activity in the Greater Dublin Area comprises Black Boulder Clay. Some of this material is accepted at the nearby landfill facility in Ballynagran, where much of it is used for soil cover or other engineering purposes. Ballynagran landfill will cease waste intake in 2026 and as such, an alternative landfill outlet will be required for such materials / waste after that time.

<u>"Do Nothing" Alternative</u>
In the absence of any development the lands would not be restored to any long-term beneficial land-use and there would be a continued risk that surface activities could have a potential adverse impact on any underlying groundwater. With the cessation of dewatering activities, water levels in the quarry void, which may contain elevated levels of arsenic, could rise to a point where it runs-off over ground in an uncontrolled manner to the Kilmacurragh Stream at the south-eastern corner of the quarry.

In addition in the absence of any inert landfill facility to the south of Dublin, any inert wastes generated by construction and demolition activities requiring disposal at lined landfill facilities would need to be hauled over a greater distance to more distant facilities which in turn would give rise to greater air / carbon emissions and incur additional construction and development costs than would otherwise be the case.

<u>Development at Greenfield site</u>
The development of an inert landfill at an alternative, greenfield site would not offer any potential for a long-term beneficial outcome, similar to that which will ultimately arise at the application site. On completion, the proposed landfill will substantially reinstate the original (pre-development) landform at the site and restore it to it a native woodland habitat.
In addition, any similar development to that proposed in this application at a greenfield site would necessitate significant upfront site development works and associated costs. Given the compatibility with past quarry activities and the fact that much of the necessary site infrastructure is already in place and can continue to service the proposed development, it will extend the life of pre-existing development, minimise waste, conserve resources and reduce establishment costs. As such, the proposed development will be more in keeping with the principles of sustainable development.

<u>Development at an Alternative Quarry Location</u>
The National Waste Management Plan for a Circular Economy, addresses the siting of Waste Management Facilities, and notes that the preferred location of C&D waste facilities includes closed landfill sites and active / closed / inactive quarries, pits and mines which offer advantages in terms of screening, existing infrastructure and distance from neighbours.

In addition, the proposed application site is well served by the existing road access, is strategically located close to the national road network and is located above a poor aquifer which is indicated to be generally unproductive except in local zones (Pl). At the present time, it is considered that there are unlikely to be many other (if any) equally strategically located inactive quarry sites of comparable size and capacity located across the southern part of the Greater Dublin Area and within (or above) a poor aquifer.

Development at Former Landfill/ Mines

There are a number of closed landfill facilities in County Wicklow (at Ballymurtagh and Rampere) and former mine workings (at Avoca), however these are located in the south-western part of the County and at a greater distance from source sites for soil / C&D wastes generated in and around Dublin City. In addition, there is an existing similar facility located along the N81 corridor at Walshestown in Co. Kildare which serves this part of Co Wicklow, and this renders this option less commercially viable or attractive.

Development on Zoned Urban Lands

In considering this option, the applicant undertook a review of the current County Development Plans for Wicklow, Dun-Laoghaire Rathdown and South Dublin.
Of the LAPs reviewed for three larger towns in Co Wicklow, (Bray, Wicklow Town – Rathnew (Draft) and Arklow) none include any land zoning which would explicitly accommodate a material recovery / recycling facility of the scale envisaged at the Ballinclare Quarry. The South Dublin CDP states that waste disposal and recovery facilities should not be located within the M50 and it will then only be permitted where they do not detract from the land zoning objectives and are at a scale appropriate to their surrounding environment and adjoining amenities. Similarly, the Dun-Laoghaire Rathdown CDP states that waste management infrastructure will only be permitted where they do not detract from the land zoning objectives and are at a scale appropriate to their surrounding environment and adjoining amenities.
It is concluded that for the most part, a development of the scale envisaged at Ballinclare Quarry would struggle to demonstrate that it does not detract from the land zoning objectives and as such, would most likely fail to secure planning permission.

The main reasons for opting for the current proposal were based on minimising environmental effects and economic advantages relative to other locations and/or greenfield sites. I am satisfied, therefore, that the applicant has studied reasonable alternatives in assessing the proposed development and has outlined the main reasons for opting for the current proposal before the Commission and in doing so the applicant has taken into account the potential impacts on the environment.

Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2).

A description of the baseline environment and likely evolution in the absence of the development.

A description of the baseline environment is included in each technical chapter of the EIAR and an assessment of the likely evolution of it, in the absence of the development.

A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved
The methodology employed in carrying out the EIA, including the forecasting methods is set out, in each of the individual chapters assessing the environmental effects. With the exception of the Biodiversity Chapter no difficulties were encountered (technical or otherwise) in compiling the information to carry out EIA and I have not identified any other areas where any significant impediments to the assessment are evident. The Biodiversity Chapter notes that the size and extent of certain habitats could not be mapped in the field due to safety and practical reasons as sections of the quarry were either too steep or underwater. I comment on this in the technical assessment below and for the reasons stated. Overall I am satisfied that forecasting methods are adequate in respect of likely effects on biodiversity etc.
A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.
This issue is dealt with in Chapter 4 (Population and Human Health) of the EIAR. Specific risks have been identified in relation to the project's vulnerability from importing contaminated material, instability of imported soil and spills from moving vehicles. These risks are reasonable and are assessed in my report.
Article 94 (c) A summary of the information in non-technical language.
This information has been submitted as a separate standalone document (Vol 1). I have read this document, and I am satisfied that the document is concise and comprehensive and is written in a language that is easily understood by a lay member of the public.
Article 94 (d) Sources used for the description and the assessments used in the report
The sources used to inform the description, and the assessment of the potential environmental impact are set out at the end of each chapter. I consider the sources relied upon are generally appropriate and sufficient.
Article 94 (e) A list of the experts who contributed to the preparation of the report
A list of the various experts who contributed to the report are set out in Table 1-1 (List of Contributors) in Chapter 1 of the Report. Where relevant the introductory section of each of the chapters also details of the individual's expertise, qualifications which demonstrates the competence of the person in preparation of the individual chapters within the EIAR. I am satisfied that the EIAR has been prepared by experts with competency in the technical subject areas.

Consultations

11.5. A number of submissions raised concerns in relation to the quality of the consultation carried out by the applicant.

11.6. The application has been submitted in accordance with the requirements of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) in respect of public notices. In addition, the applicant has carried out public consultation. Details of the applicants scoping work and consultations are set out in section 1.75 and 1.95 in Chapter 1 of the EIAR. This outlines that consultations with non-statutory consultees, principally local residents and the general public were largely undertaken between the 21st of August 2024 and 9th of September 2024. This included a local public information and consultation event which took place at the Green Angel Skincare / Junction 18 Café premises (the former Tap Restaurant) in Kilbride on the evening of 21st August 2024, between 16.00 hours and 20.00 hours. Circa. 40 individuals attended the public consultation event, and a total of 31 written submissions were received at consultation stage via the dedicated project website. Full details of all pre-planning consultations with both statutory and non-statutory consultees are set out in a document titled “Pre-Planning Consultation Report.” Submission have been received from statutory bodies and third parties and are considered in this report, in advance of decision making.

11.7. I note that a number of third parties have commented on the fact that the list of prescribed bodies issued by An Bord Pleanala in their direction (ABP-318997-24) did not include Uisce Eireann. However, it should be noted that the applicant did circulate details of the application to Uisce Eireann and Uisce Eireann has made a submission on the application.

11.8. Overall, I am satisfied that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development advance of decision making.

Compliance

11.9. Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information provided by the developer is sufficient to comply with Article 94 of the Planning and Development Regulations, 2001. Matters of detail are considered in my assessment of likely significant effects, below.

12.0 Assessment of Likely Significant Effects

12.1. This section of the report sets out an assessment of the likely environmental effects of the proposed development under the following headings, as set out in Section 171A of the Planning and Development Act 2000, as amended:

- Population and human health.
- Biodiversity, with particular attention to the species and habitats protected under the Habitats and Birds Directives (Directive 92/43/EEC and Directive 2009/147/EC respectively).
- Land, soil, water, air and climate.
- Material assets, cultural heritage and the landscape.
- The interaction between these factors.
- The vulnerability of the proposed development to risks of major accidents and/or disasters.

12.2. In accordance with section 171A of the Act, which defines EIA, this assessment includes an examination, analysis and evaluation of the application documents, including the EIAR and submissions received and identifies, describes and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interaction of these. Each topic section is therefore structured around the following headings:

- Issues raised in the appeal/application.
- Examination of the EIAR.
- Analysis, Evaluation and Assessment: Direct and indirect effects.
- Conclusion: Direct and indirect effects.

13.0 Population and Human Health

13.1. Issues Raised

Issues raised under specific topics have been considered under those chapters.

13.2. Examination of EIAR

13.2.1. Chapters 4 of the EIAR consider the impacts to population and human health as a result of the proposed development. The assessment was undertaken by reviewing

available information with regards to land-use planning and demographic issues, economic development and settlement patterns and the effects on human health via relevant pathways (such as air, soil and water) with information being obtained from the Central Statistics Office (CSO), Wicklow County Council and the Environmental Protection Agency (EPA).

13.2.2. I note that Table 4-1 sets out an initial review of the wider determinants of health as identified within the IEMA Guidance on the Effective Scoping of Human Health in EIA and how these have the potential to be impacted by the proposed development. It sets out that the main potential for the proposed development to cause negative impacts to human health is through the potential for noise emissions and emissions to air, land and water. These issues have been addressed in detail in the respective environmental topic chapters of this EIAR.

13.2.3. For the purposes of this Population and Human Health assessment, a study area has been defined as a 1 km buffer radius around the application site boundary and is shown in Figure 4-1.

13.3. Baseline

13.3.1. The baseline environment is described in Sections 4.67 to 4.99 of the EIAR**.**

13.3.2. The proposed development is surrounded by a mostly rural agricultural and woodland landscape which is sparsely populated with residential properties and agricultural holdings located across the local area, principally along the local road network. The site, comprising a large disused quarry void, is located circa 2.5km to the north-west of the settlement of Kilbride and circa 2.5 km south of the village of Glenealy. The larger settlements of Rathdrum and Wicklow town are located 5.5 km to the west and 6 km to the north-east, respectively. The M11 motorway runs in a north-south direction circa 400m to the east of the site.

13.3.3. There are no designated nature conservation sites within or immediately adjacent to the application site. The closest such sites are the Deputy's Pass Nature Reserve SAC (Site Code 000717) and the Glenealy Woods pNHA (Site Code 001756), which, at their closest point are located approximately 1.6 km and 1.1km to the north-west of the application site respectively.

13.3.4. There are no Recorded Monuments, Protected Structures or National Inventory of Architectural Heritage (NIAH) structures within the application site.

13.3.5. The Kilmacurragh National Botanic Gardens are located approximately 1 km to the southwest of the application site

13.3.6. There are 15 residential receptors within 500m of the application site boundary, with a further 22 dwellings within 1,000m, the majority of which are located to the north and west. These are detailed in Figure 4-1. The closest residential properties are two properties located approximately 30m from the southwestern property boundary**.**

13.3.7. The baseline information presented has not identified any particular sensitivities in relation to human health.

13.4. Potential Effects

13.4.1. The EIAR identifies the potential for a range of environmental effects on population and human health. Likely significant effects of the development, as identified in the EIAR, are summarised in Table PH1 below.

Table PH1 : Summary of Potential Effects

Project Phase	**Potential Direct, Indirect and Cumulative Effects**
Do Nothing	• The disturbed landform would remain with very slow recolonization of natural vegetation occurring over time, given the absence of any soil. • In dry period dust emissions could arise from the site. • Surface water bodies / groundwater could be vulnerable to impacts from any future human activities at the site. • If dewatering were to cease and the quarry void allowed to re-flood, it would likely have elevated arsenic levels, and this could present a risk to groundwater quality around the quarry and to any groundwater wells or surface water bodies which are either connected to it or fed by it. • Lost opportunity to contribute to national objective of promoting and developing a circular economy.
Construction	• *Traffic* – construction/site establishment stage activities will give rise to an increase in HGV movements over the local road network, which will also have the potential to generate noise and dust, which could potentially cause disturbance to human receptors. • *Employment* - temporary direct employment for at least three to four people and indirect employment of contractors in

	undertaking the preparatory / site establishment works and installing new site infrastructure. This would be a direct, temporary and minor positive effect with no significant effect on the environment.
Operation	• *Traffic* - Operational stage activities will give rise to an increase in HGV movements over the local road network, which will also have the potential to generate noise and dust, which could potentially cause disturbance to human receptors • *Air* - the generation of dust and/or air borne particulates, particularly during extended periods of dry weather. • *Noise* - the generation of noise by the movement and operation of haulage trucks and earthmoving plant and activities at the C&D waste recovery facility and soil washing plant. • *Land* - risk of importing potentially contaminated materials to the facility. • *Water* - risk of accidental leakage or spillage of materials such as fuel / oil into the underlying soil / bedrock and ultimately to groundwater and potential for contaminants in waste and/or run-off to impact on surface water and/or groundwater - The technical assessments within the relevant chapters have concluded that the predicted changes in pollutants are well within statutory standards and WHO guidelines. Therefore, the potential for effects on human health is considered to be minor adverse (not significant). - Potential nuisance from noise, dust, traffic, and visual effects will effectively cease on completion of the inert landfilling and restoration activities. • *Visual and landscape* - impacts arise as backfilled ground levels rise at later stages of the development. However, the proposed development will, on completion, have an overall permanent neutral to minor positive impact on the local landscape character and on local views into the application site and would not be significant. • Relatively high radon potential within the central part of the application site - outdoor workplaces would not be expected to have elevated radon concentrations and therefore no radon measurements are required. Radon testing will be organised for on-site structures, and corrective measures implemented. • *Health and safety* - The facility will be operated in line with strict industry controls which will ensure that the potential for impacts will be negligible - Following final restoration of the landform to native woodland any potential effects on air, noise, land and water

	would cease and there would be no consequent effects on human health or health and safety. • *Employment* - Direct employment of at least 6 people (and up to a maximum of 15 people) on a full time equivalent (FTE) basis for the duration of the on-site operations. Indirect employment i.e hauliers. - The employment impact will be long-term, direct and minor positive effect with no significant effect on the environment - Short-term employment for landscaping contractors at the post-operational stage – this will be short-term, direct and indirect and positive effect with no significant effect on the environment • *Land use* - A key long-term benefit will be the restoration of lands to native woodland. These effects are considered to be permanent, minor and positive. • *The vulnerability of the proposed development to accidents/unplanned events* such as spills from moving vehicles or instability of imported soil - Any instability in the imported materials, is likely to be localised at small areas within the landfill footprint and unlikely to have any significant impacts beyond the site.
Cumulative	• Proposed development not likely to result in any significant cumulative effects.

13.5. Mitigation

13.5.1. With implementation of the proposed mitigation measures in Chapters 6 (Land, Soil and Geology), 7 (Hydrology and Hydrogeology), 8 (Air Quality), 10 (Noise), 11 (Material Assets), 13 (Landscape) and 14 (Traffic) of the EIAR, there would be no likely significant temporary or permanent effects on human health during either the construction or operational stages of this development. The landscape and visual assessment has concluded that the proposed development will, on completion, have an overall permanent neutral to minor positive impact on the local landscape character and on local views into the application site.

13.5.2. Radon testing will be undertaken at on-site structures and, should elevated radon gas levels be detected, remedial measures such as enhanced ventilation or installation of a radon sump can be implemented by agreement with an EPA registered radon tester.

13.5.3. Noise, dust, surface water and groundwater monitoring locations will be established / reinstated around the application site at the outset of the proposed development and

will continue for the duration of the on-site activities and for a short aftercare period thereafter.

13.6. Residual Effects

13.6.1. Following implementation of the mitigation measures outlined in Chapters 6, 7, 8, 10, 13 and 14 of the EIAR there will be no significant residual impacts with respect to population, human health and amenity during the construction and operational stages of the proposed development.

13.6.2. As all potential impacts on the receiving environment are eliminated following cessation of activities at the application site, the proposed development will have no significant residual impacts with respect to population and human health during the post-operational stage.

13.7. Evaluation and Assessment: Direct and Indirect Effects

13.7.1. The duration of the proposed landfilling activities is expected to be between 16.25 and 21.5 years. This assumes an average intake and placement rate for materials at the inert landfill facility of between 300,000 and 400,000 tonnes per annum (in addition to a maximum rate of C&D waste recovery of 50,000 tonnes per year).

13.7.2. Soil washing activities will cease in advance of the final phase of landfilling across the former concrete / asphalt production areas.

13.7.3. C&D waste recovery activities at the paved area to the west of the access road will cease on completion of landfilling and restoration activities at the application site.

13.7.4. Therefore, the location and intensity of associated environmental impacts at receptors may vary somewhat as the inert landfilling activities move across the application site over time. The proposed rate of inert waste intake and the period over which these activities proceed means that the duration of any associated effects will be localised and time limited (generally temporary to short term).

13.7.5. At a maximum combined intake rate of 600,000 tonnes per annum, activities will generate an average of approximately 9 to 10 HGV return trips per hour every working day. With the proposed road upgrade and improvement works along the L1157 Local Road up to the site entrance in place, no likely significant effect on road / traffic safety or on the capacity of local roads or junctions are expected to arise. On completion of

restoration works there will be a permanent reduction in HGV traffic movements over the public road network.

13.7.6. Potential emissions arising as a result of the proposed development relate mainly to potential nuisance from noise, dust, traffic, water emissions and visual effects. All such effects would however be limited, occurring for the duration of waste activities at the application site and will effectively cease on completion of the inert landfilling and restoration activities.

13.7.7. The existing perimeter vegetation and trees will be untouched for the duration of the operational phase as it will significantly reduce any visual disturbance to the landscape as well as also providing screening for air and noise emissions arising from the proposed waste management activities on-site.

13.7.8. There will be no disturbance / extraction of in-situ bedrock hosting naturally occurring asbestos and ultimately long-term backfill of quarry will cover any exposed veins.

13.7.9. In the response to the submissions received the applicant details that monitoring of ambient air since the discovery of asbestos in 2016 has not detected elevated asbestos levels in any air samples. The applicant goes on to clarify that any existing stockpiles of site-won aggregate located beyond the quarry / landfill footprint which are also known to have NOA above detectable limits will not be disturbed (excavated or moved) at any stage, and will be further capped as required and traffic / personnel access restricted.

13.7.10. The applicant envisages that only aggregate stockpiles located across the quarry / landfill footprint will be disturbed to facilitate the proposed development. They set out that any stockpiled materials which are known to have NOA above detectable limits will be placed above / within the landfill liner in line with detailed protocols and procedures and subject to prior agreement, approval and oversight by both the HSA and the EPA.

13.7.11. The applicant commits itself to continued engagement with the HSA and EPA on the future management / handling of NOA at the site and is satisfied that there is no risk to site staff, contractors, hauliers or to the general public at the present time.

13.7.12. Overall, the nature and extent of the activities and operations involved do not present any risk of a major accident or disaster which would give rise to uncontrolled

emissions of dangerous substances to air, land or water which could, in turn, give rise to significant adverse impacts on the population, human health or amenity in the surrounding local area**.** Establishment maintenance will be carried out for a period of up to 3 years following implementation of the native woodland planting scheme.

13.8. Conclusions: Direct and Indirect Effects

I have considered all of the relevant contents of the file including the EIAR in relation to Population and Human Health. I am satisfied that the potential for impacts on Population and Human Health can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the potential for direct or indirect impacts on Population and Human Health can be ruled out. I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise.

14.0 Biodiversity

14.1. Issues Raised

Issues were raised in the submissions in relation to the adequacy of wildlife surveys, the level of hedgerow removal along the haul route, introduction of invasive species, impact on bats, the lack of deer exclusion fencing around the site, habitats loss including woodland and grassland scrub which are home to a diverse range of flora and fauna and impacts on the Peregrine falcon, Smooth Newt and Common Frog. Two of the submissions included ecology reports, from Dr Niamh Ni Bhroin of Dulra is Duchais and Faith Wilson of Ecological Consultant respectively. In addition, concerns were raised in relation to the applicant's failure to implement the restoration plan which was part of the 2014 permitted planning application on the site.

14.2. Examination of EIAR

14.2.1. Chapter 5 of the EIAR submitted examines the potential for impacts to arise in relation to biodiversity. This element of the development focuses on biodiversity in general within the site and its surrounds.

14.2.2. The assessment is undertaken in accordance with government and industry best practice guidelines. The assessment methodology includes consultations with statutory/non-statutory agencies, desk top survey, and species-specific surveys which were carried out at appropriate times of the year. An on-site meeting and walkover of the proposed development with staff from National Parks & Wildlife Service (NPWS) staff led by the NPWS Divisional Ecologist was undertaken on the 28th of June 2024.

14.2.3. Table 5-1 list the Ecological Surveys and dates that the surveys were carried out. The surveys include winter bird surveys, breeding bird surveys, peregrine falcon observations and breeding activity, bat surveys, habitat and botanical surveys, mammal walkover surveys and aquatic ecology surveys.

14.2.4. In relation limitations identified in the assessment the applicant sets out that the size and extent of certain habitats could not be mapped in the field due to safety and practical reasons. This includes sections of the quarry that were either too steep or underwater. As such these were mainly mapped using aerial imagery and views using optical equipment from a safe location. I am satisfied with this approach.

14.3. Baseline

Habitat and Botanical

14.3.1. A desktop review of botanical data available for the study area was undertaken by consulting online databases to identify botanical species of interest (e.g. rare, protected) previously recorded within the relevant national grid squares that overlap the study area. This included a review of the Flora Protection Order (FPO) Map Viewer – Bryophytes database as held by the NPWS (August 2024).

14.3.2. The habitat and flora site assessment was carried out in accordance with current Irish habitat survey guidelines and included an ecological survey of the site carried out in May 2024, a late flowering plants survey in September 2024 and a survey of the habitats and invasive plant species along the margins of the L1157 carried out in July 2024.

14.3.3. Habitats within the site are variable and include both semi-natural habitats, such as the woodland, grassland and bracken habitat, as well as artificial habitats such as the exposed siliceous rock, large reservoirs of water throughout the site, buildings and

hardstanding/bare ground surfaces. Of significance is an Oak–birch–holly (WN1) woodland habitat**.** No FPO species were recorded on site during the field surveys.

14.3.4. A number of invasive species were encountered as part of the walkover survey and include rhododendron (Rhododendron ponticum), giant rhubarb (Gunnera tinctoria), Cherry Laurel, Snowberry (Symphoricarpos albus), and Traveler's joy (Clematis vitalba). These species have been classified as being a 'risk of high impact' invasive species (Kelly et al, 2013).

Non-volant Mammal

14.3.5. A desktop study of non-volant mammal data was also undertaken by consulting the NBDC online mapping database to identify species historically recorded within the relevant 10km and 2km national grid squares overlapping the application site and along the L1157. Walkovers of the site to record signs of non-volant mammals were carried out over several days on dates listed in Table 5.1. This included walkovers of the proposed main haul route along the L1157.

14.3.6. The species recorded include Badger, Meles meles, Stoat, Mustela erminea subsp. hibernica and Pine Marten, Martes martes. However, no setts or holts were located within the application site. Fox and Rabbits were relatively common on site and deer tracks were recorded widely within the site and along the L1157 with a few sightings of Sika Deer. Otter signs were not recorded within the site, but an Otter has been previously observed on-site by site staff and Otters are certainly present in areas downstream of the site. Overall, the site currently lacks breeding sites of protected mammal species, however it is used by foraging and commuting species. The site is assessed as being of local importance (higher) for non-volant mammals.

Bats

14.3.7. A desktop study of bat data was undertaken by consulting the NBDC online mapping database to identify bat species historically recorded within the relevant 2km and 10km national grid squares overlapping the application site and along the main access route. Bat Conservation Ireland data confirms the presence of a number of bat roosts in the local area. Approximate roost locations are mapped in Figure 5-13.

14.3.8. Multi-season active and passive bat field surveys at and in the vicinity of the study area were carried out. This included inspections of the buildings on site and ground level tree-roost assessments of the trees identified as requiring removal to facilitate

the proposed development. Passive bat detectors were deployed at various locations across the site. The location and dates on which each of these detectors were actively recording is shown in Table 5.3. Car-based active transect surveys were carried out along the L1157 with the typical route shown in Figure 5-4.

14.3.9. No evidence was recorded of any current or historic roost within buildings on site. In addition, the rock faces of the quarry lack suitable roosting features. No evidence of roost emergence was recorded on the Emergence surveys carried out in June and July 2024. None of the trees to be felled were adjudged to have high potential for roosting bats.

14.3.10. The analysis of the passive bat detectors deployed details that five species were confirmed to be present on site, dominated by Common Pipistrelle (58.9% of total calls analysed) followed by Soprano Pipistrelle (19.4%) and Leisler's Bat (18.2%). These are three most common bat species in Ireland and accounted for 96.5% of the total calls analysed. The locations with the greatest levels of bat activity were recorded in woodland locations at the south-southeast of the site. Very little bat activity was recorded on the active drive transects between the site entrance, along the L1157 to the junction of the R772. Table 5.13 summarises the results with the total number of registrations detected on each survey occasion.

14.3.11. Overall, no active bat roosts were present on site. However, the woodland that fringes the site and the woodland and hedgerows along the L1157 are suitable for commuting and foraging bats. The site is evaluated as of local importance (higher value).

Birds

14.3.12. Desktop and field surveys were conducted to record the avian usage of the site throughout the year. The desktop study undertaken included consulting the National Biodiversity Data Centre (NBDC) online mapping database to identify additional avian species historically recorded within the relevant 2km and 10km national grid squares overlapping the site. A total of 51 species have been recorded historically in the area, the majority of which are common birds of farmland and woodland, locally and nationally. Table 5.14 highlights the current status of each species according to the Birds of Conservation Concern in Ireland (2020-2026). I note section 5.67 mention the 'wind farm site.' I consider this a typo error.

14.3.13. Figure 5-5 shows the location of three transects used to record the bird community present at the site in winter and in the bird breeding season. Transects were each circa 500m in length and were surveyed on two occasions in each of the breeding and winter seasons. A total of 43 species were recorded during the 2023/2024 Walkover Winter season transects at the site and are detailed in Table 5.15. Seven red listed and five amber listed species were recorded. The red listed species were Grey Wagtail, Kestrel, Meadow Pipit, Red Kite, Snipe, Gallinago gallinago, Swift, Apus apus and Yellowhammer. Of these the only species confirmed to breed on site were Meadow Pipit and Yellowhammer. Kestrel did not breed at the site in 2024 but were observed hunting on site on occasion. The breeding season bird transect survey confirmed a relatively diverse bird community present, with a total of 53 species recorded and are detailed in Table 5.16.

14.3.14. Figure 5-6 shows the location of the three Point Count locations used to assess the general breeding bird community present along the L1157 towards the junction with the R772. In all, 29 bird species were recorded at the three count locations during the Breeding season Point Counts and are detailed in table 5-17.

14.3.15. The site had been regularly used by nesting Peregrine Falcon (NPWS) in previous years and in 2024 the Peregrine Falcon did breed successfully at the site. At the time the applicant's ecology team liaised with the NPWS and were present when NPWS staff ringed the two chicks. Exact locations of Peregrine Falcon nest sites are not presented due to the sensitivity of such information. The applicant sets out that while Peregrine Falcon is listed on Annex I of the Bird's Directive, it is not considered to be of elevated conservation concern in Ireland where the number of breeding pairs has substantially increased over the past 50 years. This application includes for the retention of an area of upper cliff-face (up to 15m in height) specifically to encourage the continued usage of the site by the Peregrine Falcon.

14.3.16. Overall the site and surrounding area supports a relatively diverse wintering and breeding bird community. The presence of an active Peregrine Falcon nesting site increases the overall value of the site for birds to county importance.

Aquatic Ecology

14.3.17. The applicant sets out that all freshwater habitats which could be affected directly or indirectly by the proposed development were considered as part of the

current assessment. A total of 12 riverine and lacustrine sites in the vicinity of Ballinclare Quarry were selected for detailed aquatic assessment and are listed in Table 5.4. This included 5 No. ponds and 1 No. lake (the quarry void) as well as Potters River and its tributaries. The 6 No. riverine survey sites were assessed for biological water quality through Q-sampling in July 2024. The 5 No. ponds and 1 No. quarry lake/void were sampled for macroinvertebrates via sweep netting in July 2024.

14.3.18. The aquatic survey count locations are detailed in Table 5-4 and Figure 5-7. Surveys focused on both instream and riparian habitats at each aquatic sampling location and included a fisheries assessment, white-clawed crayfish (Austropotamobius pallipes) survey, otter (Lutra lutra) survey, macrophyte/aquatic bryophyte survey, macro-invertebrates and biological water quality sampling.

14.3.19. A summary of the aquatic species and habitats of high conservation concern recorded during the surveys is provided in Tables 5.20 and 5.21. The riverine watercourses in the vicinity of Ballinclare Quarry, namely the Potters River and its tributaries the Ballinclare Stream and Ballinameesda Lower Stream, supported high conservation aquatic species, namely brown trout, lamprey (Lampetra sp.), European eel and or smooth newt. Smooth newt was also recorded within the settlement ponds within the site boundary

14.3.20. Despite some physical suitability no white-clawed crayfish were recorded via hand searching/sweep netting at any of the 12 sites during the July 2024 survey period. Furthermore, no white-clawed crayfish DNA was detected during eDNA sampling of 5 No. ponds in Ballinclare Quarry. All pond samples tested positive for common frog eDNA.

14.3.21. An assessment of the aquatic vegetation community was carried out to identify any rare macrophyte species listed under the Flora (Protection) Order, 2022 and or Irish Red list for vascular plants or habitats corresponding to the Annex I habitats.

14.3.22. The applicant also sets out that in addition to the ecological characteristics of the site, a broad aquatic and riparian habitat assessment was conducted utilising elements of the methodology given in the Environment Agency's 'River Habitat Survey in Britain and Ireland Field Survey Guidance Manual 2003' (EA, 2003) and the Irish Heritage Council's 'A Guide to Habitats in Ireland' (Fossitt, 2000).

Other Taxa

14.3.23. In addition, a desktop study of other terrestrial taxa was also undertaken by consulting the NBDC online database to identify additional other taxa species that are legally protected previously recorded within the relevant 2km and 10km national grid squares overlapping the site and the access road along the L1157. There were a number of observations of butterflies and other invertebrates which are summarised in Table 5.23. However, it must be noted that there were no suitable habitat and no local records of Marsh Fritillary, Euphydryas aurinia from the area.

Designated Sites

14.3.24. The closest of the European designated sites is Deputy's Pass Nature Reserve SAC (000716) located circa 1.6km from the application site. It is important to note that the only European site that is hydrologically connected to proposed development site is the Buckroney-Brittas Dunes and Fen SAC (SITE CODE - 000729). The AA Screening report identifies connectivity with this site via the Potters River. All European Sites within the zone of influence of the proposed scheme are outlined and examined within the Appropriate Assessment section of this report and will not be repeated hereunder.

14.3.25. The closest Natural Heritage Areas to the proposed development is Glenealy Woods pNHA (001756) located circa 1.1km from the application site. There are a total of six pNHAs (and no NHAs) located within 15km of the site boundary and are detailed in Figure 5-1.

14.4. Potential Effects

14.4.1. The EIAR identifies the potential for a range of environmental effects on Biodiversity. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 3 below.

14.4.2. Table 3: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	• The habitat types present within the study area will not change and there will be no changes to the flora and fauna of the area. • Uncontrolled discharge of water from the quarry void has the potential to create increased arsenic concentrations in

	downstream surface water bodies which is toxic to fish and invertebrates even at low concentrations.
Construction	• Fauna - Impacts on non-volant mammals from traffic and noise ranging from disturbance, displacement, mortality and reduced feeding successes for these mammals. • Habitats and Flora - Felling of coniferous trees to facilitate widening of internal access. The landscaping plan includes early replanting of screening vegetation. - As a result of road widening on the L1157 there will be loss of grassy verge and potentially losses of some uncommon species (e.g. broad-leaved helleborine). It is not envisaged that any tree removal will be necessary along the L1157 to the junction with the R772 with the exception of some dead or poor condition trees. - In the absence of an Invasive Species Management Plan construction works has the potential to inadvertently spread invasive plant species. • Bats - Tree felling and vegetation clearance has the potential to locally reduce the foraging and commuting resource value of the site by bats. - Site lighting can alter foraging regimes and commuting routes. • Birds - Vegetation clearance, inappropriate site lighting, noise, and inadequate storage and disposal of wastes has the potential to cause disturbance, displacement, reduced foraging area and mortality of birds. - Potential for disturbance and displacement of the nesting Peregrine Falcon at the site. Aquatic Ecology - During the construction phase (including when excess water from the construction area is being pumped back to the quarry void) there is potential for broadcast of silt, dust and other contaminants into the aquatic environment. Other Taxa - Removal and disturbance of vegetation will lead to localised declines in invertebrate abundance and diversity.

Operation	• Designated sites - Direct disturbance/displacement effects in relation to noise and/or visual cues on fauna associated with designated sites can be discounted given the separation distance between the proposed development and European designated sites. - The Buckroney-Brittas Dunes and Fen SAC and pNHA is the only European sites hydrologically linked to the proposed development and has the potential to be indirectly impacted. It is possible that an uncontrolled release of contaminants from the site, along the Potters River to the SAC (c. 12km downstream) could lead to significant effects on the protected habitats. - In the absence of mitigation measures likely significant effects on the qualifying interests of the Buckroney-Brittas Dunes and Fen SAC cannot be excluded. • Habitats and Flora - 0.5ha Oak–birch–holly (WN1) woodland habitat, (the only habitat on site that is considered to be of high conservation significance) and which corresponds with the Annex I habitat (EU Habitats Directive) old sessile oak woods with Ilex and Blechnum in the British Isles (91A0) is to be retained and none of the proposed site infrastructure encroaches on this area - The progressive restoration of the site has the potential to increase the resource value of the site for fauna species. - An area of upper cliff-face to provide nesting habitat for Peregrine Falcon will be retained. - The construction of the wetland treatment system at the west of the site in an area dominated by Scrub, Dry meadows and Grassy verges and Wet grassland has potential to cause damage and disturbance to habitats in the immediate vicinity. However, the wetland area will itself have some biodiversity value which should increase over time as the planted elements mature, and species colonise it. - In the absence of an Invasive Species Management Plan construction works and/or the importation of soil from other sites have the potential to inadvertently spread invasive plant species. - Uncontrolled run-off of silt or other contaminants could lead to damage or disruption of aquatic and aquatic dependent habitats.

	- Inadequate dust suppression at the active site and even along the primary haul route could lead to damaging levels of dust accumulating on plants and habitats. - Overall, in the absence of adequate mitigation measures, effects are likely to be highly localised and are unlikely to see any significant loss of species diversity or loss of area of habitats of higher conservation value. However, effects on aquatic habitats are an exception, as they have the potential to lead to significant negative impacts on aquatic habitats and dependent species downstream of the site. - Post-closure the landscaped features will mature. This is likely to provide areas of higher value woodland habitat. Adequate monitoring and aftercare is required to maintain value of habitat including the Peregrine Falcon nesting habitat. • Fauna - Impacts on non-volant mammals from traffic and noise ranging from disturbance, displacement, mortality and reduced feeding successes for these mammals. - The progressive restoration plan will provide foraging and breeding opportunities. - The infilling of the quarry void may improve connectivity for certain species commuting across the proposed development site. • Bats - Tree felling and vegetation clearance has the potential to locally reduce the foraging and commuting resource value of the site by bats. - Site lighting can alter foraging regimes and commuting routes. - Dewatering the quarry basin likely to further reduce the suitability of the quarry basin for foraging bats. - Construction of the wetland area will create a habitat attractive for foraging bats. • Birds - Potential for disturbance and displacement of the nesting Peregrine Falcon at the site. - The continued dewatering of the void will reduce the attractiveness of the site for species such as Gulls. - Vegetation clearance, inappropriate site lighting, noise inadequate storage and disposal of wastes has the potential to cause disturbance, displacement, reduced foraging area and mortality of birds.

	- Overall, there is potential of localised displacement, disturbance and mortality effects on birds. - Creation of the wetland habitat and woodland habitat will create additional habitat suitable for waterbirds woodland bird species at the site. Aquatic Ecology - Potential for broadcast of silt, dust and other contaminants into the aquatic environment. - Uncontrolled discharge of water from the quarry void has the potential to create increased Arsenic concentrations in downstream surface water bodies which is toxic to fish and invertebrates even at low concentrations. - Continued dewatering of the quarry void has the potential to reduce the available habitat on site for Common Frog and other amphibian species. - The use of the quarry sump as a water reservoir for water used in soil washing is likely to see a deterioration in the water quality in this 'sump' and it will become unsuitable for Common Frog and many other aquatic species. - The constructed wetland has the potential to provide attractive habitat for a range of aquatic macroinvertebrates as well as Common Frog, Smooth Newt and possibly Common Eel. - There will be no effluent discharge to any surface water course from the site following cessation of site operations. No negative effects on aquatic habitats and species are anticipated during the post-closure stage Other Taxa - Removal and disturbance of vegetation will lead to localised declines in invertebrate abundance and diversity. - Any significant disimprovement of water quality in the ponds or rivers downstream of site would see a loss of aquatic macroinvertebrates. - Increase in woodland and retention of wetland areas will see an increase in the diversity of invertebrate species present on site.
Cumulative	• Proposed development not likely to result in any significant cumulative effects.

14.5. Mitigation

14.5.1. The mitigation measures set out in the individual chapters of the EIAR related to the control of emissions (dust, sediment and other water-borne pollutants, noise and light) and traffic are especially relevant to the minimising of risk to biodiversity. These will be examined in detail within the relevant sections of this EIAR assessment and will not be repeated hereunder. In addition, it should be noted that the mitigation measures required to ensure that the proposed development will not adversely affect the integrity of any Natura 2000 sites are presented in the NIS.

14.5.2. Mitigation measures in relation to the Testing and Inspection of Imported Material are outlined in section 5.316-5.327.

14.5.3. An Invasive Species Management Plan (ISMP) has been prepared and is included in Appendix 5-D of the EIAR. Measures outlined in the ISMP include the treatment of any Third Schedule species present within the application site and the implementation of acceptance criteria to minimise the potential for importation of soil contaminated with invasive species. In addition, a pre-construction survey for invasive species will be carried out at the site and along the L1157. Annual site surveys and post closure monitoring for 3 years will be undertaken to ensure no introduction of invasive species occurs.

14.5.4. A Deer Management Plan will be implemented throughout the operation of the facility and for three years after the completion of tree planting on site. Mammal gates or openings (as per TII Guidance) will be provided along the deer fence at locations. I note in response to the Further Information request the applicant confirms that the proposed perimeter deer fence will fully enclose the application site and that commitment to fully enclose the application site is flagged as Biodiversity Enhancement Measure No. 5 on the Landscape and Restoration Plan submitted with the planning application.

14.5.5. A permanent nesting box or ledge for Peregrine Falcon will be installed on the cliff-face that is to be retained post closure. The clear-zone between the edge of the proposed woodland and the retained cliff face will be maintained by annual mowing outside of the bird breeding season. Peregrine Falcon activity will be monitored annually during the operational phase, with liaison maintained with NPWS to inform them of the status of Peregrine and their nests at the site. The applicant sets out that

Peregrine Falcons are relatively tolerant of the operation of plant and machinery, and this is reflected in their successful colonisation of active quarries throughout Ireland.

14.5.6. A pre-works survey will be carried out at the proposed development site and along the L1157 to record and map the presence of any nonvolant mammals.

14.5.7. The lighting proposed as part of the development will be downward directed and cowled to minimise light spill.

14.5.8. A survey of the quarry basin/sump will be carried out prior to commencement of works, and any Frogs or spawn present will be translocated under licence to the settlement ponds on site by a suitably qualified ecologist. The quarry sump will be monitored each spring for any signs of Frog spawn and this will be translocated under licence (if required) to the settlement ponds or constructed wetland on site.

14.5.9. Biological water quality will be monitored annually upstream and downstream of the treated water discharge location. This information will be submitted as part of an annual report to the planning authority / EPA.

14.5.10. A range of biodiversity enhancement measures are proposed. This includes planting of native woodland, Peregrine Falcon nesting box/ledge, artificial Sand Martin nesting colony, maternity bat roost boxes, bird and bat boxes, swift boxes and grassland management.

14.5.11. A suitably qualified Ecological Clerk of Works (ECoW) will be appointed and supervise and monitor the delivery of the mitigation and enhancement measures throughout the operation of the facility.

14.6. Residual Effects

With the application of the identified mitigation measures there are no significant negative residual impacts with respect to biodiversity during the construction, operational or post-construction stages of the proposed development. Overall it is likely that there will be net positive results for local biodiversity, particularly as the native woodland matures.

14.7. Evaluation and Assessment: Direct and Indirect Effects

14.7.1. All waste intake and acceptance will be subject to regulation and control by way of any EPA Waste Licence issued in respect of the proposed facility.

14.7.2. The design of the water management on-site will be according to the EPA licence requirements and there is no evidence that the dewatering of the quarry basin process (which is already substantially complete) has resulted in any deterioration of the quality of water habitats downstream of the outfall. Biological water quality will be monitored annually upstream and downstream of the treated water discharge location. This information will be submitted as part of an annual report to the planning authority / EPA.

14.7.3. A previous application for filling of this quarry under Reference No. ABP-309991-21 was refused permission in October 2023, principally on account of deficiencies in baseline ecological surveys around the application site. The inspector report for ABP-309991-21 set out that the survey effort for that development was not sufficient for the Board to fully assess the impacts of the proposed development on biodiversity.

14.7.4. In this application the applicant has set out in pages 5-76 - 5-78 of the Biodiversity chapter how the concerns raised in relation to the previous application have been addressed as part of the current ecological assessment. The current application includes a dedicated otter survey, detailed winter and breeding bird surveys including a dedicated Peregrine Falcon survey as well as appropriate measures to promote nesting through the future development of the site, detailed bat surveys including along the L1157 corridor, dedicated rare plant surveys and amphibians and aquatic ecology surveys. The lack of a site-specific invasive species management plan and the fact that the road improvement works along the L1157 were not part of the habitat, bat, mammal and breeding bird surveys were also raised as concerns in the 2021 application. These have been addressed in this application.

14.7.5. I note that a key difference between the current proposal and the previous application at this site is that the settlement ponds are to be retained. It is likely these ponds will continue to be attractive for Smooth Newt and Common Frog. In addition, the infilled areas of the quarry void are to be progressively restored with native woodland species, and the proposal includes for the retention of an area of upper cliff-face specifically to encourage the continued usage of the site by the Peregrine Falcon.

14.7.6. I also note the report received from the DAU dated 19th June 2025 which states that the comments and recommendations given by NPWS to the applicant during pre-planning consultation meetings in June 2024 have been incorporated into the planning

application. Overall, I have examined, analysed and evaluated chapter 5 of the EIAR and all of the ecological assessments and documentation on file in respect to biodiversity. I am satisfied that the applicants understanding of the baseline environment by way of desk and site surveys is comprehensive and that the key impacts in respect of likely effects on biodiversity have been identified.

14.7.7. With the implementation of Mitigation Measures outlined in the EIAR, I consider that the proposed development is not predicted to give rise to significant adverse impacts to Biodiversity at any phase of the development. Post-closure the site will have low levels of traffic (human and vehicles) and the landscaped features will continue to mature. The woodland habitats will continue to become more diverse and attractive for biodiversity.

14.8. Conclusions: Direct and Indirect Effects

I have considered all of the submissions made in relation to Biodiversity and the relevant contents of the file including the EIAR. I am satisfied that the proposed development would not have an adverse impact on biodiversity (including habitat and species), subject to compliance with relevant legislation and guidance, implementation of the EIAR and Mitigation and Monitoring Measures and compliance with recommended conditions.

15.0 Land, Soil and Geology

15.1. Issues Raised

15.1.1. A number of concerns have been raised in the submissions particularly in relation to the nature of the infilling material and the management of asbestos on the site.

15.2. Examination of EIAR

15.2.1. Chapter 6 of the EIAR examines potential impacts on land, soils and geology. The application site principally comprises an existing quarry where soil cover and the underlying subsoil have previously been stripped and removed over a significant proportion of the area to facilitate the extraction of the underlying rock. The site also includes an undisturbed area in the southwestern corner comprising marginal grassland with water settlement ponds.

15.3. Baseline

15.3.1. The baseline environment for Land, Soils and Geology is described in Section 6.24 to 6.69 of the EIAR. The baseline study undertaken involves a review of published literature and information, borehole investigations and the findings from a walkover survey / inspection of the application site.

15.3.2. The Geological Survey of Ireland (GSI) regional bedrock map which is set out in Figure 6-4, indicates that the quarry is developed within Silurian Intrusive Diorite. The diorite body in which the quarry is developed is identified as the Carrigmore Diorite and is described as massive, uniform dark grey-green, fresh, very strong diorite. Examination of the exposed quarry faces at the quarry confirms that the quarry is entirely developed within massive Silurian Diorite.

15.3.3. Five investigative boreholes were drilled at the application site in October 2014. Of these 3 No. were drilled to establish groundwater levels around the quarry and 2 No. were drilled to provide more detailed information on bedrock geology beneath the quarry floor at the time. The boreholes logs produced, and groundwater well drilling records indicate that the diorite at the application site extends to a depth of at least circa 65m below the surface. Borehole and well installation details are summarised in Table 6-1.

15.3.4. Extraction activity at the quarry was suspended in 2016 after a thin vein of naturally occurring asbestos (NOA) was exposed within the diorite at the quarry. The applicant sets out that this vein exposure has been contained and the associated risks to human health has been deemed by the Health and Safety Authority (HSA) to be acceptably low as the NOA is tightly bound within the host rock formations.

15.3.5. To provide further reassurance to the general public and remove any cause for concern in respect of the long-term health risk associated with the naturally occurring asbestos within existing rock exposures the applicant states that the proposed development will provide for an engineered (natural clay) liner at the base and sides and the backfilling of the quarry void using imported soil and stone.

15.4. Potential Effects

15.4.1. The EIAR identifies the potential for a range of environmental effects on Land, Soils, and Geology. Likely significant effects of the development, as identified in the EIAR, are summarised in Table LSG1 below.

15.4.2. Table LSG1: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	• The bare, disturbed landform would remain with slow colonisation of natural vegetation occurring. Surface water bodies / groundwater would be vulnerable to impacts from any future human activities and dust emissions could occur in dry periods.
Construction	• The site preparation works include the installation of some site infrastructure, structures and processing plant, removal of vegetation, construction of the Integrated Constructed Wetland (ICW) area and upgrading internal access roads – the only direct impact on land and soil will be the disturbance and loss of some existing soil cover across the planned ICW area in the south-western corner. Overall, the impact is considered small and negative on land and soil.
Operation	• Inert waste materials (principally comprising soil and stone) will be imported to the quarry for landfilling and/or recovery purpose to win construction grade aggregates. On completion of landfilling, the final landform will be topsoiled and planted with native woodland. - The restoration of previously disturbed land and the reinstatement of soil cover will result in a moderate positive impact over the medium to long term. • HGV traffic movements and earthworks plant may introduce risk of potential subsoil/bedrock contamination - this is a moderate negative impact as there is little existing protective soil cover to exposed bedrock. • Elimination of localised erosion at existing rock slopes. The backfilling will safeguard against any instability and will result in a small positive long-term impact. • Instability by way of over-steep placement or stockpiling of imported materials is likely to be localised at small areas. • The closest designated geological heritage site (Kilmacurra Quarry – no longer active) is located 0.5 km from application site – No impact envisaged. • There is a risk that contaminated, non-inert waste materials could be imported to the facility and/or hydrocarbon spills could

	occur – assuming operations take place in accordance with established waste management practices at EPA licensed facilities the impact is considered moderate negative.
Cumulative	• Proposed development not likely to result in any significant cumulative effects.

15.5. Mitigation

15.5.1. Mitigation measures are listed in section 6.100 to 6.1110 and include measures to deal with potential fuel / oil spills and measures to minimise the risk of importing and introducing non-inert contaminated soil / subsoil / stone / C&D waste to the application site.

15.5.2. Good site management practices will be implemented to reduce risks of spills, including regular monitoring and inspection of storage vessels and regular maintenance and servicing of construction plant and equipment. In addition, the construction and installation of an engineered (natural clay) liner at the base and sides of the proposed landfill will afford protection to the ground and geological elements which would otherwise be in direct contact with the waste materials.

15.5.3. Management systems will be introduced to establish the source of imported materials in advance and to confirm that they are inert. Once received at the intake site, a multiple level soil / C&D waste testing regime will be established which will test the material for compliance, in line with established EPA waste licence methodologies.

15.5.4. Ongoing assessment of stability will be undertaken at the application site as landfilling progresses and recycled materials are stockpiled.

15.5.5. All temporary surfaces will be graded to facilitate overground run-off and capture in surface water ponds developed in closed depressions at low points within the landfilled waste body. In addition, in order to confirm that there are no residual risks to in-situ soil and geology, provision will be made for regular, continued monitoring of the on-site groundwater wells during operations and for a short aftercare period thereafter.

15.5.6. Regular groundwater monitoring will also be re-established at pre-existing groundwater wells around the application site to ensure there is no adverse impact on groundwater quality.

15.6. Residual Effects

15.6.1. In the construction stage there will be a slight short-term negative impact principally associated with the disturbance / loss of marginal grassland at the proposed wetland area in the south-western corner of the application site. This residual impact is not considered to be significant.

15.6.2. With the effective implementation of the outlined mitigation measures residual adverse impacts on the land, soil and geology in the operational phase are reduced to small and are not considered to be significant.

15.6.3. Following completion of the final restoration works and the return of much of the application site to a native woodland habitat, the residual long-term impact of the proposed development will be moderately positive for land and soils at a local scale.

15.7. Evaluation and Assessment: Direct and Indirect Effects

15.7.1. I have examined, analysed and evaluated Chapter 6 of the EIAR and all of the documentation on file in respect to land, soil and geology. I am satisfied that the applicants understanding of the baseline environment by way of desk and site surveys is comprehensive and that the key impacts in respect of likely effects on land, soil, and geology have been identified.

15.7.2. The inert landfilling and restoration of the existing extractive void will restore the ground surface to a final ground level of approximately 80 m AOD, which will substantially re-integrate it into the surrounding rural landscape. It is considered that the re-establishment of soil as a growth medium and carbon sink and the establishment of the native woodland habitat will result in slight and positive impacts.

15.7.3. I note that Chapter 7 of the EIAR (Water) deals with the implications for groundwater quality, were infiltrating rainfall to leach any contamination out of the inert waste materials to the underlying groundwater aquifer.

15.7.4. The applicant sets out that there is currently no risk to public health posed by the naturally occurring asbestos, as it is tightly bound within the host rock formations. I also note in the applicant's response to the submissions received and in response to the Further Information request the applicant sets out that although Naturally Occuring Asbestos (actinolite) was detected in several stockpiles (of varying size) around the application site, it was absent or at / below the limit of detection at the majority (>65%)

of them. These stockpile locations are known and mapped, are identified on-site by warning signage and have not been disturbed since the quarrying and production was suspended in 2016.

15.7.5. The applicant also sets out that returned NOA materials were placed above the quarry floor in the north-eastern corner of the quarry and capped with a layer of sand, geotextile, stone and topsoil. This will not be moved or disturbed and will remain in place. The inert landfill liner (composing a minimum of 1m depth of low permeability soil) in this area will be placed and compacted over these materials.

15.7.6. I also note that in response to concerns raised in the submissions around the potential for any asbestos fibres in stockpiled aggregates placed in the sump to become potentially mobile in groundwater and impact surrounding groundwater supply wells, the applicant commits to placing all stockpiled aggregate materials above / within the landfill liner to inhibit potential future mobility of any NOA / ACM fibres in groundwater. These works will be carried out in line with detailed protocols and procedures, developed with the technical advice and support of an independent specialist consultant and subject to prior agreement, approval and oversight by both the HSA (as regulatory body for occupational health and safety) and the EPA (as part of the waste licensing process or in accordance with waste licence conditions).

15.8. Conclusions: Direct and Indirect Effects

15.8.1. I am satisfied that the potential for impacts on land, soil and geology can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the potential for direct or indirect impacts on lands, soil and geology can be ruled out. I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise, subject to mitigation being implemented.

16.0 Hydrology and Hydrogeology

16.1. Issues Raised

16.1.1. A number of issues have been raised in the submissions in relation to hydrology and hydrogeology. These include impacts on groundwater, disruption to groundwater

flows, impacts on private domestic wells, potential flooding and contamination of the Potters River. Concerns were also raised in relation to the elevated arsenic levels in the sump as well as the potential for naturally occurring asbestos to contaminate water supplies. Compliance with the Water Framework Directive as well as insufficient site investigations and groundwater surveying were also noted as concerns.

16.2. Examination of EIAR

16.2.1. Chapter 7 of the EIAR provides a description of the water, including surface water (hydrology) and groundwater (hydrogeology) conditions in the local area, both in the context of the site and its regional setting, and assesses the potential impacts that the proposed development will have on surface water and groundwater

16.2.2. The assessment of the hydrological and hydrogeological environment is based on published data / information, visual observations from various site visits, analyses and interpretation of surface water data and groundwater monitoring borehole data and sampling undertaken in 2019, along with contemporary monitoring and groundwater and surface water sampling completed in 2024**.** Included also is an assessment of the proposed developments compliance with the Water Framework Directive (WFD) (Directive 2000/60/EC) requirements for the water bodies within the study area. This is set out as Appendix 7-N in Chapter 7 - APPENDIX 7-N WFD Compliance Assessment.

16.2.3. Overall, I am satisfied that the assessment has been carried out in accordance with best practice and guidelines for the assessment of surface water and groundwater and has taken account of experience in assessment of similar largescale infrastructural projects.

16.3. Baseline

16.3.1. The applicant set out that when the quarry was operating, it was effectively worked dry, with very little inflow of groundwater recorded into the quarry void. After extraction and production activities were suspended in 2016 and in subsequent years, the quarry void was flooded by surface water run-off from surrounding ground and relatively minor groundwater inflows (given that the diorite bedrock is a poor aquifer) and water levels within the quarry rose gradually over time. Currently, rainfall across the application site mostly drains toward the quarry void, with a smaller quantity slowly infiltrating to ground.

16.3.2. In November 2019, Wicklow County Council issued a discharge licence (Ref. No. WPL116) which provided for off-site discharge of water collecting in the quarry void to the Ballinclare Stream (and Potters River further downstream). The quarry was substantially dewatered by the end of summer 2024 and at the present time, pumping and treatment is being undertaken on an intermittent basis to maintain the water level within the final bench / large sump at a relatively constant (low) level above the deepest point on the quarry floor.

16.3.3. Due to elevated natural levels of arsenic in the water collecting in the quarry void, the discharge is treated via a bespoke Siltbuster treatment system which assists in the removal of suspended solids from the discharge water. Details of the Siltbuster treatment system are set out in Appendix 7-J. Following treatment to remove the arsenic in the water, the treated water passes through the existing settlement lagoons for final treatment before being discharged off-site.

16.3.4. The proposed development site is within the Ovoca-Vartry Catchment which is within the Eastern River Basin District. The water receiving environment includes the Potter's River to the north and east of the site (circa 300m at its closest point), and Kilmacurra Stream approximately 200m to the south. Surface water quality in both rivers is moderate but indicated to be at risk of deteriorating. The Potters River flows south before discharging to the Irish Sea circa 7km from the site. This coastal waterbody (Southwestern Irish Sea – Brittas Bay) is deemed to be 'Not at risk.' A WFD Compliance Report is attached as Appendix 7-N.

16.3.5. Surface water sampling was completed on the 29th May and the 19th June 2024 at 5 no. locations (SW1, SW4, SW5, SW6 and SW7 - see Figure 7-2) along nearby upstream and downstream watercourses. The results of these analysis demonstrated good quality water across the sampling locations, with no analytes above the relevant environmental quality standard.

16.3.6. The application site has an existing Discharge Licence (Ref. No. WPL-116) which provides for the discharge of treated water to the Potters River. The discharge licence limits the volume of discharge from the application site to a maximum of 72m3 /hr (1,728m3 /day). A copy of the assessment of Assimilative Capacity and Mass Balance submitted with the Discharge Licence Application is provided in Appendix 7-C. Surface water quality monitoring has been ongoing since the commencement of discharge

from the quarry under WPL-116 and the results are set out in Section 7.98 and Table 7-6 (Quarry Discharge), Table 7-7 (MP1), and Table 7-8 (MP2).

16.3.7. Of note is that there were 2 (of 614 data points) exceedances of the Arsenic Discharge Licence ELV (2 samples had Arsenic concentrations >7µg/L (but all results were less than the MAC-EQS of 20 µg/L stated in S.I. 272/2009) and there has been no detection of asbestos in any of the monitoring at MP1 (41 samples), MP2 (37 samples) and the quarry discharge (41 samples).

16.3.8. In addition, monthly biological Q Value sampling has been carried out at MP1 and MP2 (see Figure 7-2) since December 2022 which conclude that based on the conducted kick sampling and using a direct comparison of samples taken upstream and downstream from December 2022 to June 2024 it can be concluded that discharges from dewatering at Ballinclare Quarry have not had any notable adverse impact on the aquatic ecosystem of the Potters River.

16.3.9. Preliminary Flood Risk Assessment (PFRA) maps prepared by the OPW covers the area around the application site and indicate no flooding potential associated with the Potters River. However, areas with an indicative pluvial 1%AEP (100 year) event (associated with overland flow and ponding) are noted in the vicinity of the application site along the Potters River. The applicant sets out that the quarry discharge which is currently limited to 20L/s (72m3 /hr, or 1728m3 /day) is a very small proportion of likely larger flood flows in the Potters River and notwithstanding this, discharge (pumping) from the quarry can be turned off during extreme flood events. It should also be noted that the quarry void and the wider site area are not located within the floodplain of the local stream and is not therefore considered to be at risk of flooding.

16.3.10. The site is located within the Wicklow Groundwater Body (GWB) and according to the EPA Groundwater Body WFD Status Report for 2016-2021 the groundwater at the application site is of good status. Groundwater vulnerability beneath the application site is classified as being extreme as the soil and subsoil cover has been removed from the quarry footprint, and therefore there is no protection. However, when the quarry is completely backfilled, the groundwater vulnerability across the quarry footprint will be reduced to Low (L) as the combined thickness of the low permeability clay liner, the inert soil material and restoration surface will be >10m in thickness. The vulnerability rating is set out in Table 7-9.

16.3.11. Wastewater from the site offices and staff welfare facilities is piped to an existing on-site effluent treatment system which was previously approved by way of the recent (2016) quarry planning permission and will continue in service for the duration for the life of the proposed waste management facility. A copy of the site characterisation form and details of the on-site wastewater treatment system are provided in Appendix 7-K. The applicant sets out that the existing wastewater system will not have the capacity for the proposed loading when the maximum numbers of personnel are based on site during the operation of the proposed development. In this regard provision is made for excess effluent to be stored in a holding tank, and tankered off site on a monthly basis to a licenced wastewater treatment plant for disposal. Details of the sub-surface storage tank are provided in Appendix 7-K**.**

16.3.12. The application site is not located within a public supply source protection area and there are no mains water supply or group water scheme in the area with dwellings in the area having individual private groundwater wells. The closest domestic dwelling at Knockanereagh to the south of the quarry, is approximately 220m from the quarry void.

16.3.13. An audit of local domestic and farm groundwater supplies was undertaken with groundwater sampling completed in on-site and off-site groundwater wells on 19th June and 04th July 2024. A map of local wells is included on Figure 7-1 Borehole Locations.

16.3.14. In addition, dataloggers were installed in 4 No. groundwater wells within the application site (PW2A, GW1, GW2 and GW3) as well as loggers in 4 No. nearby domestic wells (ODW1, ODW3, CBDW1, and KHDW1 - situated circa 2km southeast of the site) in order to continually monitor water levels. These dataloggers recorded water levels over the period between 26th January and – 04th July 2024. A plot of recorded water levels is illustrated as Figure 7-7.

16.3.15. In general, groundwater levels are relatively stable with minor fluctuations, reflecting the broadly impermeable bedrock aquifer with no significant response to rainfall events (i.e. poor recharge with steady low volume discharge (flow) through aquifer) overlain by a subsoil / bedrock interface aquifer which in some instances responds quickly to rainfall events. Overall, there is there is limited flow within the

underlying diorite bedrock, reflecting its relatively impermeable nature and status as a "Poor Aquifer".

16.3.16. Groundwater quality testing was carried out on the 29th June 2024 in wells GW2, ODW1 and ODW2, and on the 4th July 2024 in wells GW2, ODW1, ODW2 and LDDW1. The groundwater quality testing identified one exceedance for ammonia in GW2, two exceedances for orthophosphate in GW2, exceedances of total cloriforms in GW2, ODW1 and ODW2 during both sampling rounds, detections of E.Coli in GW2 and ODW1, exceedances of Arsenic in each of the 7 no. samples and minor exceedances of Sodium, Barium, Boron and Copper in GW2. There was 1 no. detection of hydrocarbons in GW2.

16.3.17. A hydrogeological conceptual site model (CSM) has been derived, based on the information included within borehole geological logs, desk study data and in-situ monitoring of groundwater levels in observation wells. A graphic of the CSM is included as Appendix 7-M.

16.4. Potential Effects

16.4.1. The EIAR identifies the potential for a range of environmental effects on hydrology and hydrogeology. Likely significant effects of the development, as identified in the EIAR, are summarised in Table HH1 below. I also note that Table 7-16 provides a description of the potential effects and included is a rating for each identified impact.

Table HH1: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	• The bare, disturbed landform would remain with slow colonisation of natural vegetation occurring. • Groundwater vulnerability at the site will remain high to extreme as bare rock is exposed. • Surface water bodies / groundwater would be vulnerable to impacts from any future human activities. • In the absence of controlled discharge from existing quarry void it would fill with rainwater (as it did in the past), and potentially overflow, leading to uncontrolled discharges which would likely contain elevated concentrations of arsenic.
Construction	• Groundwater - Dewatering quarry has potential to impact on groundwater levels / flowpaths - Moderate impact

	- Accidental leaking of fuels etc has potential to impact on groundwater quality aquifer– Moderate impact • Surface Water - Uncontrolled discharge of water from the flooded quarry sump and accidental leaking of fuels etc has the potential to reduce water quality in the Potters River - Moderate impact - Uncontrolled discharge of water from the flooded quarry sump has potential to increase flood risk downstream – Slight impact - Dust from HGV's has potential to wash into watercourses – adverse effect. - Uncontrolled discharge of water from the flooded quarry sump has potential to increase arsenic concentrations in downstream waters - adverse effect. - Discharge of poor-quality surface water has the potential to affect the water quality in the Potters River, which has the further potential to have secondary adverse effects on the Buckroney-Brittas Dunes and Fen SAC / pNHA – slight impact
Operation	• Groundwater - Accidental leaking of fuels etc has potential to impact on groundwater quality aquifer – Moderate Impact. - Contaminants in imported soil and C&D materials have the potential to impact on groundwater quality in the aquifer - moderate to slight impact. - Impacts on groundwater levels due to pumping / dewatering and infilling of the quarry void (by blocking groundwater flow paths), potentially affecting the supply capacity of nearby local groundwater wells – moderate to slight impact. • Surface Water - Any contaminants in imported soil and C&D material or accidental leaking of fuels have the potential to impact the surface water quality - Significant to Moderate impact. - Any suspended solids in the discharge have the potential to impact on surface water quality– Moderate impact. - Discharge of poor-quality surface water has the potential to affect the water quality in the Potters River, which has the further potential to have secondary adverse effects on the Buckroney-Brittas Dunes and Fen SAC / pNHA - slight impact. • Post operational impacts those impacts which may occur during the final restoration or during the aftercare period.

	- suspended solids in runoff from restored landform has potential to impact on surface water quality in the Potters River – Moderate Impact.
Cumulative	• Proposed development not likely to result in any significant cumulative effects.

16.5. Mitigation

16.5.1. Mitigation measures are outlined in sections 7.260 to 7.297 of the EIAR and are designed to mitigate any adverse impacts on surface water and groundwater. Some mitigation measures were previously / are currently in place at the existing quarry to prevent any reduction in the quality of the local aquatic environment.

16.5.2. In relation to on-site water management systems, water in the quarry void will be pumped to the treatment plant and will then be routed to the settlement / attenuation ponds for further treatment (settlement) prior to discharge at the Potters River. The locations of the existing settlement ponds are shown on Figure 2-1 in Chapter 2 (Project Description). The discharge water to the Potters River will comply with the conditions in the discharge licence (WPL116), or any required revision to the licence.

16.5.3. In relation to the accidental fuel leaks/spillages of any hydrocarbons no refuelling of plant / machinery, maintenance or repairs will take place in the quarry void. A refuelling pad with connection to hydrocarbon separator is provided on site, beside the workshop.

16.5.4. Suitable uncontaminated natural, undisturbed soil waste and/or soil by-product (i.e. non-waste) which conforms to an engineering specification will be imported for re-use in the construction of the 1m thick basal and side clay liners at the application site. This clay liner will be of sufficiently low permeability (less than or equal to 1x10-7m/s) to provide an appropriate level of protection to groundwater and the surrounding aquifer, in line with accepted inert landfill design standards. The proposed clay liner will prevent discharge through the base and sidewalls of the backfilled quarry ensuring that the wider aquifer and underlying groundwater system and groundwater quality is physically protected by a pathway/flow barrier.

16.5.5. A separate drainage system will be provided to reduce pressures and dewater groundwater beneath the basal liner. Dewatered groundwater and storm runoff from the inert landfilling activities will be managed separately to run-off which is not in

contact with the imported wastes. Run-off arising in contact with waste bodies will be collected separately and directed for recycling / re-use at the soil wash plant. Any excess run-off in contact with imported waste will be pumped to the proposed on-site (passive) wetland treatment system before being discharged off-site to the Potters River.

16.5.6. The wetland treatment system will comprise of (i) leachate reception tank and self-bunded storage tank; (ii) pump containing feed, discharge and chemical dosing pumps; (iii) passive wetland treatment system comprising anaerobic (biochemical reactor) wetland, iron Sequestering Unit (ISU) and aerobic wetland; and (iv) off-site discharge via existing ditch / drainage channel to Ballinclare stream/Potters River. The effectiveness of the proposed wetland treatment systems can be enhanced by the temporary addition of various, more active treatment systems, such as chemical dosing, aeration or other such processes.

16.5.7. Only soil and stone waste and C&D material carried by authorised waste collectors will be accepted at the proposed site. All HGVs importing inert wastes (or by-product) to the facility will be required to pass over the new weighbridge and all records of by-product and waste intake will be maintained on site for tracking and auditing purposes. If, following its acceptance at the facility, there is any subsequent grounds for concern about the nature of the wastes imported to and/or handled on site, it will be segregated and transferred to the covered waste inspection and quarantine shed for closer inspection and classification testing to establish whether it can be accepted at the facility or not.

16.5.8. In the initial infilling phase (Phase 1A) and in the C&D recovery yard, surface water runoff will be captured and recirculated or supplied to soil wash plant while runoff from the soil processing area will be directed towards a sump behind the wash plant for use in the washing process. Any excess water in the sump on the quarry floor will be treated prior to discharge. Following the capping and restoring of the Phase 1A area, surface water runoff will be captured by a perimeter toe drain and discharged offsite.

16.5.9. Before the end of Phase 1A, the construction of the Integrated Constructed Wetland will commence. During the follow-on Phase 1 development, the discharge/runoff from the inert landfilling areas will be collected and treated in the Integrated Constructed Wetland. Runoff from the C&D waste recovery and soil processing area will be

supplied to the soil wash plant. Any excess water collecting in the sump on the quarry floor will be treated by the Siltbuster system and settlement ponds prior to discharge.

16.5.10. During Phase 2 of the development, whereby the land surface will be raised to 80mAOD, the runoff from active inert landfill areas will be collected and treated within the Integrated Constructed Wetland. Runoff from capped landfill areas and the C&D waste recovery facilities will be collected and directed to temporary balancing ponds. Excess water in these balancing ponds will be treated by the Siltbuster system and settlement ponds prior to licensed discharge.

16.5.11. During Phase 3 of the Proposed Development, the water management system will mimic the Phase 2 operation.

16.5.12. Surface water quality testing of the discharge from the site will be completed on a quarterly basis (subject to any update of the existing discharge license and/or conditions within the Waste License).

16.5.13. Once the site is backfilled, it will become vegetated, and runoff and drainage will either percolate to ground or runoff and drain passively from the site via the wetland area. A small area of the southeastern corner of the site will drain locally to a suitably sized swale /attenuation pond and will discharge following treatment to the Kilmacurra Stream.

16.5.14. The long-term surface water management regime for the backfilled landform described in Chapter 2 will be established incrementally over time, as landfill and restoration work proceeds. On completion of the quarry backfilling and restoration works, any outstanding long-term site drainage works will be completed.

16.6. Residual Effects

16.6.1. Provided the identified mitigation measures are put in place, there are no significant residual impacts with respect to groundwater and/or surface water during the construction, operational or post-construction stages of the proposed development.

16.6.2. A WFD Compliance Assessment is included as Appendix 7-N. That assessment concludes that there be no change in quantitative (volume) or qualitative (chemical) status, and the underlying GWB and downstream SWBs are protected from any potential deterioration.

16.7. Evaluation and Assessment: Direct and Indirect Effects

16.7.1. I have examined, analysed and evaluated chapter 7 of the EIAR and all of the documentation on file in respect to hydrology and hydrogeology. I am satisfied that the applicants understanding of the baseline environment by way of desk and site surveys is comprehensive and that the key impacts in respect of likely effects on hydrology and hydrogeology have been identified.

16.7.2. I also note the applicant response to Point 1 of the Further information request which reiterates a number of points/sections set out in chapter 7.

16.7.3. In the proposal there will be no surface water / groundwater emissions or off-site discharges arising from the proposed soil washing and aggregate recovery activities as all process water will be re-circulated within a closed loop system.

16.7.4. In addition, I am satisfied that once the quarry is dewatered and landfilling activities commence, the surface water management philosophy will ensure that surface water run-off in contact with the inert waste body is captured and managed separately to that which does not come into contact with it. Furthermore, surface water monitoring will continue to be undertaken in line with the conditions set out in the existing Discharge Licence for the site.

16.7.5. On-site information in the observation wells (GW1- GW3) and from the monitoring in local domestic wells as well as the broadly unproductive hard Diorite bedrock aquifer suggest that impacts on groundwater levels and local wells will not occur. In addition, the clay liner will have sufficient low permeability (at least 1x10-7m/s) so as to hydraulically isolate it from the underlying bedrock aquifer.

16.7.6. The applicant also sets out that local domestic wells are either upgradient of the site or, where downgradient such as at CBDW1 and KHDW1, there is a surface watercourse (the Ballinameesda Lower [Kilmacurra] stream), which creates a hydraulic boundary between these local domestic wells and the site. Analysis of local domestic wells also show no significant effect on groundwater levels due to the ongoing pumping / dewatering from the application site.

16.7.7. I also note the response from Uisce Eireann who set out that this application has adequately addressed the issues raised in the previous SID application, regarding the management of elevated levels of arsenic on site, the potential to alter groundwater

flows and impact local wells and the mobility of metals in the effluent from soil washing operations. Uisce Eireann is satisfied that subject to compliance with the mitigation measures proposed in the EIAR, no negative impact arises to drinking water sources and abstractions.

16.7.8. Overall, I am satisfied that the mitigation measures outlined in relation to waste material will further ensure no impacts occur to local groundwater quality. In addition, I note that groundwater monitoring will be implemented by the applicant and will include remedial works to monitoring well GW2 to remove residual hydrocarbons and groundwater quality testing and monitoring will be undertaken at GW1, GW2A and GW3, on a quarterly basis. Test results will be maintained on site and will be furnished to the EPA as required by conditions attached to any future waste licence.

16.7.9. Furthermore, baseline groundwater quality monitoring is proposed at local wells CBDW1, GLDW1, DW2, LDDW1, DW3, ODW1, and ODW2 followed by biannually (every two years) thereafter during the construction and operational phases. The groundwater monitoring regime will remain in place for the life of the proposed landfilling and recovery operations and for a period of 5 years thereafter during the aftercare period.

16.7.10. In conclusion there will be no change in GWB or SWB status in the underlying GWB or downstream SWBs resulting from the proposed development and the proposal is therefore in compliance with the requirements of the Water Framework Directive in that it will not cause a deterioration in status in any waterbody or prevent any waterbody from achieving good status. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

16.8. Conclusions: Direct and Indirect Effects

16.8.1. I am satisfied that the potential for impacts on hydrology and hydrogeology can be avoided, managed and/or mitigated by measures that form part of the proposed

scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the potential for direct or indirect impacts on hydrology and hydrogeology can be ruled out. I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise, subject to mitigation being implemented.

17.0 Air Quality

17.1. Issues Raised

17.1.1. A number of concerns have been raised in relation to air quality particularly in relation to airborne asbestos fibres as well as dust from trucks and the on-site activity.

17.2. Examination of EIAR

17.2.1. Chapter 8 of the EIAR submitted examines the potential impacts in relation to Air Quality. The proposed materials recovery / recycling and inert landfilling activities will have the potential to generate fugitive particulate matter, including visible dust which may impact local air quality. Combustion emissions (principally finer particulates (PM10 and oxides of nitrogen) from vehicle exhaust emissions associated with the handling and transportation of materials will also have a potential impact.

17.2.2. In relation to the naturally occurring asbestos on site I note that in the response to the submissions received and in response to the further information request the applicant has submitted a detailed response to this issue. The applicant states that since the discovery of NOA at the quarry in 2016, all on-site activities were overseen by, and subject to detailed protocols agreed with, both the Health and Safety Authority (HSA) and Environmental Protection Agency (EPA). Bi-annual monitoring of ambient air since the discovery of asbestos in 2016 has not detected elevated asbestos levels in any air samples. Also, inspections of NOA exposures and the buried asbestos area at annual intervals have not identified any evidence of deterioration which could give rise to any health or environmental concerns.

17.2.3. The results of all asbestos related tests to date have been shared with both WCC and the HSA. The applicant sets out that they will continue to engage with the HSA and EPA on the future management / handling of NOA / ACM at the application site. The

applicant is satisfied that at the present time, the potential presence of NOA in rock exposures, and its presence at a number of aggregate stockpiles and at the returns area, does not present any risk to site staff, contractors, hauliers or to the general public.

17.3. Baseline

17.3.1. The lands surrounding the existing quarry is typically rural in character and comprises farm fields, forestry and existing quarry / industrial lands. The Kilmacurragh Botanic Gardens are located just under 1km to the south-west of the site.

17.3.2. Residential property in the vicinity of the application site generally comprises farmsteads and isolated one off houses along the local road network. The nearest dwellings to the landholding site boundary are those located to the south, west and north of the site, along the local county road network and are identified in Figure 8-1 and listed in Table 8-6 (Sensitive Receptors Within 0.5km of Ballinclare Quarry).

17.3.3. Deputy's Pass Nature Reserve Special Area of Conservation (Site Code 000717) is located approximately 1.6km to the north-west of the application site, while Glenealy Woods proposed Natural Heritage Area is located approximately 1.1km to the northwest.

17.3.4. A baseline air monitoring study was undertaken in order to characterise the existing ambient environment in the area. This was undertaken through a review of available published ambient air monitoring data and site-specific ambient air monitoring at locations along the site boundaries and sensitive nearby locations. In addition, air quality monitoring programmes undertaken in recent years by the EPA informed the study.

17.3.5. Each of the activities associated with proposed development have been assessed for potential air quality impacts including:

- emission from site preparation earthworks, construction and track out,
- emission from stockpiling, material placement and restoration,
- PM10 contribution from operational activities,
- Plant / traffic exhaust emissions.

17.3.6. The methodology used in each assessment is presented in tables 8-7 to 8-11 and also provides an explanation of the significance criteria to describe the impacts of the proposed development on air quality. It should be noted that the impacts associated with PM10 are related to potential health impacts while deposited dust is related to potential nuisance effects.

17.3.7. In addition, I note that in response to the submissions received the applicant has set out that that bi-annual monitoring of ambient air since the discovery of asbestos in 2016 has not detected elevated asbestos levels in any air samples. The applicant goes on to note that air testing results indicate that asbestos levels are well below 0.01 fibres/cm3 (which is 10 times lower than the Exposure Limit Value of 0.1 fibres.cm3 prescribed by the HSA in its publication Asbestos-containing Materials (ACMs) in Workplaces (HSA0393)). The Applicant is satisfied that there is no risk to site staff, contractors, hauliers or to the general public at the present time.

17.3.8. Guidance on the assessment of the impacts of extractive based operations on air quality has been prepared by the Institute of Air Quality Management (IAQM, 2016). This guidance uses a simple distance-based screening process to identify those operations where the dust impacts are unlikely to be significant and therefore require no further assessment.

17.3.9. 16 sensitive receptors were identified for assessment purposes within the 500m study area around the application site, comprising 15 residential properties and a forested amenity area along the Potters River. 3 additional sensitive receptors outside of the 500m radius were also identified. These were the Kilmacurragh Arboretum, Deputy's Pass SAC and Glenealy Woods pNHA. All of these have been progressed to a Tier 2 screening risk assessment as they are considered to be at potential risk of dust impact.

17.3.10. A Tier 2 assessment involves identifying source-pathway-receptor linkages and a semi-quantitative assessment of the likelihood and magnitude of any effects that could be associated with each pollutant linkage. This assessment takes account of wind direction and speed data (to estimate frequency of exposure), proximity to source (to estimate magnitude of exposure), sensitivity of receptor; and occurrence of natural dust suppression (rainfall patterns). The Tier 2 risk screening assessment does not take into account mitigation measures implemented at the proposed development. A

summary of the risk assessment of dust impacts from activities and potential emission sources within the proposed development is presented in Table 8-15.

17.4. Potential Effects

17.4.1. The EIAR identifies the potential for a range of environmental effects on Air Quality. Likely significant effects of the development, as identified in the EIAR, are summarised in Table AQ1 below.

Table AQ1: Summary of Potential Effects

Project Phase	**Potential Direct, Indirect and Cumulative Effects**
Do Nothing	• No resulting impacts on Air Quality in the area
Construction	• Construction dust from site preparation / site establishment / track out activities and construction traffic. If the track out activities were not mitigated, the effects of dust during dry and windy conditions could lead to nuisance for a temporary period during the construction phase. Overall given the separation distance to sensitive receptors effects are considered negligible. • Dust deposition impact on the Deputy's Pass Nature Reserve SAC and the Glenealy Woods pNHA are considered insignificant. • Naturally Occurring Asbestos - The NOA is tightly bound within the diorite rock formations – therefore no risk to public. - Disturbance of stockpiles with detectable levels of NOA - Significant to Moderate impact
Operation	• Material transfer and storage, traffic, C&D / Soil Stockpiling, Soil Washing Plant and C&D Processing Activities - without any mitigation measures in place the impact from dust emissions at sensitive receptors generally varies from Insignificant at 9 no locations, Acceptable at 3 no locations, Slight Adverse at 3 locations and Moderate Adverse at residential property R7 and the forest / amenity area to the north of the application site. • Post closure phase will entail decommissioning and removal of plant and equipment and final restoration to woodland habitat – impact will be negligible. • Dust deposition impact on the Deputy's Pass Nature Reserve SAC and the Glenealy Woods pNHA are considered insignificant • Traffic Emissions from between 90 and 100 HGV movements per day. This is generally consistent with the existing /

	previously permitted HGV traffic levels of 150 trucks per day for extractive and related aggregate / concrete / asphalt production activities – no significant change in air quality from traffic. • Naturally Occurring Asbestos - The NOA is tightly bound within the diorite rock formations – therefore no risk to public. Also the proposed filling and the use of natural clay liner along the side walls and base of quarry will cover existing rock surfaces. - Disturbance of stockpiles with detectable levels of NOA - Significant to Moderate impact
Cumulative	• Proposed development not likely to result in any significant cumulative effects - WCC Planning Ref. 23/60497 is a land raising project circa 2km from site – given separation distance, limited scale and duration there is no potential for cumulative effects with this project

17.5. Mitigation

17.5.1. The principal factors which will reduce and mitigate emissions from the planned materials recovery / recycling and landfilling facility will be the placement of the imported inert waste materials behind the quarry faces and below surrounding ground level. The existing perimeter berms along the site boundary and intervening vegetation / forestry within and beyond the application site boundary will also effectively inhibit and limit dispersion of fugitive dust.

17.5.2. In addition, a number of site-specific additional dust control measures are set out in Table 8-17. These include the use of water sprays/sprinklers to moisten surfaces during dry weather, restrictions on vehicle speeds, the use of a wheel wash facility for exiting HGV's and the use of a road sweeper.

17.5.3. The monitoring of dust deposition and recording of any complaints will be carried out to take appropriate measures to reduce emissions in a timely manner. Additional measures will also be implemented when required to achieve compliance with dust emission limits and will include the covering of loads delivering to and dispatching materials from site as well as undertaking regular monitoring and inspection of access and haul roads.

17.5.4. In relation to the NOA the applicant sets out in the response to the submissions received that any stockpiled materials which are known to have NOA above detectable

limits will be placed above / within the landfill liner in line with detailed protocols and procedures and subject to prior agreement, approval and oversight by both the HSA and the EPA. In addition, traffic will be re-routing where necessary to avoid stockpiles with detectable levels of NOA. Also, any hardstanding materials required to construct haul roads traversing NOA exposures or in-situ materials containing NOA will be sourced from other quarries and continuous monitoring of NOA levels in the ambient air will continue to be carried out.

17.6. Residual Effects

The proposed development, with the range of mitigation measures to be implemented and design measures incorporated into the working scheme, will not have any adverse or unacceptable impact on any nearby sensitive receptors.

17.7. Evaluation and Assessment: Direct and Indirect Effects

17.7.1. I have examined, analysed and evaluated chapter 8 of the EIAR and all of the documentation on file in respect to air quality. I am satisfied that the applicants understanding of the baseline environment by way of desk and site surveys is comprehensive and that the key impacts in respect of likely effects on air quality have been identified.

17.7.2. Having regard to the screening assessment tool, the Air Quality Assessment indicates that there is generally an insignificant to moderate adverse risk that dust may cause an impact at sensitive receptors within 500m of the source of the dust generating activities. It should be noted that the risk assessment does not take into account the implementation of mitigation measures that include the retention of perimeter screening and dust suppression measures outlined in the Mitigation Measures section.

17.7.3. I note that with the implementation of mitigation measures, dust emissions at residential property R7 and at the forest / amenity area to the north of the application site have been reduced to Acceptable and Insignificant respectively. Overall, it is concluded that with the range of mitigation measures to be implemented and design measures incorporated into the working scheme, the proposal will not have any adverse or unacceptable dust deposition impact on any nearby sensitive receptors.

17.7.4. In the response to concerns raised in the submissions in relation to NOA, the applicant sets out that although NOA (actinolite) was detected in several stockpiles (of varying

size) around the application site, it was absent or at / below the limit of detection at the majority (>65%) of them. These stockpile locations are known and mapped and have not been disturbed since the quarrying and production activities were suspended at the quarry in 2016.

17.7.5. In addition, the returned NOA materials were placed above the quarry floor in the north-eastern corner of the quarry and capped with a layer of sand, geotextile, stone and topsoil. These will not be moved or disturbed and will remain in place and the inert landfill liner (composing a minimum of 1m depth of low permeability soil) in this area will be placed and compacted over these materials. Furthermore, traffic movements around the quarry were also re-routed where necessary to avoid stockpiles with detectable levels of NOA.

17.7.6. The applicant has also gone on to clarify that any existing stockpiles of site-won aggregate located beyond the quarry / landfill footprint which are also known to have NOA above detectable limits will not be disturbed (excavated or moved) at any stage and will be further capped as required and traffic / personnel access restricted.

17.7.7. Overall, I note the applicant's response to the further information request in relation to the long term management of returned asbestos on site, reiterates details set out in Chapter 8 of the EIAR and in the applicant's response to the submissions received.

17.7.8. In conclusion, with the implementation of the mitigation measures no significant adverse effects on air quality are not predicted to arise.

17.8. Conclusions: Direct and Indirect Effects

17.8.1. In conclusion, I have considered all of the submissions made in relation to air quality and the relevant contents of the file including the EIAR. I am satisfied that the potential for direct or indirect impacts on air quality can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the potential for direct or indirect impacts on air quality can be ruled out. I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise, subject to mitigation being implemented.

18.0 Climate

18.1. Issues Raised

A number of submissions have raised concerns that the number of daily HGV trips generated by the proposed development would conflict with the Climate Action Plan.

18.2. Examination of EIAR

18.2.1. It is important to note at the outset when considering the proposed development in the context of climate, that there are currently no published guidelines and established methodology providing specifically for the assessment of climate impacts from extraction / inert soil landfilling / waste recycling or recovery activities in Ireland. The applicant sets out that Chapter 9 (Climate), therefore has been prepared on the basis of general cross-sectoral guidance. In addition, the 2021 Act made provision for the setting of carbon budgets and sectoral emissions ceilings to different sector of the economy.

18.2.2. The transition to a circular economy is identified within the Climate Action Plan 2024 ("CAP24") and 2025 ("CAP25") as a key message that will contribute to the reduction in GHG and make a significant contribution to achieving our climate objectives. The introduction of a national by-product decision for greenfield soil and stone by the EPA in July 2024 was a key action in CAP24.

18.2.3. Impacts to climate are considered within chapter 8 of the EIAR and are considered in the context of GHG emissions relating to the construction phase, traffic related emissions and operational related emissions. Recent weather patterns and extreme weather events recorded by Met Éireann have been reviewed and considered in the context of climate change locally.

18.3. Baseline

18.3.1. As set out above there are no specific tools developed for assessing climate for the extraction / waste recovery industries. The Climate Change and Major Project guidelines on how to make vulnerable investments resilient to climate change provide a methodology for undertaking a vulnerability and risk assessment.

18.3.2. Climate change adaptation and mitigation are to be integrated in the preparation of planned development. Adaptation seeks to ensure adequate resilience of

development to the adverse impacts of climate change, based on vulnerability. Mitigation seeks to reduce the emission of greenhouse gases.

18.3.3. The applicant sets out that for the purpose of this assessment, greenhouse gas (GHG) emissions have been calculated for the proposed development based on energy use at the proposed development in future years.

18.4. Potential Effects

18.4.1. The EIAR identifies the potential for a range of environmental effects on Climate. Likely significant effects of the development, as identified in the EIAR, are summarised in Table C1 below.

Table C1: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	• GHG Emissions will not be avoided or foregone if the proposal does not proceed, rather they will be generated by waste transfer to another facility elsewhere.
Construction	• Site preparation / site establishment / track-out activities and construction traffic • The impact of GHG emissions during the construction stage would be considered insignificant in terms of national CO2 emissions.
Operation	• Proposed materials recovery / recycling and landfilling activity - Total annual emission of 2,979,450 CO2eq kg (2,979 CO2eq tonnes) and would represent a maximum of 0.0049% of Ireland's annual CO2eq emissions. • Recycled aggregate will replace natural aggregate currently imported from pits and quarries. • Backloading of HGVs with recycled aggregates will have the effect of avoiding or eliminating c.12,000 haulage round trips • Modern efficient soil washing plant to reclaim aggregate offers the potential to save / avoid the emission of approximately 1,000 tonnes of CO2eq. • Overall, the proposed materials recovery / recycling involves waste minimisation and circularity. Due to the nature of the proposed development, greenhouse gas emissions would be insignificant in terms of national CO2 emissions. In addition, were the proposal not to proceed emissions will not be forgone, rather they would be generated by another facility.
Cumulative	• There is another quarry located in Kilmacurragh West, on the opposite side of the L1157 Local Road. This quarry is not

	currently active. Proposed development not likely to result in any significant cumulative effects.

18.5. Mitigation

18.5.1. Table 9-5 details specific mitigation measures related to climate change adaptation including measures to improve the resilience of the proposed development to extreme rainfall, flash flood, storms, wildfires and winds**.** The measures include adequate surface water drainage, adequate procedures for wildfire scenarios and ensuring the design can withstand increases in high winds and storms. Provision will also be made for the periodic review of plans and the allocation of reporting responsibilities for a regime to measure and evaluate progress on adaptation.

18.5.2. Table 9-6 details specific mitigation measures in respect of a GHG reduction programme for the proposed development. This includes using renewable energy sources / suppliers, use of energy efficient machinery and the efficient management of transport and travel demands including the use of backloading to dispatch recycled aggregates off site.

18.6. Residual Effects

18.6.1. With the application of the identified mitigation measures there are no significant negative residual impacts with respect to Climate during the construction, operational or post-construction stages of the proposed development

18.7. Evaluation and Assessment: Direct and Indirect Effects

18.7.1. The proposed annual intake of 550,000 tonnes of soil and stone and 50,000 tonnes of construction and demolition (C&D) waste per annum is equivalent to an average of 90 to 100 loads per day. The total annual GHG emissions for the proposed development is 2,979,450 CO2eq kg (2,979 CO2eq tonnes). The breakdown in type of activity is presented in Table 9-4.

18.7.2. Based on a calculated total annual emissions of 2,979,450 CO2eq kg (2,979 CO2eq tonnes) and a comparison to Ireland's 2023 emissions value of 60.62 MTonnes of CO2eq, it is assessed that the proposed development would represent a maximum of just 0.0049% of Ireland's annual CO2eq emissions for the duration of these activities.

18.7.3. It should also be recognised that should the proposed development not proceed these emissions will not be avoided or foregone, rather they will be generated by waste transfer to another facility as construction waste materials off development sites will have to go to authorised outlets/facilities.

18.7.4. The applicant also sets out that much of the recycled aggregate produced at the proposed development will be supplied to its existing production facilities at Kilpeddar, Tallaght and Lucan and that it will replace natural aggregate currently imported from pits and quarries which are generally located at greater distance.

18.7.5. I also note that a reduction in GHG emissions will be achieved through backloading of HGVs with recycled aggregates. The applicant indicates that approximately 50% of haulage trips will carry a consignment on both legs of a trip to and from the application site. This will have the effect of avoiding or eliminating c.12,000 haulage round trips. The combination of backloading and shorter haul distances will both contribute to a reduction in GHG emissions over time.

18.7.6. The applicant also sets out that the use of a modern efficient soil washing plant to reclaim aggregate offers the potential to save / avoid the emission of approximately 1,000 tonnes of CO2eq.

18.8. Conclusions: Direct and Indirect Effects

18.8.1. In conclusion, I have considered all of the submissions made in relation to climate and the relevant contents of the file including the EIAR. I am satisfied that the potential for direct or indirect impacts on climate can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the potential for direct or indirect impacts on climate can be ruled out. I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise, subject to mitigation being implemented.

19.0 Noise and Vibration

19.1. Issues Raised

19.1.1. Issues were raised in the third-party submissions in relation to the impact of noise and vibration arising from the proposed development. These were generally in relation to noise from on-site activities and truck movements along the haul route and the impact it will have of the quality of life of residents, local businesses and tourism. Noise impacts on wildlife were also raised and in particular the impact on the Peregrine Falcon from disturbance and noise. These have been addressed in the Chapter 5 Biodiversity.

19.2. Examination of EIAR

19.2.1. Chapter 10 of the EIAR examines the potential impacts from noise and vibration. The applicant sets out that site operations will be classified as a waste management activity under the Waste Management Act (1996, as amended) and as such, the facility will require a waste licence from the Environmental Protection Agency.

19.2.2. During the operational phase, the potential noise and vibration sources include the proposed soil washing plant located at the former concrete / asphalt production yard in the south-eastern corner of the site, the construction and demolition (C&D) waste recovery facility located across the existing paved area to the west of the existing site access road and the backfilling of the existing quarry as well as truck movements along the haul route.

19.2.3. At a maximum combined intake rate of 600,000 tonnes per annum, activities will generate an average of approximately 9 to 10 HGV return trips per hour every working day.

19.2.4. Under the routing proposal, the majority of the HGVs travelling to the proposed development from Dublin and North Wicklow will use the M11 Motorway, exiting at Junction 18 and joining the R772 Regional Road southbound. Traffic will then turn right, off the R772, and onto the L1157 at Junction 18 Coffee Shop and Green Angel premises at Kilbride. The access junction to the quarry and proposed development is located along the L1157, approximately 2km north-west of the R772 junction.

19.2.5. The applicant proposes road improvements along the entire length of the L1157 leading up to the application site, which include road widening to 6.0m. The proposed

haul route requires all HGV traffic departing the proposed facility to turn left and follow the upgraded L1157 back to the junction with the R772 Regional Road, and from there continue toward the national motorway network.

19.2.6. The haul route for HGV vehicles will avoid the L1113 Local Road.

19.2.7. The noise impact assessment presented describes and assesses the existing noise baseline characteristics of the local area. The significance of impacts have been assessed in accordance the Guidelines for Noise Impact Assessment produced by the Institute of Environmental Management and Assessment (IEMA).

19.3. Baseline

19.3.1. The closest Noise Sensitive Receptors (NSR) to the application site have been identified and assessed based on their distance from the application site boundary. The relevant NSR's located within 500 metres of the application site boundary are identified in Table 10-1 and with the locations shown in Figure 10-1.

19.3.2. A noise survey was completed to establish the prevailing noise levels in the vicinity of the nearest noise sensitive receptors to the site and associated haul route. Four no noise monitoring locations were selected for the purposes of the baseline noise survey and are shown in Figure 10-1.

19.3.3. Table 10-2 list noise sensitive ecological receptors in the vicinity of the site. Given the nature of proposed site operations and distance to these receivers it is concluded that resultant noise levels at these locations would give rise to negligible impacts, and as such impacts on these ecological receivers have not been considered further in the assessment.

19.3.4. The proposed operational hours are to be limited to 0800 to 1800 hrs, Monday to Friday, albeit with some loading and unloading of HGVs after 07.00 hours each day. There will be no work at weekends or on public holidays.

19.3.5. The nature of onsite operations and the distance to the nearest noise sensitive locations is such that the risk of vibration impacts occurring during either the construction or operational phases is negligible and has therefore not been assessed further as part of this assessment.

19.3.6. British Standard BS 5228-1:2009+A1:2014 sets out guidance on permissible noise levels relative to the existing noise environment. The applicable construction noise

limits based on the prevailing noise climate and BS5228-1 thresholds have been summarised in Table 10-12 below. The adopted threshold is 65 dB LAeq,12hr at the nearest noise sensitive locations.

19.3.7. The application site and nearest noise sensitive dwellings are located between 1,000 and 1,500 metres from the M11 motorway which runs immediately east of the site (within 400m of the application site boundary). As such, the site does not satisfy the criteria to be classified as a "quiet area" as per the EPA's *Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities* (NG4, 2016). It is therefore classified as an area of a "low background noise".

19.3.8. In addition to quiet area screening, a series of attended noise measurements were completed at the nearest NSR's to determine prevailing noise levels and to screen for potential low background noise levels. The noise monitoring results for the baseline surveys are provided in Table 10-9. Measured baseline noise levels at the 4 no locations were dominated by road traffic noise from the surrounding road network.

19.3.9. The applicant sets out that potential noise generating properties of the proposed mechanical plant items and waste management activities proposed are also nearly identical to those previously employed at the site when it previously operated as a quarry. I also note that the extant planning permission for the site includes an operational noise condition which sets out that equivalent sound levels attributable to all onsite operations shall not exceed 55 dBA Leq over a continuous one hour period between 0800 hours and 1800 hours on Monday to Friday inclusive, and 0800 hours and 1300 hours Saturday, when measured at any noise sensitive receptor. Sound levels shall not exceed 45 dBA over a continuous one hour period at any other time.

19.3.10. In light of the above, and having regard to the historical land use and the extant permission for the site, it is proposed that a threshold of 50 dB LAR,T for on-site specific noise be applicable at noise sensitive locations in the vicinity of the application site. This threshold is deemed to offer sufficient protection to surrounding noise sensitive receptors.

19.4. Potential Effects

The EIAR identifies the potential for a range of environmental effects from Noise and Vibration. Likely significant effects of the development, as identified in the EIAR, are summarised in Table NV1 below.

Table NV1: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	• No change in the prevailing baseline noise environment other than expected increase in road traffic volumes in line with national forecasts.
Construction	• Installation of site infrastructure – new industrial shed to house crushing/screening equipment, soil recycling plant, new weighbridge and wheelwash facility. • Decommissioning of the existing quarrying and asphalt production plant. • Construction plant e.g. excavators, dumpers etc • At NSLs impacts will be temporary slight to moderate. Under a worst-case scenario for noise generation, there is potential for moderate to significant temporary negative impacts
Operation	• Handling and movement of waste and non-waste by-product materials • Operation of the soil recycling plant • Crushing and screening of C&D waste • Backfilling / restoration of the former quarry will include use of bulldozers, wheeled loaders and dumper trucks • Vehicular movement from incoming and outgoing dumper trucks • Overall, on site activities have the potential to give rise to minor medium-term noise impacts. • Additional traffic generated by the proposed development on the local road network – When operating at maximum capacity impact are considered minor to major for receptors located along the L1157.
Cumulative	• No potential for significant cumulative noise related impact identified.

19.5. Mitigation

19.5.1. In the construction and operational phase due regard will be had to BS5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Noise and BS5228-2:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Vibration, which are best practice

standards for the management of noise and vibration on construction sites. These standards include guidance on the selection of quiet/low vibration emitting plant, hours of work, liaison with the public and monitoring. This will ensure that in the construction phase, noise is reduced to slight negative temporary impacts for the most part and moderate brief impacts on limited occasions and in the operational phase noise impacts will be minor medium-term noise impacts.

19.5.2. In addition, HGVs / trucks accessing and egressing the proposed development will be required to adhere to a 60 kmph speed limit travelling along on the L1157 and vehicles waiting within the application site will be prohibited from leaving their engines running.

19.5.3. Also, an annual compliance noise survey to establish operational noise emissions arising at the site and compliance with noise emission thresholds set by any grant of planning permission or waste licence issued by the EPA will be undertaken.

19.6. Residual Effects

19.6.1. During the construction stage, the adoption and implementation of best practice Construction Noise Management practices will ensure residual impacts are minimised to the extent that construction noise should give rise to slight negative temporary impacts for the most part and moderate brief impacts on limited occasions.

19.6.2. Additional road traffic noise on public roads has the potential to give rise to minor to major noise impacts, depending on the proximity of the receptor location to the L1157 Local Road. Impacts for properties set back from the road are typically classified as minor.

19.7. Evaluation and Assessment: Direct and Indirect Effects

19.7.1. The predicted noise levels for each of the nearest NSRs during the construction phase has been summarised in Table 10-14. They demonstrate that construction noise levels will fall below the adopted threshold of 65 dB LAeq,12hr at the nearest noise sensitive locations. Construction noise would therefore be considered to give rise to temporary slight to moderate impacts.

19.7.2. Table 10-15 outlines source data based on the list of plant items for the operational phase while Table 10-16 summarises the predicted noise levels for each of the nearest NSRs during the operational phase.

19.7.3. It is noted that in many instances, the individual activities would be occurring simultaneously across the application site and that only the waste deposition activities at the quarry void would be completed on a phased basis. Therefore, the predicted worst case operational noise levels have been presented in Table 10-17. These indicate that even under worst case operational conditions, the relevant daytime operational noise threshold of 50 dB LAeq,T would be achievable subject to the adherence to best practice noise management practices.

19.7.4. In relation to the potential impact of additional traffic generated by the proposed development on the local road network, the applicant sets out that when operating at maximum capacity, hourly HGV traffic movements would average out at approximately 30 per hour (equivalent to 15 trips per hour).

19.7.5. Table 10-18 details the predicted road traffic noise level arising from increased HGV traffic levels at the nearest noise sensitive locations along the L1157. In terms of potential impact, the proposed development when operating at maximum capacity would be considered as minor to major for receptors located along the L1157.

19.7.6. I note that at receptor R26 the impact is considered major while at receptor R38, R45 and J18 café the impact is considered moderate. At all other receptors the impact is considered minor or no change. The applicant also points out that two of the noise sensitive receptors with the greater potential impact, properties R26 and R45, are owned by the applicant. Overall, I note that HGVs / trucks accessing and egressing the proposed development will be required to adhere to a 60 kmph speed limit travelling along on the L1157 and this will ensure road traffic noise impacts at the nearest noise sensitive receptors are minimised.

19.7.7. Table 10-19 considers the cumulative impact of the proposed development on local noise and vibration levels which is accessed as insignificant.

19.8. Conclusions: Direct and Indirect Effects

19.8.1. I have considered the submissions made in relation to noise and vibration and the relevant contents of the file including the EIAR. I am satisfied that the potential for direct or indirect impacts on noise and vibration can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the potential for direct or indirect impacts in relation to noise and vibration can be ruled

out. I am also satisfied that cumulative effects, in the context of existing and permitted developments in the surrounding area and in the vicinity of the site, are not likely to arise.

20.0 Material Assets

20.1. Issues Raised

20.1.1. Concerns were raised in the submissions in relation to the adequacy of the screening of incoming waste given the anticipated level of activity on site. I also note that the Eastern Midlands, Connacht-Ulster and Southern Regional Waste Management Planning Offices in their joint submission outline that the proposed activity is consistent with the policies in the National Waste Management Plan for a Circular Economy 2024-2030 and its target of achieving 0% waste growth over the life of the plan.

20.2. Examination of EIAR

20.2.1. Chapter 14 of the EIAR address the transport and traffic aspects of the development while Chapter 12 addresses architectural heritage, archaeological heritage and cultural heritage. As a result, Chapter 11 (Material Assets) primarily focussed on built services and waste management aspects of the proposed development. Built services refer to electricity, telecommunications, gas, water supply infrastructure and sewerage.

20.3. Baseline

20.3.1. The baseline study comprised a desk-top review of online and published resources/ information and information contained in the other Chapters of this EIAR. Ordnance Survey maps and aerial photography of the local area were also examined.

20.3.2. The most prominent infrastructure in the vicinity of the application site is the M11 Motorway which runs approximately 400m to the east of the application site at its closest point.

20.3.3. There is no mains water supply or group water scheme in the area, and private residential properties in the area are supplied from private groundwater wells. As there is no site-based supply of potable water to the staff welfare facilities, potable water for drinking is supplied to the site office and staff welfare facilities via replenishable containers which are refilled off-site and delivered to site as required. Non-potable / process water is sourced from an existing on-site groundwater supply well.

20.3.4. There are few utilities / services in the vicinity of the site. Overhead 220kV powerlines run beyond the eastern property boundary. A number of 38kV lines also criss-cross the local area. There is an existing connection to the electricity distribution network and a transformer at the former concrete / asphalt processing area in the south-eastern corner of the site which will remain in place for the duration of the planned waste activities.

20.3.5. There is no municipal wastewater infrastructure in the area surrounding the application site.

20.3.6. There is no gas infrastructure in or around the application site.

20.3.7. Telephone lines run along the local road network leading to / from the proposed site. In addition, high-speed fibre optic broadband infrastructure is available locally and the application site can be readily connected to it.

20.3.8. There is some solid waste associated with the former rock extraction and processing activities at the application site, principally remnants of former plant, equipment and built structures. This waste will be removed off-site by licensed contractors for recovery or disposal at authorised waste recovery facilities in advance of commencing on-site material recovery / recycling and inert landfilling activities.

20.4. Potential Effects

20.4.1. The EIAR identifies the potential for a range of environmental effects on Material Assets. Likely significant effects of the development, as identified in the EIAR, are summarised in Table MA1 below.

Table MA1: Summary of Potential Effects

Project Phase	**Potential Direct, Indirect and Cumulative Effects**
Do Nothing	• No change to existing infrastructure or landuse
Construction	• Impact on existing public road network – Chapter 14 (Traffic) concluded that with appropriate road improvement along the L1157, the proposed development will not have a likely significant effect on either traffic safety or the existing capacity of local roads and junctions. • No impact on water supply given the lack of public or private supply pipe infrastructure in the area. • No short-to-long term impacts on services / utilities.

	- Standard construction safety practices will be adhered to when working close to overhead power lines. - Telecommunications cables along the L1157 will be avoided as per standard construction best practice guidance. • Waste generated by on site activities – management systems will be established and implemented to control and manage all potential waste streams on site, thus the proposal will not give rise to any significant short-to-long term effects
Operation	• Impact on existing public road network – Chapter 14 (Traffic) concluded that with appropriate road improvement along the L1157, the proposed development will not have a likely significant effect on either traffic safety or the existing capacity of local roads and junctions. • No impact on water supply given the lack of public or private supply pipe infrastructure in the area. • No short-to-long term impacts on services / utilities. - Standard construction safety practices will be adhered to when working close to overhead power lines. - Telecommunications cables along the L1157 will be avoided as per standard construction best practice guidance. • Inert materials imported to the site / facility will be accepted under a strictly controlled approval and permitting system. • Waste generated by on site activities – management systems will be established and implemented to control and manage all potential waste streams on site, thus the proposal will not give rise to any significant short-to-long term effects.
Cumulative	• Proposed development not likely to result in any significant cumulative effects.

20.5. Mitigation

20.5.1. No specific mitigation measures are necessary during the construction or operational phase in respect of infrastructure, utilities or sensitive receptors. No additional mitigation measures, over and above those proposed for environmental emissions as set out in the relevant Chapters of the EIAR, are required.

20.5.2. It is not considered that there are any long-term, post-operational impacts associated with the proposed development that require mitigation in respect of material assets other than those identified elsewhere in other relevant Chapters of the EIAR.

20.5.3. Monitoring, over and above those proposed for environmental emissions in other Chapters of the EIAR, is not required or proposed specifically in respect of material assets.

20.6. Residual Impact

20.6.1. As no significant effects are anticipated in relation to built assets or waste management and no specific mitigation measures are required in respect of material assets during the construction and operational stage, no residual impacts on materials assets are anticipated.

20.7. Evaluation and Assessment: Direct and Indirect Effects

20.7.1. I have examined, analysed and evaluated chapter 11 of the EIAR and all of the documentation on file in respect to material assets. I am satisfied that the applicants understanding of the baseline environment is comprehensive and that the key impacts in respect of likely effects on material assets have been identified.

20.7.2. It is important to note that significant effects are not likely to arise in relation to the proposed development during either the construction phase or operational phase of the development.

20.7.3. Overall, it is clear that the proposed development seeks to reduce the impact on material assets within the area and within the site itself and I am satisfied that the applicant has made adequate provisions to protect major infrastructure assets and a strict controlled approval and permitting system will be established to control and manage all imported inert waste.

20.8. Conclusions: Direct and Indirect Effects

20.8.1. I have considered the submissions made in relation to Material Assets and the relevant contents of the file including the EIAR. I am satisfied that the potential for impacts on Material Assets can be avoided, managed and/or avoided by measures that form part of the proposed scheme. I am therefore satisfied that the potential for direct or indirect impacts on Material Assets can be ruled out. I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area and other existing and proposed developments in the vicinity of the site, are not likely to arise.

21.0 Cultural Heritage

21.1. Issues Raised

21.1.1. No specific issues have been raised in the submissions in relation to Cultural Heritage. However, I note that a number of submissions including the OPW raised concerns in relation to the increase in HGV traffic on local roads which also serve the National Botanic Gardens at Kilmacurragh. I will address this issue in the Traffic and Transportation section of my report.

21.1.2. I also note that the National Monuments Service in their submission set out that they are broadly in agreement with the findings of Chapter 12 (Cultural Heritage) in the EIAR. In addition, the GSI in their submission suggest that some of the quarry faces preserved for biodiversity would be of benefit to the geodiversity and geoheritage value of the site and they recommend the inclusion of geology in any information panels.

21.2. Examination of EIAR

21.2.1. Chapter 12 of the EIAR submitted examines the potential for impacts to arise in relation to Archaeology and Cultural Heritage.

21.2.2. The assessment has been carried out according to best practice and guidelines relating to archaeological heritage assessment. The study presented involved detailed investigation of the archaeological and historical background of the application site, the landholding and the surrounding area extending 1km from the proposed development boundary.

21.2.3. The assessment methodology includes a review of available archaeological, historical and cartographic data sources, combined with field inspections. A field inspection of the site was previously undertaken on the 11th September 2014 to ascertain the significance of, any archaeological sites and a follow-up visit was made on the 20th June 2024 for the purposes of this planning application.

21.2.4. Figure 12.1 details the locations for all archaeological and cultural heritage assets identified in the course of the assessment.

21.2.5. No limitations are identified and are evident in the assessment.

21.3. Baseline

21.3.1. The baseline environment is described in Sections 12.49 – 12.73 of the EIAR. Much of the site is disturbed given its previous use for the quarrying of rock. The field inspections of the application site previously undertaken on 11th of September 2014 and again on 20th of June 2024 did not reveal any visible indication of any cultural heritage material.

21.3.2. There are no protected structures, no NIAH structures, no Recorded Monuments or Major Sites of Archaeological Importance within the application site.

21.3.3. There are two Protected Structures situated within the study area – RPS No 30-18 Country House (also listed as NIAH) which is situated 0.91km south-west of the site and RPS No 31-106 Country House which is situated 0.96km north-east of the site. There is one additional NIAH structure (Gate Lodge) within the study area, located 1.3km southwest of the site.

21.3.4. The 2014 field survey identified two Non-Designated Structures in the vicinity of the application site. These were a six-bay single storey cottage with a corrugated roof which is located on the site and identified in Figure 12-1 with a purple circle and a photograph of this structure is provided in Plate 12-1. The other Non-Designated Structures is a four-bay single storey cottage with a slate roof. The review concluded that there are no buildings of special architectural interest within 300m of the application site.

21.3.5. The closest Recorded Monument to the application site is a Church Site in Kilmanoge townland *(RMP no WI030-014, Kilmanoge Church Site)* and is located 0.175km west of the application site. The area is now in tillage and there is no visible trace of the church at ground level. Overall, the site is considered too far distant to be impacted by the proposed development.

21.3.6. There are six SMR sites included in the study area, the closest being a burnt mound in the townland of Ballinameesda (WI031-102), located 0.39km to the south-east of the application site. This monument was preserved by record as part of the M11 motorway project and no longer survives. Overall, the remaining monuments in the SMR are all considered to be too far distant to be directly or indirectly impacted by the proposed development.

21.3.7. An examination of the Ordnance Survey 1st and 3rd edition 6-inch maps and the 1st edition 25-inch maps did not indicate any additional archaeological, architectural or cultural heritage material in the vicinity of the application area.

21.3.8. An examination of the Excavations Bulletin and the Archaeological Survey database indicated that there have been four archaeological investigations carried out in the study area. The excavations uncovered pits and burnt spread activity, details of which are provided in the paragraphs 12.61-12.65.

21.4. Potential Effects

21.4.1. The EIAR identifies the potential for a range of environmental effects on Cultural Heritage. As per Table CH1 below no direct or indirect impacts on cultural heritage or archaeology in the construction or operational phase have been identified.

Table CH1: Summary of Potential Effects

Project Phase	**Potential Direct, Indirect and Cumulative Effects**
Do Nothing	• No resulting impacts on archaeological and cultural heritage.
Construction	• No protected structures, NIAH structures, Recorded Monuments or Major Sites of Archaeological Importance are located within the application site. • Any protected structures, NIAH structure, Recorded Monument or Major Sites of Archaeological Importance within the study area are considered too far distant to be impacted by the proposed development. • Overall, no direct or indirect impacts on cultural heritage or archaeology.
Operation	• No protected structures, NIAH structures, Recorded Monuments or Major Sites of Archaeological Importance are located within the application site. • Any protected structures, NIAH structure, Recorded Monument or Major Sites of Archaeological Importance within the study area are considered too far distant to be impacted by the proposed development • Overall, no direct or indirect impacts on cultural heritage or archaeology.
Cumulative	• Proposed development is not likely to result in any significant cumulative effects.

21.5. Mitigation

21.5.1. Much of the site has been previously disturbed given its previous use as a quarry. The applicant sets out that there is a section of the site located at the northwestern corner and identified as Area 3 on Plate 12-3 where unstripped topsoil still exists. Therefore, due to the possibility of the survival of previously unknown sub-surface archaeological deposits or finds within Area 3, any soil-stripping associated with future development in this area will be archaeologically monitored at the outset of any planned future development works.

21.6. Residual Effects

No significant residual impacts have been identified either in the Construction or Operational Stage of the proposed development.

21.7. Evaluation and Assessment: Direct and Indirect Effects

21.7.1. I have examined, analysed and evaluated Chapter 12 of the EIAR, all of the associated documentation, reports and observations on file in respect of archaeological and cultural heritage. I am satisfied that the applicant's understanding of the baseline environment is comprehensive and that the key impacts of likely effects on archaeological and cultural heritage as a consequence of the development have been identified. I recommend to the Commission that the drafted condition recommended by the National Monuments Service be attached to any grant of permission

21.7.2. Overall having regard to the location of the site, much of which was previously disturbed as a working quarry, I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on archaeological and cultural heritage as a result of the proposed development.

21.8. Conclusions: Direct and Indirect Effects

Having regard to the foregoing and the examination of environmental information in relation to archaeological cultural heritage, it is considered that there is no potential for significant effects.

22.0 Landscape and Visual

22.1. Issues Raised

The visual impact of the works and it impact on the quality of life of residents, local businesses and tourism have been raised in a number of submissions.

22.2. Examination of EIAR

22.2.1. Chapter 13 of the EIAR assesses the landscape and visual effects arising from the proposed development.

22.2.2. The applicant sets out that in the absence of detailed Irish guidance, the assessment presented is based on the Guidelines for Landscape and Visual Impact Assessment, third edition (GLVIA3) published by the Landscape Institute and Institute of Environmental Management and Assessment and are widely accepted as best practice for Landscape and Visual Assessment (LVIA) in Ireland.

22.2.3. The GLVIA3 guidelines emphasises that landscape and visual effects are related but independent issues. Landscape effects are changes in the landscape, its character and quality, while visual effects relate to the appearance of any changes and the resulting effect on visual amenity.

22.2.4. In addition, the applicant states that as there is no Irish standard/guidance photography, the visual representations are based on the principles set out in the Landscape Institute – Technical Guidance Note 06/19 – Visual Representation of Development Proposals.

22.2.5. The site is located in the eastern foothills of the Wicklow Mountains, on the southern side of a low hill south of the Potters River. A 3km study area surrounding the site was established on foot of the desktop study and previous experience of the site and surrounding local area. Detailed field surveys were carried out on 13th May 2019 and 29th May 2024 in conditions with good visibility.

22.2.6. In accordance with GLVIA3, the field survey and viewpoint photography concentrated on publicly accessible areas, such as the road networks, residential and outdoor recreational areas.

22.3. Baseline

22.3.1. The baseline environment is described in Section 13.40 – 13.80 of the EIAR.

22.3.2. The site is not designated for natural heritage purposes, and no heritage assets are located within or in the immediate vicinity of the site

22.3.3. The Landscape Assessment in the current Wicklow County Development Plan identifies 6 distinctive landscape categories, which are further divided into 15 Landscape Areas. The proposed site is located within the 'Corridor Area' landscape category and within 'The N11 / Eastern Corridor' Landscape Area, which comprises a 1km to 8km wide corridor area along the route of the M11 Motorway / N11 National Primary Road in County Wicklow.

22.3.4. The nearest other Landscape Areas to the site are the 'South East Mountain Lowlands', to the south and the 'North East Mountain Lowlands', to the north. Both of these are classed as Areas of High Amenity (AHA) and are described as lands adjoining Areas of Outstanding Natural Beauty (AONB) which act as a form of gateway to the more remote and wild upland areas.

22.3.5. In general, the site is bound to the west and south by local roads and agricultural land and to the north and east by areas of dense woodland / scrub. The wider landscape is made up of a mix of agricultural land and blocks of deciduous woodland and conifer plantations.

22.3.6. Ground levels along the site boundaries range from 50m Ordnance Datum (OD) in the vicinity of the site entrance, to 65m OD in the western corner of the site and to 90m OD at the highest point at the top of the quarry face along the northern boundary. Extraction across the quarry generally extended to a floor level of approximately 37 m OD.

22.3.7. The proposal is to backfill the existing quarry void to a maximum level of 80m OD, which would be similar to the ground levels of the site prior to the quarrying activities taking place.

22.3.8. The Landscape Assessment of Wicklow in the County Development Plan noted that, the study area is under pressure from development, due to its proximity to the M11 corridor, which is reflected in the presence of many manmade structures, such as roads and power lines, as well as the quarry itself, another disused quarry to the south-west of the site and an established municipal landfill site at Ballynagran, circa 2.5 km to the north-east.

22.3.9. As a result of human influences throughout the study area no distinctive or highly sensitive aesthetic / perceptual aspects were identified in the vicinity of the application site, such as wildness or tranquillity.

22.3.10. The Visual Baseline which included desktop studies as well as site surveys indicated that views of the existing quarry site are greatly restricted by a combination of roadside and dense vegetation and the undulating topography within the study area.

22.3.11. The available views from publicly accessible areas, comprise some partial views from Kilmacurragh Botanic Gardens and from short stretches of the local road to the north of Westaston Hill. The mature boundaries and dense vegetation surrounding the site limits the number of residential properties with views of the site.

22.3.12. The applicant sets out that viewpoint photography was taken during the 2024 field survey from several locations throughout the study area. Following this a total of six viewpoints were selected to represent the range of available views. The locations of these viewpoints are illustrated in Figure 13-1 with annotated photomontages illustrating the changes in the landform as a result of the development set out in Figures 13.2 -13.5

22.4. Potential Effects

The EIAR identifies the potential for a range of environmental effects on Landscape and Visual Impact. Likely significant effects of the development, as identified in the EIAR, are summarised in Table LV1 below.

Table LV1: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	• No negative effects on Landscape and Visual Impact and the quarry would naturally recolonise with grass and scrub, however sections of the quarry face would remain noticeable. Nevertheless, there would be no scope for positive changes associated with the quarry restoration and native woodland planting associated with the proposal.
Construction	• Removal of circa 15 mature conifers along the western side of the site access road, to facilitate the provision of an HGV queuing lane. • Removal of c. 1.1 ha of grassland/scrub vegetation to facilitate the construction of the ICW

	• Removal of some scrub vegetation around the rim of the quarry void to facilitate inert landfilling activities. • Overall, these are not considered sensitive receptors and will not result in significant effects
Operation	• Changes to the landform, due to the inert landfill activities, which will result in the ground levels being raised to levels similar to those which existed prior to any extractive / quarrying activity taking place. • The final fill landform, which will initially still be noticeable, but will in time will become more obscured, as the native woodland planting matures. • The top section of the existing quarry void, which will be retained to facilitate continued nesting by peregrine falcons. • Overall in the operational phase the landscape effects are considered to be minor. At the post operational phase as the planting matures the landscape effects will reduce to negligible and will become neutral or even positive.
Cumulative	• Ballynagran Landfill is located 2.5km to the northeast and is separated by agricultural land, trees, hedgerows and scrub. The cumulative landscape and visual impact are considered to be small and not significant

22.5. Mitigation

22.5.1. The proposed development was designed to minimise the potential landscape and visual effects. This included the reinstatement of ground levels similar to those present prior to quarrying activities taking place, retention of the existing boundary vegetation and the creation of a native woodland habitat. Therefore, no additional mitigation measures are necessary during the construction or operational phase.

22.6. Residual Effects

22.6.1. Following the completion of the proposed development, including the restoration of the infill and C&D areas to native woodland, the predicted landscape and visual effects would reduce to minor / negligible or less for all receptors identified.

22.7. Evaluation and Assessment: Direct and Indirect Effects

22.7.1. I have examined, analysed and evaluated chapter 13 of the EIAR and all of the documentation on file in respect to Landscape and Visual Impact. I am satisfied that the applicants understanding of the baseline environment by way of desk and site

surveys is comprehensive and the key impacts in respect of likely effects on landscape and visual impact.

22.7.2. The site and surrounding land comprise a common Irish undulating agricultural landscape, with no distinctive features. The emerging landform will tie into the surrounding topography and the proposed phased restoration to native woodland will continually decrease the area actively worked. Over time the woodland areas will more and more merge with the surrounding vegetation and become fully assimilated into the local landscape character.

22.7.3. A section of the upper quarry face is to be retained for continued nesting by peregrine falcon and will remain visible. However, this is a well-established feature in existing views and will be offset by the remainder of the site beginning to merge with the surrounding vegetation, as the native woodland areas become established and begin to mature.

22.7.4. None of the protected views and prospects listed in the current Wicklow CDP are affected by the proposed development. In addition, most view of the site from with Botanic Gardens at Kilmacurragh are restricted by trees with only a few locations along its eastern boundary where the top of the quarry face can be seen.

22.7.5. Overall given the mature boundaries and vegetation surrounding the site, the visibility of the proposal from local roads and residential properties is greatly reduced and once all of the backfilled area is restored to native woodland, the proposed development will be visually integrated into, and will enhance, the local landscape.

22.8. Conclusions: Direct and Indirect Effects

22.8.1. I have considered all of the submissions made in relation to Landscape and Visual and the relevant contents of the file including the EIAR. I am satisfied that the potential long-term impacts on Landscape and Visual can be avoided, managed and/or mitigated by measures that form part of the proposed scheme. I am therefore satisfied that the potential for direct or indirect long-term impacts on Landscape and Visual Impact can be ruled out. I am also satisfied that cumulative effects, in the context of existing and permitted development in the surrounding area and other existing and proposed development in the vicinity of the site are not likely to arise.

23.0 Traffic and Transportation

23.1. Issues Raised

23.1.1. A number of submissions raised concerns in relation to the excessive number of trucks that will use the roads, in particular the L1157 as a result of the proposed development. They are particularly concerned in relation to the impact the volume of trucks will have on the quality of life of local residents and their safety. In addition, they also note that the measures proposed to widen the L1157 will change the character and safety of the L1157.

23.2. Examination of EIAR

23.2.1. Chapter 14 of the EIAR submitted examines potential impacts on traffic and transportation.

23.2.2. During the construction stage additional traffic will be generated on the road networks from the decommissioning of any remaining infrastructure and the removal of any materials or bulky wastes associated with former rock extraction activities, the construction of an industrial shed to house equipment to process / recycle inert C&D waste and the installation of the soil washing plant in the former concrete / asphalt yard.

23.2.3. The primary potential sources of impact during the operational phase arise from deliveries of materials to the site and staff travel.

23.2.4. The applicant in Section 14.12 to 14.15 details the site history of the quarry. This sets out that quarrying has been carried out at the site since before 1963 with planning permissions granted in 1993 for a macadam / asphalt manufacturing plant and in 1995 for a concrete manufacturing plant. In 2007 a further planning permission was granted (Planning Ref. 07/45) principally for the retention of, and extension to, the existing quarry.

23.2.5. Following the acquisition of the quarry by Kilsaran, planning permission was granted in 2016 for a further quarry extension and additional site activities under planning ref 14/2118. This permission is valid for a period of 25 years and expires in 2041. It includes a number of conditions notably, that the movement of all types of products from the quarry be limited to a maximum of 150 loads per day, road improvement work which include strengthening, widening and overlays works on the adjacent public

roads and limiting operating hours to between 08:00 and 18:00 Monday – Friday and 08:00 and 14:00 on Saturdays with loading of vehicles not to take place before 07:00.

23.2.6. Figure 14-2 shows the principal haul route to and from the M11 Motorway associated with the quarry development permitted under Planning Ref. 14/2118 The applicant sets out that this is an informal one-way system which includes an anti-clockwise route incorporating Local Road L1113 (from M11 Junction 18), Local Road L1157 and Regional Road R772 back to M11 Junction 18.

23.2.7. They also clarify that the permission (Planning Ref. 14/2118) does not restrict the use of the receiving road network either by condition of planning or by reference to any plans and particulars that accompanied the application.

23.2.8. In this application it is proposed to revise the traffic management system associated with the proposed development so that all HGV traffic will be required to use the L1157 Local Road to the east of the site to travel both to and from R772 Regional Road. The proposed haul route is detailed in Figure 14-3. The applicant sets out that this is the council's preference for a shorter haul route along the L1157 directly to and from the R772 subject to appropriate road strengthening and improvement works. In addition, it is the same regime as was proposed in respect of the previous SID application (Ref. No. ABP-309991-21 -Refused).

23.2.9. The current speed limit on the L1157 is 60km/h and there are no weight, height or vehicle width restrictions on the Local Road L1157.

23.2.10. The chapter describes the traffic and transport impacts in accordance with the requirements of Transport Infrastructure Ireland's (TII) most recent Traffic and Transport Assessment Guidelines (TII 2014) which is considered best practice guidance for the assessment of transport impacts related to changes in traffic flows. Reference is also made to The Chartered Institution of Highways and Transportation publication 'Guidelines for Traffic Impact Assessment' which advise that traffic assessments should examine the potential impacts both positive and negative.

23.2.11. The study area comprises Local Road L1113, Local Road L1157 and Regional Road R772. Figure 14-3 shows the current proposed principal haul route (in pink) between the application site and the M11 Motorway.

23.2.12. Overall, no limitations are identified and are evident in the assessment.

23.3. Baseline

23.3.1. The baseline traffic environment is described in Section 14.82 – 14.171 of the EIAR.

23.3.2. The traffic and transport assessment compares the extent quarry operations (Planning Ref. 14/2118) on site with the proposed development in terms of traffic generation. Baseline traffic conditions have been surveyed with the quarry closed and an evaluation is carried out of the pre-existing development compared to the forecasted potential traffic arising from the proposed development when operating at planned maximum capacity.

23.3.3. In order to assess the current traffic conditions on the receiving roads automatic traffic counter (ATC) surveys were carried out by Traffinomics at 3 no locations. The traffic survey locations are shown in Figure 14-4 and the traffic data was collected for one week in April 2024.

23.3.4. By direction, the average weekday total daily traffic flow passing the existing site access location on Local Road L1157 is 225 No. vehicles per day northbound (toward L1113) and 211 No. vehicles per day southbound (toward R772).

23.3.5. Figure 14-7 shows the average weekday daily HGV traffic flow is 17 No. vehicles per day northbound (toward L1113) and 16 No. vehicles per day southbound (toward R772). Figure 14-12 shows the weekday average HGV traffic flow recorded for each hour of the day over the course of the survey. The average weekday traffic flow between the hours of 07:00 and 19:00 hrs is 2 HGV northbound and 2 HGV southbound per hour. It is noted that Ballinclare Quarry was closed and not operational at the time of the traffic surveys.

23.3.6. Analysis of the traffic flow data recorded by the ATC3 on R772 sets out that the average weekday total daily traffic flow on Regional Road R772 to the north of the junction with Local Road L1157 is 1,095 vehicles per day northbound (toward Beehive) and 1,148 No. vehicles per day southbound. Figure 14-15 shows the average weekday daily HGV traffic flow on the R772 is 36 No. vehicles per day northbound (toward Beehive) and 35 No. vehicles per day southbound.

23.3.7. The site entrance is located on a straight section of the L1157 where sightlines in both directions are good. The applicant sets out that the existing splayed walled access

was first granted under Planning Ref. 07/45 and subsequently confirmed under the current quarry permission Planning Ref. 14/2118.

23.3.8. The existing weighbridge office is located approximately 120m from the site access junction on L1157 and there is currently ample off-road queuing space for HGVs. In the interest of traffic management and efficient administration of entry to the site, it is proposed to provide a bypass lane for vehicles not needing to transverse the weighbridge and an increased queuing area for approx 18 No. articulated tipper vehicles. Appendix 14-C Trafficwise Drawing No. 02991-20-INT-02 set out the Proposed Entry System – Queuing Provision.

23.3.9. A structural analysis of the full length of the L1157 from the quarry entrance to the junction with R772 was undertaken in July 2024 by Milestone Pavements Technologies and is set out in Appendix 14-B. The survey included road strength analysis, Falling Weight Deflectometer (FWD) testing and a visual condition survey, together with coring of the pavement. The survey indicated weakness in road pavements and recommended measures including carriageway widening, road strengthening, road overlay, road markings, utilities diversion and roadside drainage improvement.

23.3.10. The RSA collision records were consulted and suggest that adjoining road network and the haul route has a good safety record. RSA Collision Records in the area for the period 2005 to 2016 are set out in Figure 14-20 and Table 14-4. No collisions involving HGVs have been recorded in the available Road Safety Authority records.

23.3.11. In accordance with TII Publication TII-PE-PDV-02045 ‘Traffic and Transport Assessment Guidelines’ (May 2014) both the threshold and sub-threshold criteria for a TTA for the proposed development were met and accordingly the applicant has carried out a TTA.

23.4. Potential Effects

23.4.1. The EIAR identifies the potential for a range of environmental effects on Traffic and Transport. Likely significant effects of the development, as identified in the EIAR, are summarised in Table TT1 below.

Table TT1: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	• The traffic environment will remain as per the baseline. • It is noted that planning permission 14/2118 for the manufacture of concrete and asphalt and concrete blocks could be implemented. This permission expires in 2041 and includes a condition which limits the generation of HGV at the quarry to a maximum of 150 loads per day.
Construction	• Site preparatory works including the decommissioning of any remaining infrastructure associated with former quarry and the construction of an industrial shed to house equipment to process / recycle inert C&D waste and the installation of a soil washing plant. • Noise and dust from HGV construction traffic. • Overall impacts arising from the construction and site preparation works are likely to be temporary and not significant.
Operation	• Cumulative maximum intake of 600,000 tonnes per annum (for recovery / recycling at the C&D facilities or disposal at the inert landfill) – The traffic assessment considers the potential daily fluctuations in HGV trips of between a low of 48 no. trips and a high of 144 no. trips per day. On the basis of an average load of 25tonnes per vehicle this equates to an average of 96no HGV trips per day. • 15 staff required when operating at full capacity – this equates to circa 20 no daily trips by light vehicles. • The proposed revised haul route to a shorter two-way route along the L1157 eliminates all HGV movements from the L1113 Coolbeg Road and from the western end of the L1157 – this will result in a significant positive impact for residents and road users along the L1113 and western end of L1157. • The current proposal (which will generate a high of 144 HGV trips per day) is similar to the extent permission (plan ref 14/2118) which has a limit of 150 HGV trips per day. • However the volume of HGV traffic on the designated haul route along the L1157 will be two-way as opposed to the applicants informal one way system under the extent permission(plan ref 14/2118) - This will give rise to an intensification in traffic flows on the L1157 to the east of the existing site, however when considered in the context of the extent permission (plan ref 14/2118) the impact is considered negative but slight. Under the current proposal the level of HGV movements on the L1157 will be an average of 96 no. trips (which equates to 192 movement) and exceeds the permitted 150 max trip movements permitted under the extent quarry operation (plan ref 142118).

	• Upon completion of backfilling and planting of native woodland habitat the site will not generate any HGV traffic thereafter.
Cumulative	• Table 14-15 lists nearby development – Overall proposed development not likely to result in any significant cumulative effects.

23.5. Mitigation

23.5.1. To mitigate the impact of the traffic load assigned to the L1157 (proposed two-way haul route) a comprehensive scheme of road strengthening and road widening is provided for, details of which are set out in section 14.295 – 14.332 entitled 'Road Strengthening and Widening with drawings sets out in Appendix 14-C. The design life of the road improvement works is 25 years.

23.5.2. The improvement works will include 4 no electronic driver feedback signs which will provide real-time information to drivers. Examples of typical driver feedback signs are provided in Figure 14-22.

23.5.3. In addition, a Construction Traffic Management Plan will be prepared for the widening and improvement works. This will include measures to provide information to affected parties, including advising land and property owners in advance of any diversions. Local access will be maintained at all times.

23.5.4. For the construction phase a detailed 'Construction Environmental Management Plan'(CEMP) will sets out the allowable working day, construction traffic, parking arrangements and incorporates environmental protection measures.

23.5.5. In addition, when commencing the operational phase of the proposed development, drivers that will be using the site will be required to attend a HGV driver induction lecture provide by the applicant which will ensure that all drivers are fully aware of the rules and expectations regarding safety, adherence to the haul route and speed limits.

23.6. Residual Effects

23.6.1. The proposed development will have no effects on the receiving road network other than those already arising from previously permitted development.

23.6.2. Table 14-18 provides a Summary of the Construction Phase Traffic Effects after mitigation while Table 14-19 provides a Summary of the Operational Phase Traffic Effects after mitigation.

23.6.3. Overall, in the operation phase the proposal will have a long term significant positive effect on the operational traffic of the L1113 while the impact on the operational traffic of the L1157 be negative but slight**.**

23.7. Evaluation and Assessment: Direct and Indirect Effects

23.7.1. The development currently permitted under Planning Ref. 14/2118 allows for a maximum generation of 150 HGV loads per day i.e 150 no in and 150 no out. This permission is due to expire in 2041.

23.7.2. The principal significant difference between the permitted and proposed scenario is that traffic on L1157 will travel in both directions under the current proposal. It must be noted that under Planning Ref. 14/2118 there was no formal restriction on the receiving road network, however the applicant operated an informal one-way system as set out in Figure 2 Haul Route.

23.7.3. In the current proposal the proposed development is forecast to generate an average of 96 No. HGV trips per day or approximately 10 No. trips per hour (a 'trip' includes the inbound and outbound 'movements').

23.7.4. I note that the EIAR traffic assessments consider both the average and a higher value figure of 144 No. trips per day which reflects an average ± 50% fluctuation to take account for seasonal fluctuations. In addition, I note that the corresponding lower generation rate is 48 No. HGV trips per day (corresponding to -50% fluctuation).

23.7.5. I note the Council in their submission state that subject to the mitigation measures identified in the EIAR being implemented and the restriction of traffic volumes to a maximum of 120 trips per day, the proposal would be acceptable. The applicant in response to the council's submission sets out that the rationale for the figure of 120 is unclear. I also note that the Council's Transport Report attached to the of the CE Report in Appendix A details WCC preference to route HGV traffic along the L1157 in two- way arrangement. The Transport Report makes no reference to a maximum limit of 120 no. trips.

23.7.6. While it is acknowledged that the proposed new haul route will give rise to an intensification in traffic flows on the L1157 to the east of the existing quarry site, I consider that on balance, and taking the identified road improvement works into consideration, the capacity and road safety of the L1157 are not considered likely to

be significantly impacted. In addition, on the 2km route from the quarry entrance to the L1157/R772 junction the HGV traffic will pass relatively few residential properties, many of which are set back significant distance from road. I also agree that there are benefits with the shorter haul route to and from the R772 including the significant positive impact for road users along the L1113 which is the main access road to the National Botanic Gardens at Kilmacurragh and Ballynagran landfill.

23.7.7. I also note that the assessment of boundary constraints has found that the haul road along the L1157 can be widened to 6.0m over the full length between the R772 and the existing quarry access. It has been submitted in a number of third-party submissions that the applicant has insufficient legal interest to undertake improvement works to the L1157. In response the applicant sets out that road improvement and widening works will be achieved principally in the existing verges and will not impact negatively on the existing direct accesses. Appendix 14-C includes is a series of drawings showing the road strengthening, widening and improvement works to the L1157 between quarry entrance and Regional Road R772. The works will take 8 weeks to complete and will not significantly alter the character of the existing road.

23.7.8. I also note that the Regional Road R772 is the former N11 National Primary Road and the R772 / L1157 priority junction was improved and upgraded in recent years by Wicklow County Council prior to the opening of the M11 Motorway between Arklow and Rathnew at a time when the road/junction catered for considerably higher traffic flows.

23.7.9. In addition, the design of the junction would have been required to factor the generation of traffic from the subject development site granted permission in 2008 under Planning Ref. 07/45. It is also noted that after the opening of the M11 Motorway between Arklow and Rathnew, Wicklow County Council granted permission for a quarry extension in January 2016 under Planning Ref. 14/2118 subject to a condition which limits the maximum number of loads to 150 No. HGV trips per day.

23.7.10. Overall given the significant reduction in major road flows along the R772 since the opening of the M11 Motorway section between Arklow and Rathnew, it is unlikely that the traffic flows arising from proposed development will have a significant impact upon capacity, road safety or the structural integrity and carrying capacity of the

Regional Road. In addition, the development is not considered likely to give rise to a significant adverse impact upon the capacity of the M11 Motorway or it's interchanges.

23.7.11. In conclusion, having regard to the seasonal and operational factors that would impact the proposed development I am satisfied with the rationale put forward in the applicants traffic assessment. Therefore, the maximum HGV trip movements per day shall be as per the EIAR traffic assessment - 144 HGV trip movements per day (i.e 144 no in and 144 no out). I do note that the extent quarry operation/permission on site (Planning Ref. 14/2118) allows for a maximum generation of 150 HGV loads per day i.e 150 no in and 150 no out. However, the mitigation measures put forward by the applicant are based on the traffic movements set out in the EIAR traffic assessment. Therefore, I recommend that a condition limiting HGV trip movements to a maximum of 144 trips per day in accordance with the details sets out in the EIAR's traffic assessment be attached to any grant of permission.

23.7.12. In addition, a condition should be attached to any grant of permission setting out that the construction details for the road strengthening works to the L1157 and the proposed strengthening works at and around the L1157 overpass (as recommended by TII) be in accordance with TII specifications and be agreed with Wicklow County Council prior to works commencing.

23.7.13. In conclusion I have examined, analysed and evaluated chapter 14 of the EIAR and all of the documentation on file in respect to traffic and transport. I am satisfied that the applicants understanding of the baseline environment by way of desk and site surveys is comprehensive and that the key impacts in respect of likely effects on traffic and transport have been identified.

23.8. Conclusions: Direct and Indirect Effects

23.8.1. I have considered all of the submissions made in relation to traffic and transport, and the relevant contents of the file including the EIAR. I am satisfied that the potential for impacts on traffic and transport can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the potential for direct or indirect impacts on traffic and transport can be ruled out. I am also satisfied that cumulative effects, in the context of existing and permitted development in the

surrounding area and other existing and proposed development in the vicinity of the site, are not likely to arise.

24.0 Cumulative Impacts and Environmental Interactions

24.1. Chapter 15 of the EIAR considers the potential for interactions between factors to occur. Throughout the EIAR the cumulative effects of the proposed development are assessed under each environmental factor. Wicklow County Councils online planning search facilities shows that there have been no other significant planning permissions within the vicinity of the proposed development in the past five years. The Ballynagran landfill permission, located circa 2.5km north east of the site was extended under WCC planning Ref: 20/21 and is due to cease waste intake in 2026. In addition, the environmental impacts for this facility are established and have been factored into the baseline surveys.

24.2. The applicant details that the interaction between the various environmental topics have been covered within each of the EIAR Chapters where relevant and the purpose of Chapter 15 (Interactions) is to draw attention to significant interactions and interdependencies between one topic and another where they may otherwise be missed.

24.3. I have considered the interrelationships between factors and whether these may as a whole affect the environment, even though the effects may be acceptable when considered on an individual basis.

24.4. I consider that there is potential for population and human health to interact with all of the other factors (land soil and geology, hydrology and hydrogeology, air, climate, noise, material assets, cultural heritage, landscape and traffic).

24.5. The proposed development has the most potential to interact with human health and biodiversity in relation to water contamination. Contaminants in imported soil and C&D material and accidental spills to waterbodies of hydrocarbons can have a direct effect on human health and biodiversity. Suitable uncontaminated material will be imported for the construction of the clay liner on the base and sidewalls of the quarry which will provide an appropriate level of protection to groundwater and the surrounding aquifer, in line with accepted inert landfill design standards. It is important to note therefore

that provided the identified mitigation measures are in place, there will be no significant residual impacts with respect to groundwater and/or surface water and as such there is no likely significant interaction between Water and Human Health or Water and Biodiversity during the construction, operational or post-construction stages of the proposed development.

24.6. Similarly human health and biodiversity can interact with air quality, noise & vibration and traffic. The potential for traffic congestion or disturbance to amenity is a key consideration in terms of impacts to population and human health. Overall, it has been established above that the proposed development can proceed within acceptable levels for noise, dust and traffic effects. Any stockpiled materials which are known to have NOA above detectable limits will be placed above / within the landfill liner in line with detailed protocols and procedures and subject to prior agreement, approval and oversight by both the HSA and the EPA. Overall, with the range of mitigation measures to be implemented and design measures incorporated into the working scheme, there will not be any adverse or unacceptable impact on any nearby sensitive receptors.

24.7. The biodiversity assessment has considered how species, habitats and various other environmental issues interact. During the construction and operational phase, there is potential for impacts to local habitats and species by way of changes to existing ground surfaces / landforms, most notably around the proposed passive wetland treatment system, as well as the generation of noise and dust. However, over the long-term the final restoration is likely to have a positive and beneficial effect on wildlife and on local biodiversity with the restoration of the former quarry area to a native woodland habitat. Although it will take time for the native woodland habitat to mature to full ecological value, no significant or medium-term impacts on biodiversity are expected from the changes in landscape and visual factors.

24.8. Interactions between soils and water will arise but as mentioned above due to mitigation will not give rise to significant interaction. Similarly, interactions between water and traffic and transport, however subject to the installation of on-site high-pressure wheel wash facilities as well the strengthening and widening of the L1157 local road which includes improvement to the existing drainage systems there would be no significant impacts from this interaction.

24.9. Overall having regard to the foregoing, I am satisfied that effects as a result of interactions can be avoided, managed and / or mitigated for the most part by the measures which form part of the proposed development, the proposed mitigation measures detailed in the EIAR, and with suitable conditions.

25.0 Reasoned Conclusion

25.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submissions from the local authority, prescribed bodies and third parties in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment, with the implementation of proposed mitigation measures, are:

Population and Human Health

- Minor adverse, non-significant, effects are predicted mainly during the operational phase, largely related to noise, dust and traffic. Any adverse impacts on population and human health will be mitigated by the measures to reduce impacts from air & climate, noise & vibration, land, soils and water, and material assets to acceptable levels.
- Positive impacts on the local economy from long term, direct employment during the operational phase.
- Positive long-term benefits from the restoration of lands to native woodland.

Biodiversity

- The site has been adequately surveyed. Adverse impacts with respect to impacts on water quality, habitat and species can be avoided, managed and mitigated by the proposed measures contained within the EIAR.
- The progressive restoration of the site has the potential to increase the resource value of the site resulting in net positive results for local biodiversity. Monitoring and aftercare are proposed to maintain the value of habitat including the Peregrine Falcon nesting habitat.

Land

- Positive impacts on land from the restoration of a disused quarry and the reinstatement of soil cover. Moderate positive impacts over the medium to long

term on soils from the progressive re-establishment of soil as a growth medium and carbon sink and the establishment of a native woodland habitat.

Water

- Negative impacts on water could arise as a result of contaminants in imported soil and C&D material and/or accidental leaking of fuels. These impacts will be mitigated through appropriate site management practices, protocols to reduce risk of spills as well as the provision of a clay liner on the sides and base of the quarry to provide an appropriate level of protection to groundwater and the surrounding aquifer, in line with inert landfill design standards.
- The proposed on-site surface water management philosophy will ensure that surface water run-off in contact with the inert waste body is captured and managed separately to that which does not come into contact with it.

Air and Climate

- Potential negative impacts on air from the generation of dust and noise nuisance at nearby sensitive receptors. These will be adequately mitigated through the implementation of effective site management practices.
- Significant impacts from the disturbance of on-site stockpiled material which are known to have Naturally Occurring Asbestos above detectable limits. These impacts will be mitigated by placing such materials above / within the landfill liner in line with detailed protocols and procedures and subject to prior agreement, approval and oversight by both the HSA and the EPA

Traffic

- Additional road traffic on local public roads has the potential to give rise to minor to major noise impacts, depending on the proximity of the receptor location to the road. However, the proposed development will generate similar traffic volumes and characteristics to the permitted quarry development on site.
- The elimination of all HGV movements from the L1113 and from the western end of the L1157 will result in a significant positive impact for residents and road users.
- The two-way haul route along the L1157 will give rise to an intensification in traffic flows on the L1157, which are considered negative but slight, when

considered in the context of the extent permission (plan ref 14/2118). Upgrade works to the L1157 should be implemented before commencement of operations on site.

Landscape

- Potential for positive impact on the landscape as the backfilled quarry is restored to native woodland, and the proposed development becomes visually integrated into, and enhances the local landscape.

25.2. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment.

26.0 Appropriate Assessment

26.1. Screening Determination

26.1.1. Appendix 1 below provides the Appropriate Assessment Screening Assessment.

26.1.2. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on Buckroney-Brittas Dunes & Fen SAC in view of the sites conservation objectives. Appropriate Assessment is required.

This determination is based on:

- discharge of poor-quality surface water from the proposed development site has the potential to affect the water quality downstream in the Potters River, which has the further potential to have secondary adverse effects on the Buckroney-Brittas Dunes and Fen SAC.

26.2. Appropriate Assessment Conclusion: Integrity Test

26.2.1. Appendix 2 below provides the Appropriate Assessment.

26.2.2. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Buckroney-Brittas Dunes and Fen SAC (SITE CODE - 000729) in view of the conservation objectives of

that site and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the Buckroney-Brittas Dunes and Fen SAC (SITE CODE - 000729) can be excluded in view of the conservation objectives of that site and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of the construction, operation and post-operational impacts.
- Effectiveness of mitigation measures proposed including supervision and monitoring and integration into a live Construction and Environmental Management plan by the contractor at the development stage.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment or prevent or delay the restoration of favourable conservation condition of conservation objectives for the Buckroney-Brittas Dunes and Fen SAC (SITE CODE - 000729).

27.0 Recommendation

On the basis of the above assessment, I recommend that the Commission approve the proposed development subject to the reasons and considerations below and subject to conditions including requiring compliance with the submitted details and with the mitigation measures as set out in the EIAR and NIS.

DRAFT ORDER

28.0 Reasons and Considerations

28.1. In performing its functions in relation to the making of its decision, the Commission had regard to:

Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development

(Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

The Commission also had regard to the following in coming to its decision:

- European legislation, including of particular relevance:
    - Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
    - Directive 2011/92/EU (The EIA Directive) as amended by Directive 2014/52/EU as implemented by Article 94 and Schedule 6 (paragraphs 1 and 2) of the Planning Regulations as amended.
    - Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive and which achieves or promotes compliance with the requirements of the Directive.
- National and regional planning and related policy, including:
    - National policy with regard to sustainable land management and resource efficiency, particularly the NPF First Revision 2025 and National Policy Objectives 67 and 76.
    - The objectives and targets of the National Biodiversity Action Plan 2023-2030.
- Regional and local planning policy, including:
    - Regional Spatial Economic Strategy for the Eastern Midlands Region,
    - Wicklow County Development Plan 2022-2028.
- National Waste Management Plan 2024-2030.

- Other relevant national policy and guidance documents.
- The nature, scale and design of the proposed development as set out in the planning application and the pattern of development in the vicinity.
- The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European sites.
- The Environmental Impact Assessment Report submitted.
- The Natura Impact Statement submitted.
- The submissions and observations made in connection with the planning application.
- The further information response received from the applicant on the 29th October 2025.
- The report and the recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

Appropriate Assessment: Stage 1

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Buckroney-Brittas Dunes and Fen SAC (SITE CODE - 000729) is the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2

The Commission considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Commission completed an appropriate assessment of the implications of the proposed development for the affected European Site, namely the Buckroney-Brittas Dunes and Fen SAC (SITE CODE - 000729), in view of the site's conservation objectives. The Commission considered that the information before it

was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Commission considered, in particular, the following:

i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,

ii. the mitigation measures which are included as part of the current proposal, and

iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Commission accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Site, having regard to the site's conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the site's conservation objectives.

Environmental Impact Assessment

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

(a) the nature, scale, location, and extent of the proposed development,
(b) the Environmental Impact Assessment Report and associated documentation submitted with the application,
(c) the submissions received during the course of the application, and
(d) the Inspector's report.

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development, and identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment. The Commission agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

Reasoned Conclusion for Environmental Impact Assessment:

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

The main significant effects, both positive and negative, are:

Population and Human Health

- Minor adverse, non-significant, effects are predicted mainly during the operational phase, largely related to noise, dust and traffic. Any adverse impacts on population and human health will be mitigated by the measures to reduce impacts from air & climate, noise & vibration, land, soils and water, and material assets to acceptable levels.
- Positive impacts on the local economy from long term, direct employment during the operational phase.
- Positive long-term benefits from the restoration of lands to native woodland.

Biodiversity

- The site has been adequately surveyed. Adverse impacts with respect to impacts on water quality, habitat and species can be avoided, managed and mitigated by the proposed measures contained within the EIAR.
- The progressive restoration of the site has the potential to increase the resource value of the site resulting in net positive results for local biodiversity. Monitoring and aftercare are proposed to maintain the value of habitat including the Peregrine Falcon nesting habitat.

Land

- Positive impacts on land from the restoration of a disused quarry and the reinstatement of soil cover. Moderate positive impacts over the medium to long term on soils from the progressive re-establishment of soil as a growth medium and carbon sink and the establishment of a native woodland habitat.

Water

- Negative impacts on water could arise as a result of contaminants in imported soil and C&D material and/or accidental leaking of fuels. These impacts will be mitigated through appropriate site management practices, protocols to reduce risk of spills as well as the provision of a clay liner on the sides and base of the quarry to provide an appropriate level of protection to groundwater and the surrounding aquifer, in line with inert landfill design standards.
- The proposed on-site surface water management philosophy will ensure that surface water run-off in contact with the inert waste body is captured and managed separately to that which does not come into contact with it.

Air and Climate

- Potential negative impacts on air from the generation of dust and noise nuisance at nearby sensitive receptors. These will be adequately mitigated through the implementation of effective site management practices.
- Significant impacts from the disturbance of on-site stockpiled material which are known to have Naturally Occurring Asbestos above detectable limits. These impacts will be mitigated by placing such materials above / within the landfill liner in line with detailed protocols and procedures and subject to prior agreement, approval and oversight by both the HSA and the EPA

Traffic

- Additional road traffic on local public roads has the potential to give rise to minor to major noise impacts, depending on the proximity of the receptor location to the road. However, the proposed development will generate similar traffic volumes and characteristics to the permitted quarry development on site.
- The elimination of all HGV movements from the L1113 and from the western end of the L1157 will result in a significant positive impact for residents and road users.

- The two-way haul route along the L1157 will give rise to an intensification in traffic flows on the L1157, which are considered negative but slight, when considered in the context of the extent permission (plan ref 14/2118). Upgrade works to the L1157 should be implemented before commencement of operations on site.

Landscape

- Potential for positive impact on the landscape as the backfilled quarry is restored to native woodland, and the proposed development becomes visually integrated into, and enhances the local landscape.

The Environmental Impact Assessment Report has considered that the main significant direct and indirect effects of the proposed development, during construction and operation, on the environment would be primarily mitigated by environmental management measures, as appropriate. The Environmental Impact Assessment Report has considered that the main significant direct and indirect and cumulative effects of the proposed development on the receiving environment. Following mitigation, no residual significant long-term negative impacts on the environment or sensitive receptors would occur.

Having regard to the above, the Commission is satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment. The Commission is satisfied that the reasoned conclusion is up to date at the time of making the decision and that the information contained in the Environmental Impact Assessment Report complies with the provisions of Article 3, 5 and Annex (IV) of EU Directive 2014/52/EU.

Proper Planning and Sustainable Development

The proposed development comprising a material recycling/recovery facility and inert landfill is an appropriate form of development for a disused quarry where infrastructure is in place and where there is a pre-existing and established use that gives rise to similar impacts. There is an active permission for the quarry, however extraction has ceased due to the presence of naturally occurring asbestos in the rock.

The proposed development allows for compliance with circular economy principles set out in national and regional policy by recycling construction and demolition wastes, recovering sand, gravel and secondary aggregates from soil waste, and by returning the site over time to a native woodland habitat through progressive re-establishment of soil as a growth medium and carbon sink on site.

All waste intake and acceptance will be subject to regulation and control by way of any EPA Waste Licence issued in respect of the proposed facility. Therefore, the consideration of issues and application of conditions around the management, control and monitoring of emissions to the environment is the preserve of the EPA when making a decision in respect of any waste licence application in respect of the proposed development.

The Commission considered that the proposed development, subject to compliance with the conditions set out below, would be in accordance with national, regional and local planning policies, including the National Waste Management Plan 2024-2030 and Objectives CPO 15.3 and Section 2.3.5 in Appendix 1 as set out in the Wicklow County Development Plan 2022-2028. It is further considered that the need, justification and purpose of the proposed material recycling/recovery facility and inert landfill has been adequately demonstrated, that it is acceptable in terms of its likely effects on the environment and that an approval for the proposed development would be consistent with the strategic objectives of national, regional and local policy on waste management. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

29.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, on the 13th day of November 2024 as amended by the further plans and particulars submitted on the 29th day of October 2025, 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 and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The period during which the development hereby permitted may be carried out shall be 25 years from the date of this order.
   Reason: Having regard to the nature of the proposed development, the Commission considered it reasonable and appropriate to specify a period of the permission in excess of five years.

3. The mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report, and other plans and particulars submitted with the application shall be carried out in full.
   Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.

4. The mitigation and monitoring measures identified in the Natura Impact Statement submitted with the application shall be implemented in full.
   Reason: In the interest of protecting the environment, the protection of European Sites and in the interest of public health.

5. The movement of all types of material to the proposed facility shall be limited to a maximum of 144 trips per day (Monday to Friday) in accordance with the details sets out in the EIAR's traffic assessment.
   Reason: In the interest of traffic safety and in order to protect the residential amenities of property in the vicinity.

6. The construction and operations of the proposed development shall not take place outside the hours of 8am to 6pm, Monday to Friday, with the exception of loading and unloading of lorries which can take place from 7am on each working day. No work shall take place on Saturdays, Sundays and bank holidays, with the exception of plant maintenance and general housekeeping.
   Reason: In order to protect the residential amenities of property in the vicinity.

7. (a) Prior to the commencement of development, the developer shall carry out and submit for the written agreement of the Planning Authority an Invasive Species Management Plan. The plan shall include full details of the eradication of such invasive species from the development site prior to construction or if discovered during operations as soon as is practicably possible.
   (b) The developer shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.
   Reason: In the interests of nature conservation and mitigating ecological damage associated with the development.

8. A suitably qualified ecologist shall be retained by the developer to oversee the site set up and operation of the proposed development and supervise and monitor the delivery of the mitigation and enhancement measures throughout the operation of the facility. The ecologist shall be present during the works. An ecological report of the site works shall be prepared by the appointed ecologist and submitted to the Planning Authority on an annual basis.
   Reason: In the interest of nature conservation and biodiversity.

9. Prior to commencement of development, the developer shall prepare a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and Environmental Impact Assessment Report and a demonstration of proposals to adhere to best practice and protocols. The construction and operation of the development shall be in accordance with the updated CEMP.
   Reason: In the interests of protecting the environment, the landscape, the integrity of European Sites and sensitive receptors and in the interest of public health.

10. (a) All mitigation measures in relation to archaeology and cultural heritage as set out in Chapter 12 of the EIAR shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this Order.

    (b) The Construction Environment Management Plan (CEMP) shall include the

location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in Chapter 12 of the EIAR and by any subsequent archaeological investigations associated with the project. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.

(c) The planning authority and the Department of Housing, Local Government & Heritage shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

11. (a) The road improvement works on the L1157 shall be carried out in accordance with the details set out in the Environmental Impact Assessment Report and associated drawings. The works shall be completed prior to the commencement of the importation of any material to the site and to the written satisfaction of Wicklow County Council. The works shall be carried out at the developers own expense.

(b) The road improvement works shall provide for silt containment measures along the L1157 in accordance with the requirements of Wicklow County Council.

(c) The details and locations of the new advance warning signs to be installed on the public road shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.

(d) The developer shall be responsible for maintaining the adjoining public road in a clean state, free from mud and other debris caused by traffic movements to and from the site.

Reason - In the interest of traffic safety, amenity and to ensure the protection

of the environment

12. Prior to the commencement of development, the developer shall submit appropriate plans and details to the planning authority for the agreement of TII for the proposed road strengthening works on Local Road L1157 associated with M11 overpass Eirspan Structure no: BM-MII-046.00. The plans and details shall demonstrate compliance with TII Publications and shall also ensure the 5.3m clearance shall be maintained over the extents of the new road layout on the Local Road L1157**.**

    Reason: In the interest of traffic safety and the proper planning and sustainable development of the area

13. The developer shall submit annually, for the lifetime of the permission, a map and aerial photograph of the progression of the phased backfilling and restoration of the quarry void, surveyed against established perimeter beacons, the form and location of which shall be agreed in writing with the planning authority prior to commencement of works.

    Reason: In the interests of orderly development and to ensure the appropriate restoration of the site.

14. (a)The proposed perimeter deer fence shall fully enclose the application site in accordance with the plans and particulars submitted on the 29th day of October 2025.

    (b) Any planting/landscaping that fails within 3 years following the date of completion of landscaping shall be replaced with similar species.

    (c) The clear-zone between the edge of the proposed woodland and the retained cliff face shall be maintained by annual mowing outside of the bird breeding season.

    (d) Following completion of the final restoration works information panels providing details of biodiversity, habitats and geology on site shall be erected.

    Reason: To ensure the appropriate restoration of the site.

15. 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 Coimisiún 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.

Donogh O' Donoghue
Planning Inspector

11th December 2025

Appendix 1: Appropriate Assessment Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Case File – ABP-321255-24	
Brief description of project	Development at an existing quarry at Ballinclare and Carrignore, near Kilbride, Co. Wicklow comprising: • a soil washing plant to win aggregate from imported soil and stone, • a construction and demolition (C&D) waste recycling facility to produce aggregate from construction and demolition waste (principally concrete) and • an engineered (i.e. lined) landfill to facilitate backfilling and restoration of the existing quarry void with inert waste (principally soil and stone).
Brief description of development site characteristics and potential impact mechanisms	The application site comprises a bedrock quarry located in the townlands of Ballinclare and Carrigmore, near the village of Kilbride, Co. Wicklow. The existing quarry development extends across approximately 24 hectares (c. 59.3 acres), of which the existing quarry extraction area extends to c. 9.3 hectares (c. 22.9 acres). Historically, permitted activities at the quarry included extraction of diorite bedrock using blasting techniques; processing (crushing and screening) of the fragmented rock to produce aggregates for on-site concrete (readymix) and asphalt production for road construction and related site development works. In 2016 quarry activities ceased following the discovery of Naturally Occurring Asbestos on site. The proposed development will provide for the importation, re-use, recovery and/or disposal of byproduct materials and inert wastes generated by construction and development projects as well as the backfilling and long-term restoration of the former quarry to native woodland habitat.

	The total volume of soil and stone required to create the final (restored) landform is approximately 6,500,000 tonnes. The combined (cumulative) intake of (i) inert soil / C&D waste for on-site disposal and recovery and (ii) non-waste by-product material required for on-site landfill engineering works or supplied to the soil wash plant, will not exceed 600,000 tonnes per annum. The rate of C&D waste recovery is expected to be a maximum of 50,000 tonnes per annum. The planning application seeks permission for a 25-year period to facilitate completion of landfilling and restoration works at the former quarry site. Treated run-off flows drain from the application site to the Ballinclare Stream which in turn flows into the much larger Potters River. The Potters River outfalls to the sea at the northern end of the Buckroney-Brittas Dunes & Fen SAC. The proposed development site has potential hydrological connectivity to one European designated site, Buckroney-Brittas Dunes & Fen SAC
Screening report	Y
Natura Impact Statement	Y
Relevant submissions	Development Applications Unit – issues raised include the extension of the deer exclusion fence with mammal passes past the area designated for Restoration Phase 1 and Phase 2. Inland Fisheries Ireland - They note direct connectivity to the Kilmacurra Stream through the road drainage network. The treatment and removal of muddy material from the wheels of trucks before they re-emerge on to the public road network is critical in protecting the aquatic environment. EPA – Issues raised include the • effectiveness of mitigation measures proposed in relation to the risk to groundwater and surface water contamination. • Detail as to how and where the returned asbestos materials are buried on-site and

	provide details on the measures to be put in for the management of these materials in the long term. • Details on the disposal of the sludge and any other waste from the Siltbuster WWTP. A number of public submission state that the NIS fails to address the Buckroney – Brittas Dunes and Fen SAC and Wicklow Mountain SPA.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

10 No European sites were identified as being located within a potential zone of influence of the proposed development as detailed the Table below. A 15km study area from all elements of the proposed inert landfill and C&D waste recovery facility is applied for this purpose.

European Site (code)	Qualifying interests[1] Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections[2]	Consider further in screening[3] Y/N
Deputy's Pass Nature Reserve SAC	Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] https://www.npws.ie/protected-sites/sac/000717	1.6	No – no hydrological pathway to the SAC from the proposed development site. SAC is at a higher ground level, in different aquifers and upstream of the discharge to the Potters River.	N
Vale of Clara SAC	Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] https://www.npws.ie/protected-sites/sac/000733	5.5	No – no hydrological pathway to the SAC from the proposed development site.	N
Magherabeg Dunes SAC	Annual vegetation of drift lines [1210]	6.1	No – no hydrological pathway to the SAC from the	N

	Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Petrifying springs with tufa formation (Cratoneurion) [7220] https://www.npws.ie/protected-sites/sac/001766		proposed development site.	
Buckroney-Brittas Dunes & Fen SAC	Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Atlantic decalcified fixed dunes (Calluno-Ulicetea) [2150] Dunes with Salix repens ssp. argentea (Salicion arenariae) [2170] Humid dune slacks [2190] Alkaline fens [7230] https://www.npws.ie/protected-sites/sac/000729	6.8	**Yes –** potential hydrological pathway via Potters River to the SAC from the proposed development site.	Y

The Murrough Wetlands SAC	Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210] Alkaline fens [7230] https://www.npws.ie/protected-sites/sac/002249	7.7	No – no hydrological pathway to the SAC from the proposed development site.	N
Wicklow Reef SAC	Reefs [1170] https://www.npws.ie/protected-sites/sac/002274	9.5	No – no hydrological pathway to the SAC from the proposed development site.	N
Wicklow Mts. SAC	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Natural dystrophic lakes and ponds [3160] Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Calaminarian grasslands of the Violetalia calaminariae [6130] Species-rich Nardus grasslands, on siliceous substrates in mountain areas	11.4	No – The SAC is located in an upland area, remote from the proposed development site and there is no pathway by which any significant effects are likely to arise in relation to Lutra lutra (Otter) qualifying interest	N

	(and submountain areas, in Continental Europe) [6230] Blanket bogs (* if active bog) [7130] Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110] Calcareous rocky slopes with chasmophytic vegetation [8210] Siliceous rocky slopes with chasmophytic vegetation [8220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Lutra lutra (Otter) [1355] https://www.npws.ie/protected-sites/sac/002122			
The Murrough SPA	Red-throated Diver (Gavia stellata) [A001] Greylag Goose (Anser anser) [A043] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Teal (Anas crecca) [A052] Black-headed Gull (Chroicocephalus ridibundus) [A179] Herring Gull (Larus argentatus) [A184] Wigeon (Mareca penelope) [A855] Little Tern (Sternula albifrons) [A885] Wetland and Waterbirds [A999]	7.6	No – no potential connection and no hydrological pathway to the SPA from the proposed development site.	N

	https://www.npws.ie/protected-sites/spa/004186			
Wicklow Hd. SPA	Kittiwake (Rissa tridactyla) [A188] https://www.npws.ie/protected-sites/spa/004127	8.3	No – no potential connection	N
Wicklow Mts. SPA	Merlin (Falco columbarius) [A098] Peregrine (Falco peregrinus) [A103] https://www.npws.ie/protected-sites/spa/004040	12.9	No – no potential connection, Having regard to the distance it is unlikely that Peregrine Falcons breeding in the Wicklow Mts SPA forage in the vicinity of the proposed development site. Merlin is a predominantly upland nesting bird. It was not recorded on site and is unlikely to occur within the proposed development site	N
There is potential for effects on the qualifying interests of the Buckroney-Brittas Dunes & Fen SAC via discharge from the development. The Potters River is located to the north and east of the Proposed Development site, c. 300m from the site at its closest point. Treated run-off flows drain from the application site to the Ballinclare Stream located immediately beyond the north-western site boundary and flows into the Potter River further downstream. The Kilmacurra Stream (EPA name: Ballinameesda lower stream) is located c. 200m to the south of the application site and flows in an easterly direction, to its confluence with the Potters River. The Potters River flows in a south-easterly direction and outfalls to the sea through an area with Fixed Coastal Dunes with herbaceous vegetation at the northern end of the Buckroney-Brittas Dunes & Fen SAC. It is possible that an uncontrolled release of contaminants from the site, along the Potters River to the SAC (c. 12km downstream) could lead to significant effects on the Buckroney-Brittas Dunes & Fen SAC.				

Direct disturbance/displacement effects in relation to noise and/or visual cues on fauna associated with designated sites can be discounted given the separation distance between the proposed development and European designated sites in the wider receiving environment.

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

The proposed development will not result in any direct effects on any European Site. However due to the nature, size and scale of the development and its proximity to the Ballinclare Stream and Kilmacurra Stream [EPA name: Ballinameesda lower stream (IE_EA_10P010300)] and Potters River (IE_EA_10P010500) impacts generated require consideration.

AA Screening matrix

Site name **Qualifying interests**	**Possibility of significant effects (alone) in view of the conservation objectives of the site***	
	Impacts	**Effects**
Site 1: Name (code) Buckroney-Brittas Dunes & Fen SAC (000729)	Direct: None Indirect: Negative impacts of run-off/discharge into the aquatic environment through impacts such as increased siltation, nutrient release and/or contamination.	Indirect habitat loss or deterioration.
	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	

Further Commentary / discussion

There will be no surface water / groundwater emissions or off-site discharges arising from the proposed soil washing and aggregate recovery activities as all process water will be re-circulated within a closed loop system.
The excavation and storage of soil during the preparation, operation and decommissioning phases has the potential to cause temporary siltation of watercourses in the event of prolonged heavy rain where excavated areas and spoil heaps are unprotected or sited in close proximity to watercourses.
In addition, eventual decommissioning of the facility could result in run-off of contaminants e.g. as a result of movement and operation of plant and run-off from 'capped' areas e.g. prior to the revegetation of these areas.
Uncontrolled discharge of water from the quarry void has the potential to create increased Arsenic concentrations in downstream surface water bodies (Potters River). Arsenic is toxic to fish and invertebrates, even at low concentrations. High levels of arsenic in sediment can also degrade habitat quality, affecting species that rely on the riverbed for spawning or foraging, such as lampreys and eels.

Overall discharge of poor-quality surface water from the proposed development site has the potential to affect the water quality downstream in the Potters River, which has the further potential to have secondary adverse effects on the Buckroney-Brittas Dunes and Fen SAC. However, the potential consequences for the designated site is limited as they are designated primarily for habitats associated with the sand dune and saltmarsh environment.

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has potential to result in significant effects on the Buckroney-Brittas Dunes & Fen SAC.

I conclude that it is not possible to exclude the possibility that proposed development alone would result significant effects on the Buckroney-Brittas Dunes & Fen SAC from effects associated with indirect habitat loss or deterioration. An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.

Proceed to AA.

Screening Determination

Significant effects cannot be excluded
In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on Buckroney-Brittas Dunes & Fen SAC in view of the site's conservation objectives. Appropriate Assessment is required.

This determination is based on:

- discharge of poor-quality surface water from the proposed development site has the potential to affect the water quality downstream in the Potters River, which has the further potential to have secondary adverse effects on the Buckroney-Brittas Dunes and Fen SAC.

Appendix 2: Appropriate Assessment Determination

Appropriate Assessment
The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.
Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of a Material Recovery / Recycling Facility and Inert Landfill at Ballinclare Quarry in view of the relevant conservation objectives of the Buckroney-Brittas Dunes and Fen SAC based on scientific information provided by the applicant and considering observations on nature conservation. The information relied upon includes the following: • Natura Impact Statement prepared by Ecology Ireland Wildlife Consultants Ltd. • Planning application documents • NPWS website outlining conservation objectives, site synopsis and statutory instruments for the protected site. I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.
Submissions/observations **DAU** • The Department notes that the comments and recommendations given by NPWS to the applicant during pre-planning consultation meetings in June 2024 have been incorporated into the planning application. **Inland Fisheries Ireland** • They note direct connectivity to the Kilmacurra Stream through the road drainage network. The treatment and removal of muddy material from the wheels of trucks before they re-emerge on to the public road network is critical in protecting the aquatic environment. **EPA** • Effectiveness of mitigation measures proposed in relation to the risk to groundwater and surface water contamination. • Detail as to how and where the returned asbestos materials are buried on-site and provide details on the measures to be put in for the management of these materials in the long term.

- Details on the disposal of the sludge and any other waste from the Siltbuster WWTP.

Public Observations

- A number of submissions have raised concerns in relation to contamination of Potters River and the impact on Buckroney-Brittas and Fen SAC and in relation to deficiencies in the NIS e.g groundwater study is inconclusive.
- Ballinclare Alliance Co. Ltd. submission includes an Ecological report by Dr Niamh Ni Bhroin of Dulra is Duchais. It raises concerns that
    - the NIS fails to address Buckroney – Brittas Dunes and Fen SAC which will be significantly impacted by naturally contaminated surface water discharged from the site.
    - The NIS, has not dealt with the direct, indirect and cumulative impacts of the proposed development at each phase of development, nor has the NIS dealt with the direct, indirect and cumulative impacts of the surface water systems post construction, surface water on the upgraded local road hasn't been assessed and neither has the impact on all the watercourses to which surface water will be discharged to during and post development.
- The submission from Christian Osthoff includes an Ecological report by Faith Wilson, Ecological Consultant. It raises the following concerns:
    - the potential contribution that the Peregrine falcons nesting at Ballinclare Quarry makes to the wider Peregrine falcon populations of the adjoining Wicklow Mountains SPA (for which Peregrine falcon is a qualifying interest) has not been considered or assessed in the NIS.
    - The NIS does not detail/list any of the plans or projects reviewed and the cumulative impacts of same in the assessment.
    - The NIS fails to assess impacts on the water dependent habitats within dune system at Buckroney-Brittas Dunes and Fen SAC/pNHA stating a lack of hydrological dependency for the qualifying interests of the SAC.

Buckroney-Brittas Dunes and Fen SAC (SITE CODE - 000729):

Summary of Key issues that could give rise to adverse effects (from screening stage):

(i) Water quality degradation (construction operation and post-operational)

(ii) Indirect habitat disruption

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary-inserted)	Potential adverse effects	Mitigation measures (summary)

Annual vegetation of drift lines [1210]	Maintain favourable conservation condition Vegetation composition: negative indicator species	None	Best practice pollution control measures, Application of industry standard controls, CEMP, Supervision by ECOW, Suitable uncontaminated natural material to construct the basal and side clay liners, Discharge water will be treated in a water treatment plant and will pass through the settlement lagoons, A separate drainage system to reduce pressures and dewater groundwater beneath basal liner, Wetlands treatment system with enhancements if necessary, Inert soil/C&D waste inspection process. Post closure the site will drain to a suitably sized attenuation pond and following treatment discharge to Kilmacurragh stream.
Perennial vegetation of stony banks [1220]	Restore the favourable conservation condition Habitat distribution: No decline or change in habitat distribution, subject to natural processes	None	
Mediterranean salt meadows (Juncetalia maritimi) [1410]	Maintain favourable conservation condition Physical structure: Maintain natural circulation of sediments and organic matter, without any physical obstructions	None	
Embryonic shifting dunes [2110]	Restore the favourable conservation condition Physical structure: Maintain the natural circulation of sediment and organic matter, without any physical obstructions	None	
Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]	Restore the favourable conservation condition Vegetation composition: negative indicator species	None	

Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	Maintain favourable conservation condition Vegetation structure: sward height Vegetation composition: negative indicator species	Water quality degradation resulting in deterioration of habitat	
Atlantic decalcified fixed dunes (Calluno-Ulicetea) [2150]	Restore the favourable conservation condition Vegetation composition: negative indicator species	None	
Dunes with Salix repens ssp. argentea (Salicion arenariae) [2170]	Maintain favourable conservation condition Area is stable or increasing, subject to natural processes	None	
Humid dune slacks [2190]	Restore the favourable conservation condition Maintain structural variation within sward	None	
Alkaline fens [7230]	Maintain favourable conservation condition Physical structure: drainage	None	
The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests. In particular, I note that given the route of the Potters River, the only qualifying habitat potentially negatively affected by water-quality effects is Fixed coastal dunes with herbaceous vegetation (grey dunes; 2130). Thereafter, the river outfalls to the sea and the dilution and dispersal effects are such that there is no-likelihood whatsoever that the other QIs, remote from Potters River would show significant adverse impacts.			
Assessment of issues that could give rise to adverse effects:			

Examples:

(i) Water quality degradation

There is some potential for a pollution event, or prolonged deterioration in water quality in the Potters River to measurably impact upon the Fixed Dune habitat. From the Conservation Objectives it is not considered likely that a mechanism exists by which a negative effect on the water quality in Potters River could measurably affect many of the attributes of the Fixed Dune system (e.g. Habitat Area or Distribution). On a precautionary basis there is the possibility of pollution of the Potters River negatively impacting Vegetation Structure (Sward height) and Vegetation Composition attributes.

Mitigation measures and conditions

- The discharge water to the Potters River will comply with the conditions in the discharge licence (WPL116), or any required revision to the licence resulting from conditions associated with this application,
- The discharge water will be treated in a water treatment plant and will pass through the settlement lagoons / attenuation pond at the site,
- No refuelling of plant / machinery, maintenance or repairs will take place in the quarry void to prevent accidental spillages,
- A refuelling pad with connection to hydrocarbon separator is provided at the application site, beside the workshop,
- All plant / machinery maintenance and repairs will take place under cover in the existing workshop at the site or on the hardstand refuelling pad,
- Waste oil and grease containers will be stored under cover in the workshop,
- An emergency spill response kit will be provided on-site,
- Plant operators will be briefed during 'toolbox' talks and site induction,
- Water in the quarry void will be pumped to the treatment plant and will then be routed to the settlement / attenuation ponds for further treatment (settlement) prior to discharge at the Potters River,
- Suitable uncontaminated natural material to construct the basal and side clay liners,
- A separate drainage system to reduce pressures and dewater groundwater beneath basal liner,
- Wetlands treatment system with enhancements if necessary,
- Inert soil/C&D waste inspection process,
- Post closure the site will drain to a suitably sized attenuation pond and following treatment discharge to Kilmacurragh stream.

I am satisfied that the preventative measures proposed which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protect the Fixed coastal dunes with herbaceous vegetation (grey dunes; 2130) and by arresting these pathways or reducing possible effect to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality are captured Planning Conditions 3 and 4 of the Inspectors Report

In-combination effects

I am satisfied that in-combination effects have been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects. I have also reviewed the Planning Register in relation to the proposed development since the lodgement of the application and am satisfied that there are no new applications which would materially impact the proposed scheme in terms of cumulative impacts.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the Buckroney-Brittas Dunes and Fen SAC (SITE CODE - 000729). No direct impacts are predicted. Indirect deterioration of Fixed Dunes (QI) within the designated site could potentially occur from the effects of damaging run-off or discharge into the aquatic environment through impacts such as increased siltation, nutrient release and/or contamination. Mitigation proposed during the construction, operation and post-operational stages of the proposed development will ensure the qualitative and quantitative status of the receiving ground and surface waters will not be altered by the proposed development and thereby limiting the potential for the proposed development to negatively impact upon the Buckroney-Brittas Dunes and Fen SAC (SITE CODE - 000729). I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Buckroney-Brittas Dunes and Fen SAC (SITE CODE - 000729). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Buckroney-Brittas Dunes and Fen SAC (SITE CODE - 000729) in view of the conservation objectives of that site and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the Buckroney-Brittas Dunes and Fen SAC (SITE CODE - 000729) can be excluded in view of the conservation objectives of that site and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of the construction, operation and post-operational impacts.
- Effectiveness of mitigation measures proposed including supervision and monitoring and integration into a live Construction and Environmental Management plan by the contractor at the development stage.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment or prevent or delay the restoration of favourable conservation condition of conservation objectives for the Buckroney-Brittas Dunes and Fen SAC (SITE CODE - 000729).