



An
Bord
Pleanála

Inspector's Report QD.26.QD0025

Development	Further development of a quarry at Curralane, Ferns, Co. Wexford.
Planning Authority	Wexford County Council
Applicant	Drumderry Aggregates Limited
Type of Application	Application for further development
Inspector	Colin McBride
Date of Site Inspection	22 nd June 2016

1.0 Introduction

- 1.1 This is an application for further development of a quarry at Curralane, Ferns, Co., Wexford in accordance with Section 37L of the Planning and Development Act 2000, as amended.
- 1.2 The proposed development consists of further development of the quarry relating to Substitute Consent application SU26.SU0120. and comprises the continued use and extension of the quarry including extraction and dry screening of sand and gravel with extraction depth approximately 10m from a floor level of approximately 70m above ordnance datum to a level of approximately 80m above ordnance datum level. The extension covers an area of 0.94 hectares with a total application site area of 4.16 hectares.

2.0 Site Location and Description

- 2.1 The site is located in the townland of Curralane, approximately 6 km north west of Ferns. It is accessed via a local road to the south of the settlement of Ballyroe buck. This is a rural area and the site is generally surrounded by agricultural lands. The site is set back c. 1 km from the public road with access via an unpaved track through an agricultural field. The track also serves a cluster of agricultural buildings and a derelict dwelling some distance to the west. The entrance to the quarry was gated and closed on the day of site inspection, however pedestrian access was possible. The quarry was not being worked on the day of inspection.
- 2.2 The quarry is bisected by a stream running east to west and thus comprises two distinct areas that are linked by an unpaved access track. The southernmost segment is characterised by an area of hardstanding with bays for lorries. There is a small, disused shack and a derelict metal shed. Heaps of spoil lie along the edges of the area. They are overgrown and appear to have been in situ for some time. Piles of plastic piping are currently being stored in various parts of the hardstanding. A second, higher plateau has

been created on top of spoil deposition further to the north, with a separate access from the track serving the site. This area is currently used to store hay bales.

- 2.3 The stream that traverses the site is surrounded by spoil from the quarry operation. It leads to a marshy area to the west of the site (indicated as such on O.S. maps) where it joins Ballingale Stream, a tributary of the Slaney River. The stream runs through a pipe under the track that connects the northern and southern sections of the site. The northern section of the site appears to have been more recently worked as a quarry. An excavator and a screening/processing machine were present at the site on the day of inspection however they were not in use.

3.0 Proposed Development

- 3.1 The proposal seeks continuation of the use and extension of the quarry operations including extraction and dry screening of sand and gravel with extraction depth approximately 10m from a floor level of approximately 70m above ordnance datum to a level of approximately 80m above ordnance datum level. The extension covers an area of 0.94 hectares with a total application site area of 4.16 hectares.

4.0 Wexford County Development Plan 2013-2019

- 4.1 The site is located within a rural area.
- 4.2 There are a number of objectives regarding the extractive industry under Section 6.4.5 of the County Development Plan.

4.2.1 Objective ED09

To prohibit extractive industry development which could significantly impact on the areas designated as being of European and National importance (such as SACs, cSACs, SPAs, NHAs and pNHAs) where significant detrimental

impacts cannot be satisfactorily mitigated, even if significant aggregate resources are identified in such areas by the GSI. A strict precautionary approach will be taken where designated sites will be affected.

4.2.2 Objective ED10

Extractive industry sites can themselves create important new habitats, and further to the key objective of this Plan to protect and enhance the county's unique natural heritage and biodiversity, while promoting and developing its cultural, educational and eco-tourism potential in a sustainable manner, the Council will require that the operators of all proposed extractive industry developments maximise the biodiversity potential of their site by including proposals which promote bio-diversity throughout the working life and restoration of the quarry in their application.

4.2.3 Objective ED11

To ensure that extractive industry developments are sited, designed and operated in accordance with best practice. Cognisance should be paid to the following guideline documents (as may be superseded and/or updated) which are of particular relevance:

- Environmental Management in the Extractive Industry (EPA, 2006)
- Quarries and Ancillary Activities: Guidelines for Planning Authorities (DEHLG, 2004)
- Wildlife, Habitats and the Extractive Industry (Notice Nature/ Irish Concrete Federation / NPWS 2010)
- The Environmental Code (ICF, 2006)
- Geological Heritage Guidelines for the Extractive Industry (ICF and GSI, 2008)
- Archaeological Code of Practice (ICF and DEHLG, 2009)

5.0 Planning History

5.1 Section 261 Registration

Application for registration made as Reg. Ref: Q015 was submitted prior to the closing date of registration in April 2005.

5.2 Determination Under Section 261A (2)(a)

The planning authority determined that development has been carried out after 26 February 1997 which development would require Appropriate Assessment and that Appropriate Assessment was not carried out. The area of the site which is the subject of this determination is identified on the attached map.

Quarrying works have taken place after 3 July 2008 which required EIA determination regarding EIA and/or AA.

5.3 Extension of time application under Section 177E(4) (Ref: 26.SH.0209)

The Board granted an extension of the period for the making of the substitute application for a further period of 16 weeks.

5.4 Review of notice served by Wexford County Council under Section 261(a)(i) (QV0247)

The Board decided to:

(i) confirm the determination of the planning authority under Section 261A(2)(a) of the Planning and Development Act 2000 (as amended) in respect of Appropriate Assessment, in accordance with the reasons and considerations

(ii) set aside the determination of the planning authority under Section 261A(5)(a) of the Planning and Development Act 2000 (as amended), that Section 261A(2)(a)(i) applies to development that took place on this site after 3rd July 2008,

(iii) set aside the determination of the planning authority under Section

261A(5)(a) of the Planning and Development Act 2000 (as amended), that Section 261A(2)(a)(ii) applies to development that took place on this site after 3rd July 2008,

(iv) in relation to the decision of the planning authority under Section 5(a)(i) and (ii) of the Planning and Development Act, 2000 (as amended), and in accordance with the reasons and considerations (4) set out below, that:

- (a) the quarry commenced operation prior to 1st October 1964, and
- (b) the requirements in relation to registration under Section 261 of the Planning and Development Act 2000 (as amended) were fulfilled.

5.5 An application for substitute consent for an area of 3.22 hectares was submitted to the Board further to the decision of the planning authority and is currently under consideration.

6.0 Submission from the Planning Authority

6.1 The planning authority refers to development plan provisions. It is noted that the proposal is a modest expansion of the existing extraction area. It is noted that a number of conditions should be applied in the event of a grant of permission. These include clarification of extractions areas and areas for stockpiling, measures for management/mitigation/remediation measures, a timescale for the ceasing of operations, a plan for restoration of the site, details of fencing and signage and financial contributions.

7.0 Applicants response to Wexford County Council submission

7.1 The applicant notes that the submissions made by the Council are generally favourable towards the proposal and that the applicant has no further comment to make.

8.0 Prescribed Bodies Submissions

8.1 Submission by Inland Fisheries Ireland

A tributary of the Ballingale Stream (itself a tributary of the Slaney River, Slaney River SAC, which is an important salmonid system) traverses the site.

The submission outlines concerns regarding sand washing on-site, pumping of surface water and excavation in relation to groundwater level. The submission highlights the culverting of the stream running through the site questioning whether it is of adequate size for free passage of fish. It is noted that there should be adequate storage arrangements for fuels/hydrocarbons and systems in place to prevent suspended solids discharging to watercourses.

8.2 Submission by HSE

The quarry site drains to a stream to the west which is the source of the Ferns Regional Water Supply and private water supplies in the area. Provision are required to protect water sources.

Appropriate controls must be put in place for noise and vibration, air quality and groundwater quality.

8.3 Submission by Development Applications Unit

The existing development is located an adequate distance from the nearest recorded monument and that a buffer zone of 20m should be applied from the external perimeter of the monument. It is noted that the extended extraction area is within the vicinity of the recorded monument and is recommended that the applicant engage a suitably qualified archaeologist to monitor all topsoil stripping associated with the proposal.

8.4 Geological Survey Ireland

The Geological Survey of Ireland has no comment to make.

8.5 Irish Water

The subject site is 100m from an abstraction point at the River Curralane, which feeds the Ferns Water Treatment Plant. The information submitted has not addressed how such will be protected from quarry related activities.

9.0 Applicants response to Submission Bodies

9.1 No response.

10.0 Assessment

10.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Development Plan Policy

Environmental Impacts, water, air quality, noise and vibration and traffic.

Impact on European Sites

10.2 Development Plan Policy:

10.2.1 I would note that the Local Authority has not raised any objection to the proposal on the basis that it is contrary any policies and objectives of the County Development Plan. The proposal is generally acceptable in principle in the context of Development Plan objectives in regards to the extractive industry. Issues concerning environmental impact, landscape character and its status in regard to designated sites are to be explored in the following sections of this report.

10.3 Environmental Impacts, water, air quality, noise and vibration and traffic:

10.3.1 The application site including existing quarry works and the proposed extended area have a total area of 4.16 hectares. Under the Planning and Development Regulations, 2001 (as amended), Schedule 5 Part 1 Development for the purposes of Part 10 (Environmental Impact Statement), the threshold level for development of this type is as follows...

“Extraction of stone, gravel, sand or clay, where the area of extraction would be greater than 5 hectares”.

The existing quarrying and proposed quarrying activity are below the threshold level that requires an Environmental Impact Statement. Having inspected the site and the associated documentation, I am satisfied there is sufficient information on file to assess the environmental impact of the proposed development without the need to carry out Environmental Impact Assessment.

10.3.2 The application is accompanied by a report detailing the nature of operations and environmental impact. The proposed development entails continuance of use of existing quarry and extension of such over an area of 0.94 hectares. The quarry is for the purposes of extraction of fine sand for concrete manufacturing purposes at Drumderry Aggregates (remote from the site).

10.3.3 In regards to water quality it is noted that a stream traverses the site (a tributary of the Ballingale stream) that joins the River Slaney approximately 6.5km from the site. It is noted that the site is underlain by a ‘Locally Important Aquifer as X (rock near surface) and E (extreme vulnerability). It is noted that there are a number of potential sources of water pollution including fuel, lubricants and sediment laden water and that the pathways for such are surface overland flow or infiltration to groundwater. It is noted that the receptors are the existing stream that eventually discharges to the River Slaney, groundwater and existing water supplies in the vicinity. In relation to water quality it is noted that water quality in the existing stream and to the north and upstream of the site was recorded as being Q2-Q3 (poor status)

from 2004-2014 (based on EPA information). It is noted that water quality downstream of the site is Q4 indicating good water quality. It is noted that the cumulative impact of the quarry and adjoining agricultural activities has not had a significant impact on water quality. It is noted that two sand and gravel pits immediately adjacent to the Slaney River have been subject to Environmental Impact Assessment and deemed to have no significant impact on such. It is noted that with the implementation of existing and proposed mitigation measures in regards to fuels, lubricants and surface water management the proposal would have no significant impact on water quality (surface water and groundwater).

10.3.4 In regards to groundwater it is noted that the level of extraction is and will be above the static groundwater table. The existing activity and proposed activity does not and will not impact on groundwater flow and there are no residences/private water supplies in the vicinity of the site that would be impacted. The mitigation measures in place and proposed are set out including a minimum 1m cover maintained above bedrock, secure location and bunding of fuel/lubricants, refueling of machinery off-site, bunded mobile fuel bowser in the case of refueling required on site, no water to be discharged directly from site, working practice to minimise sediment discharge and adequate buffer zone maintained between site operations and local water courses.

10.3.5 In regards to noise and vibration it is noted that the nature of works and machinery are such that acceptable levels in accordance with EPA guidance will be maintained. It is noted that there no noise sensitive receptors in close proximity to the site and operations will not exceed the relevant emission limit values.

10.3.6 In regards to dust generation it is noted that operation consists of stripping of soil and extraction of sand and gravel from the working face. Extracted material is passed over a single mobile screen and sand and gravel is loaded into a HGV for transport to the concrete works at Drumderry. It is noted that the relatively low level of activity and coarseness of material being handled

that dust generation is minimal and largely confined to the area of the pit floor and that no crushing takes place on site. It is also noted that there are no sensitive receptors in close proximity to the site. It is noted there will no significant impact on nearby sensitive receptors or existing land use in the vicinity as a result of dust emissions. A number of mitigation measures are proposed to ensure no significant impact.

10.3.7 In regards to landscape and visual impact it is noted that the site is located in an area designated as 'uplands' under the County Development Plan Landscape Character Assessment. It is noted that the site is not within or near an area designated as being a 'landscape of greater sensitivity'. It is noted that the existing and proposed development is not highly visible in the wider area and has no significant impact on landscape character, sensitive landscapes or protected views. It is noted that natural regeneration will be encourage by spreading soils/subsoils and any quarry waste upon cessation of quarrying activities.

10.3.8 In regards to traffic it is noted that the continued and proposed activity will generate approximately one to two loads per day with more than such on infrequent occasions. Visitors to the site (small vehicles) will occur occasionally. Traffic will use the existing vehicular entrance and access roads. It is noted that the gates are well set back from the entrance and visibility at vehicular entrance is of a good standard.

10.3.9 In relation to cultural heritage is noted there are two recorded monuments in in close proximity to the site. It is noted that one of monuments appears to have been removed by quarrying activity prior to 2005. It is noted that an archaeologist will be commissioned to supervise future soil stripping.

10.3.10 In regards to waste management it is noted that there will be no significant production of waste on the site. It is noted an Environmental Management System (EMS) will be prepared and implemented taking cognisance of any conditions applied in the event of consent being granted and including provisions for suppression of noise and dust, the protection of water.

10.3.11 The application also includes a flora and fauna survey. The study concludes that there are no Annex I habitats or Annex II plant species within the footprint of the site. It is noted that there are no Flora Protection Order Species, Red Book Data species or plant species which occur on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations of 2011 within the footprint of the site. In regards to fauna it is noted that 10 species were observed with the sand martin of note as it is amber listed. There was also evidence of fox and badger. Mitigation measures are proposed including protection measures (avoidance of activity during breeding season) in regards to sand martins.

10.3.12 In regards to overall environmental impact, I am satisfied there sufficient information is provided to assess whether the proposed development has an acceptable environmental impact. In regards to impact on water quality (surface water and groundwater quality), I am satisfied subject to adequate mitigation measures as outlined, that the proposed activity would have no adverse impact on water quality, either surface water or groundwater. It is notable that the issue of the proximity of a water abstraction source has been raised (100m from an abstraction point at the River Curralane, which feeds the Ferns Water Treatment Plant). I am satisfied that the level and nature of activity taken in conjunction with mitigations measures, which should be reinforced by way of conditions, would mean that the proposed development would be satisfactory in the context of water quality.

10.3.13 I am satisfied that the level and nature of activities are such that the relevant emission level values in regards to noise, vibration and dust can be adhered to and would note such should also be part of the conditions in the event of grant of permission.

10.3.14 Having inspected the site and surrounding area, I am satisfied that the development subject to this application would be acceptable in context of visual amenity and landscape character in that it would not be highly visible or prominent in the area or impact on a landscape subject to a special amenity

designation. The impact in regards to flora and fauna would also be acceptable in that the site is not located within an area where there are protected habitats and that adjoining lands can cater for displacement of species due to quarrying activities. In the event of a grant of permission a condition requiring a restoration plan for the site including measures to reintegrate it into the rural area should be included.

10.3.15 The level and nature of activity is relatively modest and the existing vehicular access arrangements and road network are sufficient to cater for the traffic likely to be generated without causing a traffic hazard. In regards to cultural assets subject to implementation of the recommendations of the Development Applications Unit, the proposal would be satisfactory in this regard.

10.3.16 I am satisfied that subject to adequate conditions including emission level values and ongoing monitoring in regards to water quality, dust, noise and vibration (Environmental Management System), the proposed development would be satisfactory in regards to environmental impact.

10.4 Impact on European Sites/Appropriate Assessment:

10.4.1 The applicant has submitted a Natura Impact Statement (NIS). Two Natura 2000 sites were identified (based on previous appropriate assessment issues raised under the substitute consent application). The two designated sites are...

Slaney River Valley cSAC (Site Code 000781)

Wexford Harbour and Slobs SPA (Site Code 004076)

The NIS includes a stage 1 screening assessment. This assessment uses the information associated with the appropriate assessment carried out in relation to the substitute consent assessment application for existing works. It is identified there is potential for impacts on the two designated Natura 2000

sites, primarily associated with surface water. It is concluded that the proposed development is not directly connected with or necessary to the management of a Natura 2000 site, but may have a significant impacts on one or more Natura 2000 sites. In this regard it was concluded that a Stage 2 Appropriate Assessment is required.

10.4.2 The Stage 2 Appropriate Assessment examined potential impacts on the Blackstairs Mountains SAC (Site Code 000770) as well as the Slaney River Valley cSAC and Wexford Harbour Slobs SPA (Site Code 004076) as it is within 15km of the site. The report includes a description of designated areas, details of the qualifying interests and conservation objectives for each site. The Slaney River cSAC is characterised by aquatic based habitats, estuaries, mudflats, old sessile woods and species such as freshwater pearl mussel, sea lamprey, brook lamprey, twaite shad, atlantic salmon and otter. The Blackstairs Mountains SAC is characterised by habitats such as wet and dry heaths, and is a habitat for a number of bird species. The Wexford Harbour Slobs SPA is a habitat for a significant list of bird species.

10.4.3 The Stage 2 Appropriate Assessment includes identification and evaluation of likely significant effects. In terms of source-pathway-receptor links the report identified the existing watercourse traversing the site, which eventually discharges to the Slaney River as the main issue. It is noted that there is an accompanying report with particular reference to potential impacts in regards to surface water. It is noted that excavation works have been dry throughout the extraction period to date and there has been no pumping or discharge of water from the site. It is noted that there is a protective layer or permeable sand and gravel above the underlying bedrock, which acts as a filter to water that percolates through it. It is noted that the key sources of contamination are fuel, lubricants and sediment-laden water. The pathways are identified as percolation to ground and overland flow. The associated report outlines mitigation measures in this regard.

10.4.4 In terms of potential direct, indirect or secondary impacts, it is noted there will no direct impacts as the development is not located within any of the

designated areas. In regards to indirect or secondary impacts it is noted that both the Slaney River Valley cSAC and Wexford Slobs SPA are dependent on water quality with the proposal having a potential impact on such. It is noted that there are no impacts foreseen upon the Blackstairs Mountains SAC. In regards to surface water it is noted that water quality in Ballingale Stream and upstream was classified as Q2-3 (poor status) and that the water quality downstream has improved in recent times to good status (Q4). It is noted that water quality monitoring carried out in 2013-2014 indicate good water quality. In regards to groundwater it is noted that the level of extraction is above the groundwater table and no pumping or groundwater has occurred or is proposed. It is noted that the development has not altered groundwater flow patterns and that there are no private water supply sources in the immediate vicinity of the development. It is noted that there is no significant potential for cumulative impacts in conjunction with other plans or projects. It is noted that there are a number of mitigation measures proposed and in place and subject to such the development would have no adverse impact in regards to hydrology/water quality. It is therefore concluded that there are no significant effects on designated Natura 2000 sites.

10.4.5 The EU Habitats Directive (92/43/EEC) Article 6 (3) requires that “any plan or project not directly connected with or necessary to the management of the (European) Site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and, subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public”. The Board as a competent authority "shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned". In this regard it is appropriate to carry out a stage 1 screening assessment and then if necessary a stage 2 appropriate assessment.

10.4.6 In terms of screening assessment I am satisfied with the conclusions of the Natura Impact Statement (NIS) submitted by the applicant in terms of the sites likely to be effected within 15km of the site (Slaney River Valley cSAC, Wexford Slobs SPA and the Blackstairs Mountains SAC). I would concur with the conclusions that there would be no direct effects on any designated site but there is the potential for indirect effects in regards to the water quality with the Slaney River Valley cSAC and Wexford Slobs SPA, which are areas dependent on good quarter quality to maintain their conservation status. I am satisfied that the development subject to this application is remote from the Blackstairs Mountains SAC and there is not likely to have any direct or indirect effects on such. I would concur with the conclusion that a Stage 2 Appropriate Assessment is required.

10.4.7 In relation to the Stage 2 Appropriate Assessment I would consider that the Natura Impact Statement (NIS) submitted has sufficient detail to assess likely effects. Both the Slaney River Valley cSAC and Wexford Slobs SPA, are areas dependent on good water quality to maintain their conservation status. There is potential for contamination of surface water and groundwater through use of fuel/lubricants on site through infiltration and discharge of sediment laden water to existing watercourses (existing stream traversing the site that eventually discharges to the Slaney River). I am satisfied that the level of excavation in relation to the water table is such that the development subject to the application would not affect groundwater flow. I am satisfied that adequate mitigation/operational measures can be implemented and the proposal includes measures to prevent accidental discharge of fuel and lubricants. In relation to discharge to surface water, I would note that the Wexford Slobs SPA is very remote from the site and that the development subject to the application is unlikely to have any indirect effects on water quality within the designated site. In the case of the Slaney River Valley cSAC a stream that eventually discharges to the Slaney River traverses the site with the potential for the discharge of sediment to such. The location of the stream on site is well away from the proposed extraction area and I am satisfied that that adequate mitigation measures can be implemented and are proposed to

prevent discharges of sediment/suspended solids to the existing watercourse and subsequently reducing water quality within the designated site. I consider it reasonable to conclude, on the basis of the information on the file, that the development subject to this application, individually or in combination with other plans and projects would not adversely affect the integrity of any European site, in view of the sites' Conservation Objectives.

11.0 Recommendation

11.1 I recommend a grant of permission subject to the following conditions.

12.0 Reasons and Considerations

The Board had regard to, inter alia, the following-

- (a) The provisions of the Planning and Development Acts, 2000-2015, as amended, and in particular Section 37L,
- (b) The 'Quarry and Ancillary Activities, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2004,
- (c) The provisions of the Wexford County Development Plan 2013-2019,
- (d) The Appropriate Assessment report submitted with the application
- (e) The report and opinion of the planning authority under Section 37L(12(a),
- (f) The submissions/observations made in accordance with regulations made under Article 270(1) of the Planning and Development (Amendment)(No. 2) Regulations 2015,
- (g) The planning history of the site,
- (h) The pattern of development in the area,
- (i) The details contained within the application for substitute consent on the site ref. SU26.SU0120
- (j) The nature and scale of development the subject of this application, and
- (k) The Inspectors report

The Board noted that proposed development is not directly connected with or necessary to the management of a European Site. In carrying out an Appropriate Assessment, the Board accepted and adopted the conclusion set out in the Inspectors report in respect of the identification of European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects on these European sites in view of the site's conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on any European sites, in view of the sites' conservation objectives.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 re-commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This grant of permission to further develop the quarry shall be for a period of 10 years from the date of this order.

Reason: To enable the effects of the development to be reassessed in the light of the operation of the permission to further develop the quarry and the circumstances then obtaining.

3. Mitigation and monitoring measures outlined in documents submitted and Natura Impact Statement submitted with this application, shall be carried out in full, except where otherwise required by condition attached to this permission

Reason: In the interest of protecting the environment and in the interest of public health.

4. The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. This shall include the following:

(a) Proposals for the suppression of on-site noise.

(b) Proposals for the on-going monitoring of sound emissions at dwellings in the vicinity.

(c) Proposals for the suppression of dust on site

(d) Details of safety measures for the land above the quarry, to include warning signs and stock-proof fencing.

(e) Management of all landscaping.

(f) Monitoring of ground and surface water quality, levels and discharges.

(g) Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.

Reason: In order to safeguard local amenities.

5. A detailed restoration scheme for the site, shall be submitted to the planning authority for written agreement within three months of the date of this order. The following shall apply in relation to the design and timing of the restoration plan:

(a) Details relating to finished gradients of the excavation faces, to the type of restoration to be carried out and to measures to ensure safety during site restoration shall be provided.

(b) Details of landscaping including planting and mounding to be carried out.

(c) Measures to enhance the biodiversity of the area post-closure shall be identified.

(d) A phasing timescale for implementation and proposals for an aftercare programme of five years shall be submitted to the planning authority for written agreement.

Reason: In the interest of the visual and ecological amenities of the area and to ensure public safety.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

8. The quarry, and all activities occurring therein, shall only operate between 0700 hours and 2000 hours, Monday to Friday and between 0700 hours and 1600 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays.

Reason: In order to protect the amenities of property in the vicinity.

9. During the operational phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed an LArT value of 55 dB(A) during 0700 and 1900 hours. The T value shall be one hour.

Reason: In order to protect the amenities of property in the vicinity.

10. (a) Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to re-commencement of development. Details to be submitted shall include monitoring locations, commencement date and the frequency of monitoring results, and details of all dust suppression measures.

(b) A monthly survey and monitoring programme of dust and particulate emissions shall be undertaken to provide for compliance with these limits. Details of this programme, including the location of dust monitoring stations, and details of dust suppression measures to be carried out within the entire quarry complex, shall be submitted to, and agreed in writing with, the planning authority prior to re-commencement of any quarrying works on the site. This programme shall include an annual review of all dust monitoring data, to be undertaken by a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority following this annual review.

Reason: To control dust emissions arising from the development and in the interest of the amenity of the area.

11.

a) No quarrying activity is to take place within the confines or vicinity of Recorded Monument WX010-012. A buffer zone measuring at least 20m in width shall be provided surrounding the external perimeter of the monument ensuring its preservation and protection.

b) The applicant is to engage the services of a suitably qualified archaeologist to monitor all topsoil stripping associated with the development (licence under National Monuments Acts 1930-1994). The use of appropriate machinery for topsoil stripping to ensure preservation and recording of any archaeological material/features shall be necessary.

c) Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped pending a decision regarding appropriate treatment of the archaeology. The development shall be prepared to be advised by the Heritage Division of the Department of Arts, Heritage and the Gaeltacht with regard to any necessary mitigation action (e.g. preservation in situ and/or excavation). The applicant shall facilitate the archaeologist in recording any material found.

d) The Heritage Division of the Department of Arts, Heritage and the Gaeltacht shall be furnished with a report describing the results of the monitoring following the completion of all archaeological work on site.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist on site.

12. 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 relate to the greenfield area of the site which has not to date been excavated and shall be paid prior to recommencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter

shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission to further develop the quarry.

13. Prior to re-commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to the Board for determination.

Reason: To ensure the satisfactory restoration of the site in the interest of visual amenity.

Colin McBride

21st December 2016