

AUGUST 2017 | Project No. 33.1.13.39.2015.02&10

REMEDIAL ENVIRONMENTAL IMPACT ASSESSMENT REPORT APPENDICES

For a quarry and associated processing plant and welfare facilities over a total site area of 81 hectares.

To accompany substitute consent applications for:

a *plant area* following under An Bord Pleanála Ref. 01.LS.0019 (SH 01.SH.0236), and

a *quarry area* under An Bord Pleanála ref. 01.LQ.0001 (01.SH0.235)

Clonmelsh & Garyhundon,
Nurney,
Co. Carlow

On behalf of
Dan Morrissey Ireland Ltd. (In Receivership)

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APPENDIX 1 PERMISSIONS, LICENCES, DETERMINATIONS

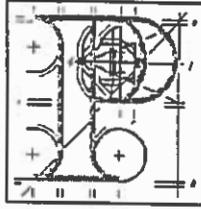
Appendix 1.1.1 **Plant area grant of leave for substitute consent An Bord Pleanála ref. LS01.0019**

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Appendix 1.1.4 **Lands indicated as substitute consent area in application for leave for substitute consent.**

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Carlow County

An Bord Pleanála Reference Number: 01.LS.0019

APPLICATION FOR LEAVE TO APPLY FOR SUBSTITUTE CONSENT by Paul McCann and Stephen Tennant of Grant Thornton (Receivers), 24 to 26 City Quay, Dublin care of Resource Planning Management and Development of 70 Glengarriff Parade, Phibsborough, Dublin.

DEVELOPMENT: Production/Manufacturing plant at Clonmelsh and Garryhundon, Powerstown, County Carlow.

DECISION

GRANT leave to apply for substitute consent under section 177D of the Planning and Development Act, 2000, as amended, based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to Section 177D of the Planning and Development Act, 2000, as amended, the Board is satisfied that:

- (a) the development is one where both environmental impact assessment and appropriate assessment is required, and
- (b) the Board considered that:
- the regularisation of the development would not circumvent the purpose or objectives of the Environmental Impact Assessment Directive and the Habitats Directive;
 - the applicant had or could reasonably have had a belief that the development was not unauthorised;
 - the ability to carry out an assessment of environmental impacts of the development for the purposes of Environmental Impact Assessment and Appropriate Assessment and to provide for public participation in such an assessment has not been substantially impaired;
 - there is a lengthy planning history associated with this site and the adjacent quarry lands, and

the Board also considered:

- the actual or likely significant effects on the environment or adverse effects on the integrity of a European site resulting from the development; and
- the extent to which significant effects on the environment or adverse effects on the integrity of a European site can be remediated.

The Board concluded, having taken all of the matters under Section 177D(2) of the Planning and Development Act, 2000, as amended, into account, that exceptional circumstances exist such that the Board considers it appropriate to permit the opportunity for regularisation of the development by permitting an application for substitute consent.

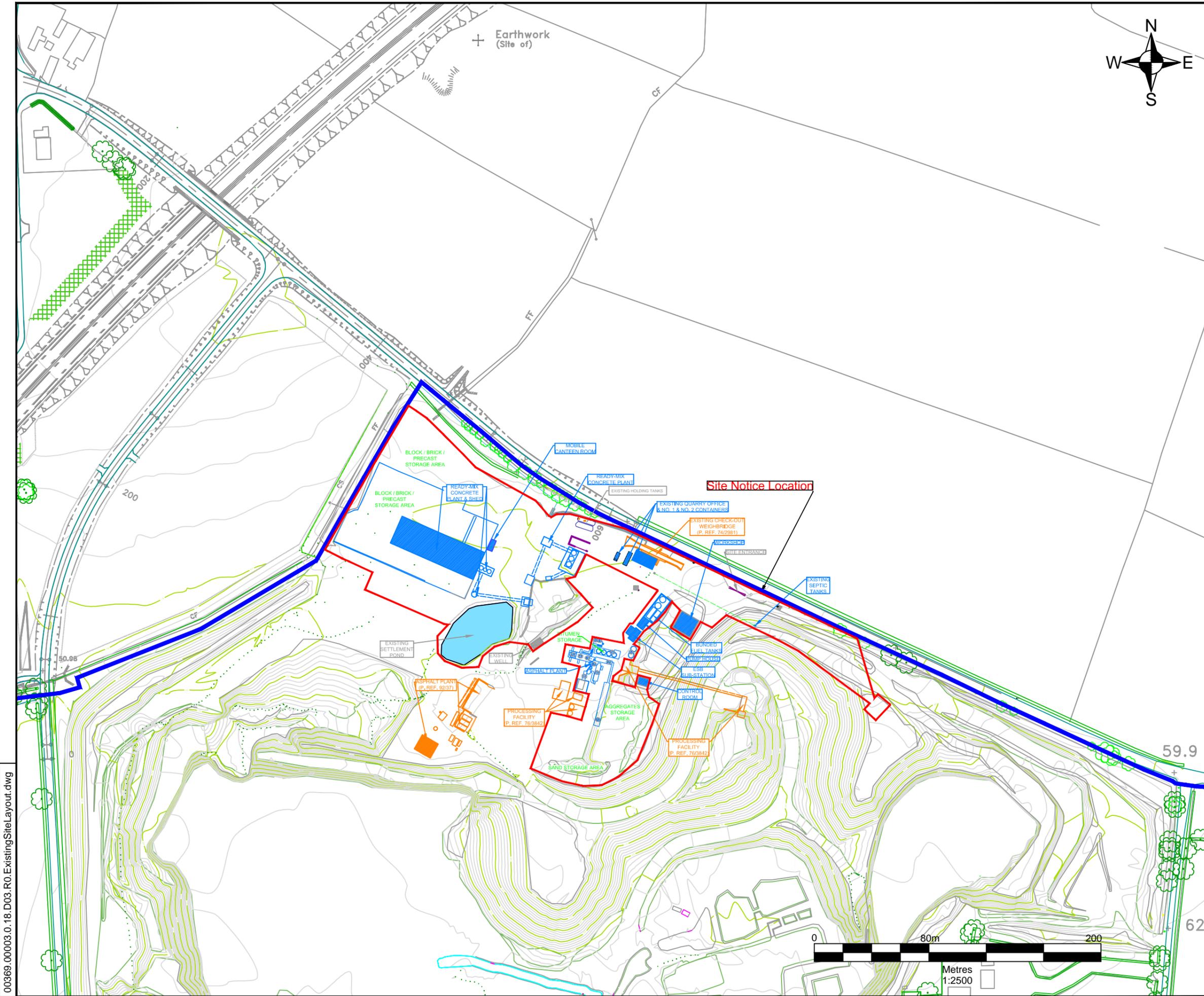
The Board noted and considered the Inspector's recommendation not to seek a remedial Environmental Impact Statement on the basis of the subject development not being of a class of development for the purposes of Environmental Impact Assessment as it does not fall within any of the Classes in Schedule 5 of the Planning and Development Regulations, 2001, as amended, or relevant preceding regulations or Annexes to the Directives. The letter issued by An Bord Pleanála on the 4th day of February, 2016, similarly indicated that "this element of the development is not of a class of development for the purpose of Environmental Impact Assessment, the Environmental Impact Assessment requirements do not appear to arise".

In deciding not to accept the Inspector's recommendation, the Board took into consideration the associated application for the quarry site under An Bord Pleanála reference number 01.LQ.0001 – an application to seek leave to apply for substitute consent under sections 261A(21)-(24) of the Planning and Development Act, 2000 - which the Board considered at the same meeting. The Board considered that the production/manufacturing plant area identified in application 01.LS.0019 initially developed as a result of the substantial quarrying operation on these lands and was, therefore, an integral part of the overall development. Accordingly, the Board considered that, in this instance, the quarry and the production area, while requiring separate application processes, are closely interlinked and, therefore, concluded that a single common remedial Environmental Impact Statement and remedial Natura Impact Statement should be submitted with each application (An Bord Pleanála reference numbers 01.LQ.0001 and 01.LS.0019) to facilitate the Board's assessments.

Nicholas M. Skelly

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 7TH day of APRIL, 2017.



NOTES

1. Ordnance Survey Ireland Licence No. SU 0000715
(c) Ordnance Survey Ireland & Government of Ireland
2. Based on 6 inch map LS037 & CW012 provided by Ordnance Survey Ireland
3. Refer to Drawing D03A for 1:500 scale plan

LEGEND

	DMIL (IN RECEIVERSHIP) LAND INTEREST (C. 172.2HA)
	PLANNING APPLICATION AREA (C. 3.1 HA)
	RETENTION FACILITIES
	EXISTING PERMITTED FACILITIES
	DISCHARGE LICENCE DRAIN - SURFACE (PIPED)
	SEPTIC TANK DRAIN
	CONTOURS

DRAFT FOR REVIEW

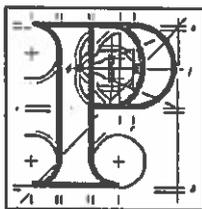
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DAN MORRISSEY LTD. (In Receivership)
AGGREGATE & PROCESSING
MANUFACTURING FACILITIES AT
CLONMELSH, CO. CARLOW
EXISTING SITE LAYOUT
DRAWING D03

Scale 1: 2,500 @ A3 Date MAY 2015

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Carlow County

An Bord Pleanála Reference Number: 01.LQ.0001

APPLICATION FOR LEAVE TO APPLY FOR SUBSTITUTE CONSENT by Paul McCann and Stephen Tenant of Grant Thornton (Receivers) 24 to 26 City Quay, Dublin care of Property Resource Planning Management and Development of 70 Glengarriff Parade, Phibsborough, Dublin.

DEVELOPMENT: Quarry on lands at Clonmelsh and Garryhundon, Powerstown, County Carlow.

DECISION

GRANT leave to apply for substitute consent under section 177D of the Planning and Development Act, 2000, as amended, based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to:

- (a) the provisions of the Planning and Development Acts, 2000 to 2016, and in particular Part XA and Section 261A(21-24), of the Act,
- (b) the Regulations pertaining to Environmental Impact Assessment 1989 to 2015 and the Planning and Development Regulations, 2001, as amended, which restates the prescribed classes of development which require an Environmental Impact Assessment (Schedule 5), and which, in Schedule 7, set out the criteria for determining whether a development would or would not be likely to have significant effects on the environment,
- (c) the Department of Environment, Community and Local Government – Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, March 2013,
- (d) Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, as amended,
- (e) the “Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government 2009/2010,
- (f) the provisions of the Carlow County Development Plan 2015-2021,
- (g) all submissions received by the Board in relation to the quarry under section 261A(21)(b) including the submission from the planning authority,
- (h) the planning history of the site including:
 - the information submitted to the planning authority in relation to the registration of the quarry under section 261 of the 2000 Act, as amended (planning authority register reference numbers QY25)
 - the subsequent planning application lodged to the planning authority under planning authority register reference number 10/130 and An Bord Pleanála reference number PL 01.238679, and
 - all other history files referred to in the planning inspector’s report,
- (i) all documentation and submissions on file,

- (j) the extent to which the quarrying activity expanded after the 1st day of February, 1990 which exceeded five hectares and the overall scale of the extraction area of the quarry,
- (k) the extent to which the quarry activity expanded after the 1st day of March, 1997 and the proximity and connectivity of the site to the River Nore and River Barrow Special Area of Conservation (Site Code 002162), and
- (l) the report of the Inspector,

the Board determines under section 261A(21)(c) of the Act that:

- (i) development was carried out at the quarry after 1st day of February, 1990, which development would have required, having regard to the Environmental Impact Assessment Directive, an environmental impact assessment, or a determination as to whether an environmental impact assessment was required, but that such an assessment was not carried out or made, and
- (ii) development was carried out at the quarry after 26th day of February, 1997, which development would have required, having regard to the Habitats Directive, an appropriate assessment, but that such an assessment was not carried out.

The Board is satisfied, for the purposes of section 261A(24)(a), Planning and Development Act, 2000, that:

- (i) the quarry commenced operation before 1st day of October, 1964 and permission was granted in respect of the quarry under Part IV of the Act of 1963, and
- (ii) the requirements in relation to registration under section 261 were fulfilled.

In accordance with the requirements of section 261A(24)(a), therefore, the Board grants leave to apply for substitute consent in respect of the application made for leave to apply for substitute consent.

Nicholas M. Staley

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 7TH day of APRIL, 2017.

Appendix 1.2.1 **Reg. Ref. PL1509 Permission for chip washing plant**

Appendix 1.2.2 **Reg. Ref. PL2981 Permission for weighbridge at Clonmelsh**

Appendix 1.2.3 **Reg. Ref. PL2979 Permission for entrance at Garyhondon**

Appendix 1.2.4 **Reg. Ref. PL3842 Permission for extension to plant at Clonmelsh**

Appendix 1.2.5 **Reg. Ref. 92/137 permission for Asphalt Plant**

Appendix 1.2.6 **Carlow County Council Discharge License DL7-233**

Appendix 1.2.7 **An Bord Pleanála review of Carlow County Council Discharge License DL7-233**

Appendix 1.2.8 **Air Pollution License Conditions Carlow County Council ref. APL10-01 (including altered condition via An Bord Pleanála review)**

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACT, 1963

NOTIFICATION OF A GRANT OF A PERMISSION ~~XXXXXXXXXXXXXXXXXXXX~~

To: Dan Morrissey Ltd.,
Ballyerogue,
Co. Carlow.

Reference No. _____
in Register: Pl. 1509

1970

Application/~~On this application~~ by Dan Morrissey Ltd.,
of Ballyerogue, Co. Carlow.

* on 2/1/70 for a permission/~~approval~~ for Permission
to instal Portable Plant for washing chippings at Clonmelsh and
Milford.
at _____

A permission/~~approval~~ has been granted for the
development/~~extension~~ described above, subject to the following conditions:-

- (1) That properly drained entrances to sites from public road be provided.

The permission/~~approval~~ is also subject to further approval being obtained in accordance with Article 5 of the Local Government (Planning and Development) Act, 1963, (Permission) Regulations, 1964, prior to the commencement of any part of the development other than _____

Signed on behalf
of the Council :

P. Ward
County Secretary

9th March, 1970
Date

COUNCIL OF THE COUNTY OF CARLOW

10. Dan Morrissey Ltd.,
Ballycrogue,
Co. Carlow.

Reference No. In
 Planning Register No. 1500

Application
 received on 2/1/70

In pursuance of the powers conferred upon them by the Above-mentioned Act, The Council of the County of Carlow have by order dated 27th January, 1970 decided to grant a permission/~~approval~~ for the development of land/~~for the erection of a structure~~, namely: - Permission to instal Portable Plant for washing chippings at Clonmelish and Milford.

SUBJECT TO the conditions set out in column 1 of the schedule hereto. The reasons for the imposition of the said conditions are set out in column 2 of the schedule.

If there is no appeal against the said decision, a grant of permission/~~approval~~ in accordance with the decision will be issued after the expiration of the period within which an appeal may be made to the Minister for Local Government (see footnote).

It should be noted that until a grant of permission/~~approval~~ has been issued the development/~~extension~~ in question is NOT AUTHORISED.

Signed on behalf
 of the said Council

P. Ward
 COUNTY SECRETARY

Date: 30th January, 1970

SCHEDULE

Column 1. - Conditions.	Column 2. - Reasons for Conditions
(1) That properly drained entrances to sites from public road be provided.	(1) To obviate danger of flooding on public road.

RECEIVED 31 JAN 1970

NOTE: An appeal against a decision of a Planning Authority under section 26 or section 27 of the Act of 1963 may be made to the Minister for Local Government. The applicant for permission may appeal within one month beginning on the day of receipt by him of the decision. Any other person may appeal to the Minister within three weeks beginning on the date of the decision.

Appeals should be addressed to the Secretary, Department of Local Government (Planning Appeals section), Custom House, Dublin, 1. An appeal by the Applicant for permission should be accompanied by this form. In the case of an appeal by any other person, the name of the applicant, particulars of the proposed development or of the structure proposed to be retained and the date of the decision of the planning Authority should be stated.

REGISTERED POST.

COUNCIL OF THE COUNTY OF CARLOW

To Dan Morrissey Ltd.,
Ballycrogue,
CARLOW.

Reference No. in Pl. 2981
Planning Register
Application received on 21/1/1974

In pursuance of the powers conferred upon them by the Above-mentioned Act, the Council of the County of Carlow have by order dated 12th February, 1974 decided to grant a permission/~~approval~~ for the development of land/~~for the retention~~ ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~, namely: Erection of 60-tonne Weighbridge at Clonmelsh, Milford, Co. Carlow.

If there is no appeal against the said decision, a grant of permission/~~approval~~ in accordance with the decision will be issued after the expiration of the period within which an appeal may be made to the Minister for Local Government (see footnote).

It should be noted that until a grant of permission/~~approval~~ has been issued the development/~~retention~~ in question is NOT AUTHORISED.

Signed on behalf of
the said Council: M. J. Reenan
County Secretary

Date: 13th February, 1974.

NOTE:
An appeal against a decision of a planning authority under Section 26 or Section 27 of the Act of 1963 may be made to the Minister for Local Government. The applicant for permission may appeal within one month beginning on the date of receipt by him of the decision. Any other person may appeal to the Minister within three weeks beginning on the date of the decision.
Appeals should be addressed to the Secretary, Department of Local Government (Planning Appeals Section), Custom House, Dublin, 1. An appeal by the applicant for permission should be accompanied by this form. In the case of an appeal by any other person the name of the applicant, particulars of the proposed development or of the structure proposed to be retained and the date of the decision of the planning authority should be stated.

To. Dan Morrissey Ltd.,
Ballycrogue,
CARLOW.

Reference No. in Pl. 2979
Planning Register
Application received on 21/1/1974

In pursuance of the powers conferred upon them by the Above-mentioned Act, the Council of the County of Carlow have by order dated 12th February, 1974 decided to grant a permission/~~approval~~ for the development of land/~~for the construction of~~ ~~of certain buildings~~, namely:- Erection of gate entrance, including 2'-12" gate and piers at Garryhendon, Milford.

SUBJECT TO the conditions set out in column 1 of the Schedule hereto. The reasons for the imposition of the said conditions are set out in column 2 of the Schedule.

If there is no appeal against the said decision, a grant of permission/~~approval~~ in accordance with the decision will be issued after the expiration of the period within which an appeal may be made to the Minister for Local Government (see footnote).

It should be noted that until a grant of permission/~~approval~~ has been issued the development/~~structure~~ in question is NOT AUTHORISED.

Signed on behalf
of the said Council M. J. Brennan
County Secretary.
Date: 13th February, 1974.

SCHEDULE

Column 1. - Conditions	Column 2 - Reasons for Conditions
(1) That no excavation for the extraction of gravel takes place within 30 ft. of edge of road fence and that exit is constructed in consultation with Mr. F. Maguire Area Engineer.	(1) To ensure the proper planning and development of the area.

NOTE: An appeal against a decision of a Planning Authority under Section 26 or Section 27 of the Act of 1963 may be made to the Minister for Local Government. The applicant for permission may appeal within one month beginning on the day of receipt by him of the decision. Any other person may appeal to the Minister within three weeks beginning on the date of the decision.

Appeals should be addressed to the Secretary, Department of Local Government, (Planning Appeals Section), Custom House, Dublin, 1. An appeal by the applicant for permission should be accompanied by this form. In the case of an appeal by any other person, the name of the applicant, particulars of the proposed development or of the structures proposed to be retained and the date of the decision of the Planning Authority should be stated.

NOTIFICATION OF DECISION TO GRANT A PERMISSION/AN APPROVAL (SUBJECT TO CONDITIONS) UNDER SECTION 26/27 OF THE ACT

COUNCIL OF THE COUNTY OF CARLOW

Reference No. in Planning Register PL 3842
 Application received on 12/4/76

In pursuance of the powers conferred upon them by the above-mentioned Act, the Council of the County of Carlow have by Order dated 2nd June, 1976 decided to grant a permission/an approval for the development of land/for the ~~erection of an unauthorised structure~~, namely:- Extension of Part at Clomelsh

SUBJECT TO the conditions set out in column 1 of the Schedule hereto. The reasons for the imposition of the said conditions are set out in column 2 of the Schedule.

If there is no appeal against the said decision, a grant of permission/approval in accordance with the decision will be issued after the expiration of the period within which an appeal may be made to the Minister for Local Government (see footnote).

It should be noted that until a grant of permission/approval has been issued the development/~~erection~~ in question is NOT AUTHORISED.

Signed on behalf of the said Council _____
 County Secretary.
 Date: _____

SCHEDULE

Column 1 - Conditions	Column 2 - Reasons for Conditions
<p>1. No conditions are specified.</p>	<p>1. No reasons are specified.</p>

NOTE: An appeal against a decision of a Planning Authority under Section 26 or Section 27 of the Act of 1963 may be made to the Minister for Local Government. The applicant for permission may appeal within one month beginning on the day of receipt by him of the decision. Any other person may appeal to the Minister within three

SCHEDULE

Page 1. PL.92/137.

-
1. The fuel tanks shall be banded within a walled space that contains the maximum volume of fuel plus 10% ullage.
 2. The bitumen tanks shall be banded within a walled space that contains the maximum volume of bitumen plus 10% ullage.
 3. Suitable and adequate first aid fire fighting equipment shall be provided and maintained.
 4. The electrical installation shall comply with E.T.C.I. Regulations.
-

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SCHEDULE

Page 1. PL.92/137 - Construction of Mobile Asphalt Plant at Clonmalsh, Milford, Co. Carlow. For: Dan Morrissey Irl. Ltd.

C O N D I T I O N S	R E A S O N F O R C O N D I T I O N S
1. The emission of dust from the aggregate drier shall be such that the concentration of dust in the exhaust to atmosphere does not exceed 115 milligrammes per normal (i.e. measured at 0°C and 760mm pressure) cubic metre. The height of the discharge shall be at least 2 metres above the highest part of the plant.	1. In the interests of the protection of the environment and in the interests of residential amenity.
2. The developer shall arrange for monitoring, by suitably qualified personnel, of the emissions from the drier within 2 months after start up and at yearly intervals thereafter. Within one month of receipt a copy of the emissions monitoring report shall be submitted to the Planning Authority.	2. In the interests of the protection of the environment and in the interests of residential amenity.
3. The exhaust ducts from the bitumen heating burners shall extend at least 2 metres above the top of the storage tanks.	3. In the interests of the protection of the environment and in the interests of residential amenity.
4. A landscaping proposal shall be submitted to the Planning Authority within one month of the grant of permission for the western boundary of the site. The trees shall be planted in the first planting season after the grant of permission. Responsibility for the maintenance thereafter shall rest with the developers.	4. In order to preserve the amenities of the area.
5. The developers shall sanction the cost of undertaking a sound survey at the perimeter of the site prior to the plant commencing operation. The new operation shall not increase the noise level at the plant perimeter by more than 5cba.	5. In order to preserve the amenities of the area.
6. There shall not be a detectable odour at the perimeter of the site arising from the operation of the plant.	6. In order to preserve the amenities of the area.
7. In the design and construction of the development the applicant shall have regard to the relevant requirements of the Building Regulations and Building Control Regulations 1991.	7. To ensure a safe standard of construction.

17

CARLOW COUNTY COUNCIL

BUILDING CONTROL ACT 1990.

The building works to which your planning permission relates, is subject to regulations made under the Building Control Act.

In this regard, at least 7 days and not more than 21 days before commencing site preparation works, you are required to submit a completed "Commencement Notice", together with site location map indicating the building to which the Notice relates, (copy attached) for the attention of the Council.

All developments (including flats) excluding housing will require a Fire Safety Certificate prior to commencement of work with effect from the 1st August, 1992. Application form attached.



Carlow County Council

Local Government (Water Pollution) Acts, 1977-1990

Section 4

Licence to Discharge Domestic Effluent to Waters

Per Registered Post

To: Dan Morrissey (IRL) Ltd., Bennekerry, Co. Carlow

Ref: DL7/233

The Carlow County Council in exercise of the powers conferred on it by the Local Government (Water Pollution) Acts, 1977-1990, hereby grants a licence to discharge domestic effluent to waters.

From: Quarry Development
Located at: Clonmelsh, Milford, Co. Carlow

To: A watercourse

Subject to the conditions specified hereunder.

Dated:

25-6-08

Signed:

Robt Connolly

Senior Executive Engineer.

Note: The decision of the Local Authority may be appealed within one month beginning on the date of the grant of the licence. Appeals should be addressed to The Secretary, An Bord Pleanála, Floor 3, Block 7, Irish Life Centre, Lower Abbey Street, Dublin 1 and must be forwarded by prepaid post or by leaving the appeal with an employee of the Board at the office of the Board during office hours.

An appeal to the Board will be invalid unless at the outset it

- **Is made in writing**
- **States the name and address of the appealant**
- **State the subject matter of the appeal,**
- **States in full the grounds of appeal and the reasons, considerations and arguments on which they are based**
- **Is accompanied by the fee of €127 euros, or in the case of bodies prescribed under Article 14 of the Local Government (Water Pollution) Regulations, 1992.**

A person other than a party to an appeal may make submissions or observations in writing to the Board. Any such submissions or observations must be made within the appeal period and be accompanied by a fee of €38.10 euros otherwise they will not be considered by the Board.

Any request for an oral hearing must be made in writing before the expiration of the appeal period and must be accompanied by a fee of €63.50 euros (in addition to the appeal fee).

Condition 1: Scope

- 1.1 The activity (quarry development) shall be controlled, operated and maintained such that the conditions attached to this licence are complied with.
- 1.2 No alterations shall be made to, or reconstruction in respect of the activity or any part thereof which would or is likely to result in material change or increase in:-
 - 1.2.1 The nature or quantity of the effluent.
 - 1.2.2 The effluent treatment system or any changes in.
- 1.3 This licence is for the purpose of licensing discharges to Waters as defined in the Local Government (Water Pollution) Act, 1977 and Local Government (Water Pollution) (Amendment) Act, 1990 and nothing in this licence shall be construed as negating the licences statutory obligations or requirements under any other enactments or regulations.

Reason: To clarify the scope of this licence
--

Condition 2: Notification and Record Keeping of Incidents

- 2.1 The licensee shall notify Carlow County Council by both telephone and facsimile immediately after the occurrence of any of the following.
 - 2.1.1 Any unscheduled emissions or any emission which does not comply with terms of this licence.
 - 2.1.2 Any incident with the potential for environmental contamination of surface or groundwater or requiring an emergency response from Carlow County Council.
- 2.2 The licensee shall include as part of the notification, date and time of the incident, details of the occurrence and the steps taken to minimise the emissions and avoid recurrence. The licence shall make a record of any incident as set out in condition 2.1 above.
- 2.3 The licensee shall ensure that an Emergency Response Procedure can and will be implemented at any time to respond to any emergency situation which may arise on site as referred to in 2.1.1 and 2.1.2 above. This procedure shall include an emergency testing regime and shall be capable of minimising the effects of any emergency on the environment.
- 2.4 The licensee shall prepare and implement an environmental management system in regard to the treatment and management of effluent, in accordance with the EPA publication on Environmental Management in the Extractive Industry (Non-Scheduled Minerals) within 12 months of the date of this licence. A copy of this system and subsequent annual reviews shall be submitted to Carlow County Council by 28th February each year.
- 2.5 The licensee shall submit an Annual Environmental Report (AER) to the Director of Services, Infrastructure and the Environment, Carlow County Council for the preceding calendar year by no later than February 28th of each year. The first AER shall be submitted by 28th February 2009 in respect of the period from the date of grant this licence to 31st December 2008. The AER shall include details of:
 - (a) any changes or alteration to the facility which may impact on the emissions from the facility;

- (b) monitoring and analysis undertaken in accordance with Schedule 1 and 2 of this licence;
- (c) details of any unscheduled emissions, non-compliant emissions or trigger level exceedance events;
- (d) reportable incidents
- (e) include total annual load discharged for all parameters
- (f) contain the monthly pollutant load
- (g) outline the intentions of the licensee with regard to the upgrading of and/or alterations to works or operations should these results not fully comply with the terms of this licence.

In addition, the licensee shall include in the report, a written summary of compliance with all of the conditions attached to this licence.

Reason: To provide for the notification and record keeping of incidents and to provide for the requirements of the local authority in accordance with Section 14 of the Local Government (Water Pollution) Act, 1977-1990.

Condition 3: Site Design and Management

- 3.1 There shall be a single discharge outlet from the drainage channel into the watercourse (Powerstown Stream).
- 3.2 The effluent treatment system under the control of the licensee shall be inspected daily, and properly maintained at all times. The volume of water in the settlement lagoons shall normally be maintained at a volume not in excess of 65% of the capacity of the lagoons.
- 3.3 The drainage system shall be designed and maintained to minimise surface water run-off into the quarry workings.
- 3.4 Ensure all surface run-off from hardstanding areas used for refuelling is directed to an appropriately sized hydrocarbon interceptor prior to discharge
- 3.5 Provide bunding to all fuel/chemical storage tank areas: 110% of the capacity of the largest tank within the area or 25% of the total volume of the substance which could be stored within the area, whichever is greater. Conduct regular checks of the bunds to ensure integrity is maintained.
- 3.6 Provide spill pallets to store drums of all chemicals and oils (including waste oils) stored on site.
- 3.7 Provide spillage control equipment on site (booms and suitable absorbent materials, etc.) to contain any accidental spillage.
- 3.8 Ensure blasting practice minimises the risk of occurrence of nitrate/ammonia residues by proper blast design and implementation, appropriate disposal of any excess explosives, and selection of the appropriate type of explosives.
- 3.9

Reason: To make provisions for management of the activity and maintenance of effluent treatment equipment.

Condition 4: Emissions to Waters of Treated Effluent

- 4.1 There shall be a single discharge outlet from the central pump-sump into the watercourse.
- 4.2 No film shall be visible on the effluent being discharged from the oil interceptor or on the receiving water and no odour (hydrocarbon) present.

- 4.3 Provision shall be made at the outfall from the discharge point for an inspection and sampling chamber, prior to discharge to waters. The chamber shall be accessible at all times to authorised persons appointed under and in accordance with the provisions of Section 28 of the Local Government (Water Pollution) Act, 1977, and as amended by Section 19 of the Local Government (Water Pollution) (Amendment) Act, 1990. The licensee shall ensure that this chamber is safely accessible in all weathers and is suitable for the taking of a check sample of effluent. It is the responsibility of the licensee to ensure that all monitoring points are fitted with monitoring chambers to enable collection of a check sample of the discharge. After their installation, samples taken for check monitoring by the licensing authority are deemed to be representative of the discharge based on the provisions of this condition.
- 4.4 A flow meter shall be installed at the final discharge outlet to waters in the facility and cumulative daily readings shall be recorded and available for inspection on request by the licensing authority.
- 4.5 A flow proportional composite sampler shall be located at the discharge point to waters.
- 4.6 A penstock shall be located before the discharge point to prevent discharges from the facility in the event that monitoring and/or a visual inspection should indicate that -
- (a) treated process water is not within its discharge licence limits or is liable to give to rise to a breach in licence limits,
 - (b) contamination of water has taken place on site which could adversely affect the quality of the water to be discharged. The outlet penstock shall be closed and the contaminated water if higher than the licence limits shall be treated until such time as it is within its licence limit. If the water is so contaminated that it cannot be treated, it shall be tankered off-site for treatment until such time as the source of contamination has been identified and appropriate measures are introduced to prevent further risk to surface waters in the area.
- 4.7 The sampling inspection point, flow meter, composite sampler and penstock specified in conditions 4.3, 4.4, 4.5, and 4.6, shall be operational within 3 months of the date of issue of this licence.
- 4.8 No specified emissions to the waters shall exceed the emission limit values set out in Schedule 1 - Emissions to Waters. Where flow proportionate samples are used, the results of analysis of this sample shall not exceed the licence limits applied in Schedule 1. Where a grab sample is taken, the results of analysis of this sample shall not exceed 1.2 times the licence limits.
- 4.9 The licensee will install the best available technology (BAT) to ensure that the effluent meets the emission limit values set out in Schedule 1 - Emissions to Waters.
- 4.10 Sampling and analysis of emissions to the Waters shall be carried out as specified in Schedule 1 - Emissions to Waters. The results of all effluent analysis shall be submitted to Carlow County Council in accordance with Schedule 1 - Emissions to Waters.
- 4.11 All sampling and analysis specified in Schedule 1 - Emissions to Waters shall be carried out for the licensee by a laboratory approved by Carlow County Council. The name and address of this laboratory shall be provided by the licensee to Carlow County Council within one month of the date of grant of licence.

- 4.12 The licensee shall maintain historic records of all effluent analysis for a minimum period of three years. These shall be available for inspection upon request by authorised officers of Carlow County Council or its agents, and persons authorised under Section 28 of the Local Government (Water Pollution) Act, 1977-1990.
- 4.13 The licensee shall permit authorised officers of Carlow County Council or its agents, and persons authorised under Section 28 of the Local Government (Water Pollution) Act, 1977-1990 to inspect, examine and test at all reasonable times, any plant and equipment installed in connection with effluent treatment and to take samples as required.
- 4.14 The licensee, at the request of the licensing authority, shall analyse the effluent being discharged for the substances listed in the schedule of the Water Quality (Dangerous Substances) Regulations, 2000.

Reason: By way of control, limitation and monitoring of emissions to provide for the protection of the environment.

Condition 5: Fees/Contribution

- 5.1 All costs incurred in specified sampling and analysis shall be borne by the licensee, as shall all regulatory sampling and analysis carried out by or on behalf of Carlow County Council. The cost of periodic audits carried out by Carlow County Council to ensure compliance with licence conditions shall be borne by the licensee.
- 5.2 The licensee shall pay an annual fee to Carlow County Council, towards the costs of license administration. The amount will be calculated annually and the licensee shall be charged accordingly. (Annual fee in 2008 = €1,500)
- 5.3 Authorised officers of Carlow County Council and persons authorised under Section 28 of the Local Government (Water Pollution) Act, 1977-1990 reserves the right to take whatever additional samples for analysis considered appropriate. The licensee shall reimburse Carlow County Council or its agents, and persons authorised under Section 28 of the Local Government (Water Pollution) Act, 1977 – 1990 on demand for the costs of such sampling and analysis.
- 5.4 Extraordinary site inspections and additional laboratory tests or otherwise as a result of any incident referred to in standard licence conditions 2.1. and 2.2. shall be subject to extra charges.

Reason: In the interests of environmental protection

Schedule 1 - Emissions to Waters

Emission to: Powerstown Stream

Parameter	Emission Limit Value (mg/l)	Monitoring Frequency	Sampling Method	Analysis Technique	**Submission of Results
Colour	No abnormal change	Daily	Grab	Visual inspection	Monthly
Visual inspection	Check for the presence of oils/excess solids	Daily	Grab	Visual inspection	Monthly
pH	6-9	Weekly	Composite	*Standard Method	Monthly
Ammonia	0.3	Weekly	Composite	*Standard Method	Monthly
Total Suspended Solids	10	Weekly***	Composite	*Standard Method	Monthly
B.O.D. ₅	5	Monthly	Composite	*Standard Method	Monthly
C.O.D.	5	Monthly	Composite	*Standard Method	Monthly
Total Phosphorous (as P)	0.1	Monthly	Composite	*Standard Method	Monthly
Ortho-phosphate	0.03	Monthly	Composite	*Standard Method	Monthly
Nitrates	25	Monthly	Composite	*Standard Method	Monthly
Temperature	25°C	Monthly	Composite	*Standard Method	Monthly
Total hydrocarbons	1	Quarterly	Composite	*Standard Method	Quarterly
Parameter	Emission Limit Value	Monitoring Frequency	Sampling Method		*Submission of Results
Flow	2000m ³ per day and 85m ³ per hour	Continuous	On-line flow meter with recorder. Hourly and Daily flows.		Monthly
Turbidity	10 NTU and trigger level****	Continuous	On-line turbidity meter with recorder		Monthly

*Standard Methods: As detailed in "Standard Methods for the Examination of Water and Wastewater", 21st Edition.

** Results shall be submitted to Carlow County Council within one month of samples being taken. **Any non-compliance with the terms of the licence shall be highlighted and the reason why this occurred shall be stated.**

*** Unless otherwise required by condition for investigation of condition number 2.2.

**** Trigger level to be agreed with Carlow County Council in writing within one month of date of this licence.

Schedule 2 - Surface Water Monitoring**Location:** Upstream

Parameter	Monitoring Frequency	Sampling Method	Analysis Technique	Submission of Results
pH	Quarterly	Grab	*Standard Method	Quarterly
B.O.D.₅	Quarterly	Grab	*Standard Method	Quarterly
C.O.D.	Quarterly	Grab	*Standard Method	Quarterly
Ammonia	Quarterly	Grab	*Standard Method	Quarterly
Total Suspended Solids	Quarterly	Grab	*Standard Method	Quarterly
Total Phosphorous (as P)	Quarterly	Grab	*Standard Method	Quarterly
Ortho-phosphate	Quarterly	Grab	*Standard Method	Quarterly
Nitrates	Quarterly	Grab	*Standard Method	Quarterly
Temperature	Quarterly	Grab	*Standard Method	Quarterly

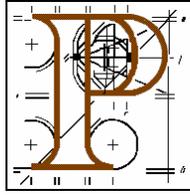
*Standard Methods: As detailed in "Standard Methods for the Examination of Water and Wastewater", 21st Edition.

Location: Downstream

Parameter	Monitoring Frequency	Sampling Method	Analysis Technique	Submission of Results
pH	Quarterly	Grab	*Standard Method	Quarterly
B.O.D.₅	Quarterly	Grab	*Standard Method	Quarterly
C.O.D.	Quarterly	Grab	*Standard Method	Quarterly
Ammonia	Quarterly	Grab	*Standard Method	Quarterly
Total Suspended Solids	Quarterly	Grab	*Standard Method	Quarterly
Total Phosphorous (as P)	Quarterly	Grab	*Standard Method	Quarterly
Ortho-phosphate	Quarterly	Grab	*Standard Method	Quarterly
Nitrates	Quarterly	Grab	*Standard Method	Quarterly
Temperature	Quarterly	Grab	*Standard Method	Quarterly

*Standard Methods: As detailed in "Standard Methods for the Examination of Water and Wastewater", 21st Edition.

An Bord Pleanála



LOCAL GOVERNMENT (WATER POLLUTION) ACTS 1977 TO 2007

Carlow County

Register Reference Number: DL7/233

APPEAL by Dan Morrissey (Ireland) Limited care of John Barnett and Associates of CSA House, 7 Dundrum Business Park, Windy Arbour, Dublin in relation to the granting, on the 25th day of June, 2008, by Carlow County Council, of a licence under section 4 of the Local Government (Water Pollution) Acts 1977 to 2007 for the discharge of trade effluent from a quarry development to a discharge channel entering Powerstown Stream at Clonmelsh, Milford, County Carlow:

DECISION: In exercise of the powers conferred on it by section 8 of the Local Government (Water Pollution) Act, 1977, as substituted by section 6 of the Local Government (Water Pollution) (Amendment) Act, 1990, and based on the Reasons and Considerations set out below, An Bord Pleanála hereby allows the said appeal and directs the said licensing authority to amend condition number 4.8 so that it shall be as follows and to attach a further condition so that it shall be as follows:

4.8 No specified emissions to the waters shall exceed the emission limit values set out below in Schedule 1 – Emissions to Waters. Where flow proportionate samples are used, the results of analysis of this sample shall not exceed the licence limits applied in Schedule 1. Where a grab sample is taken, the results of analysis of this sample shall not exceed 1.2 times the licence limits.

New Condition

Within three months from the date of this licence, the licensee shall conduct a monitoring programme and assessment report to be agreed with the local authority which shall demonstrate that the system for treating and discharging waters to the Powerstown Stream is capable of complying with the Suspended Solids limit of 25 mg/l SS as set out in Schedule 1 below.

Schedule 1 – Emissions to waters
Emission to: Powerstown Stream

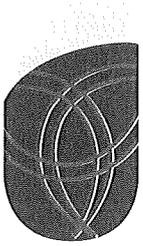
Parameter	Emission Limit Value (mg/l)	Monitoring Frequency	Sampling Method	Analysis Technique	**Submission of Results
Colour	No abnormal change	Daily	Grab	Visual Inspection	Monthly
Visual Inspection	Check for the presence of oils/excess solids	Daily	Grab	Visual Inspection	Monthly
pH	6-9	Weekly ***	Composite	*Standard Method	Monthly
Ammonia	0.3	Weekly ***	Composite	*Standard Method	Monthly
Total Suspended Solids	25	Weekly ***	Composite	*Standard Method	Monthly
B.O.D. ₅	5	Monthly	Composite	*Standard Method	Monthly
C.O.D.	5	Monthly	Composite	*Standard Method	Monthly
Total Phosphorous (as P)	0.1	Monthly	Composite	*Standard Method	Monthly
Ortho-phosphate	0.03	Monthly	Composite	*Standard Method	Monthly
Nitrates	25	Monthly	Composite	*Standard Method	Monthly
Temperature	25 ⁰ C	Monthly	Composite	*Standard Method	Monthly
Total Hydrocarbons	1	Quarterly	Composite	*Standard Method	Quarterly
Parameter	Emission Limit Value	Monitoring Frequency	Sampling Method	**Submission of Results	
Flow	2000m ³ per day and 85m ³ per hour	Continuous	On-line flow metre with recorder. Hourly and Daily flows	Monthly	
Turbidity	10 NTU and trigger level ****	Continuous	On-line turbidity metre with recorder	Monthly	

* Standard Method: As detailed in "Standard Methods for the Examination of Water and Wastewater", 21st Edition.

** Results shall be submitted to Carlow County Council within one month of samples being taken. **Any non-compliance with the terms of the licence shall be highlighted and the reason why this occurred shall be stated.**

*** Unless otherwise agreed with Carlow County Council, following a prolonged period (minimum three months) of full compliance with emission limit values.

**** Trigger level shall be agreed with Carlow County Council in writing with three months from the date of this licence.



CARLOW COUNTY COUNCIL

COMHAIRLE CHONTAE CHEATHARLOCHA

County Buildings, Athy Road, Carlow.

Tel: 059 9170300

Fax: 059 9141503

Email: secretar@carlowcoco.ie

Web: www.carlow.ie

Dated: 8th April 2011

SLR Consulting Ireland,
7 Dundrum Business Park,
Windy Arbour,
Dublin 14.

13 APR 2011

**Re : Application for a Licence under the Air Pollution Act, 1987.
Dan Morrissey Ireland Ltd, Clonmelsh, Carlow.**

Sir/Madam,

We refer to previous correspondences issued to you relating to the above mentioned application and in particular the notification of decision to grant a licence issued to you in July 2010. Further to this notification an appeal of the decision was made to An Bord Pleanala (ABP) on behalf of the applicant.

Pursuant to the decision of ABP in this case reference 01.LA.0085 please find attached grant of air pollution licence issued by Carlow County Council on April 1st, 2011. The conditions attached have been amended to reflect the decision of ABP in this case.

Yours faithfully,

M.J. Mulholland,
Environment Section

**Comhairle Chontae Cheatharlocha
Carlow County Council
Athy Road, Carlow**

C A R L O W
C O U N T Y C O U N C I L
COMHAIRLE CHONTAE CHEATHARLOCHA



AIR POLLUTION ACT 1987

**NOTIFICATION OF GRANT OF LICENCE IN RELATION TO
INDUSTRIAL PLANT**

Local Authority: Carlow County Council

Reference No. in Register: APL 10/01

To: Dan Morrissey Ireland Ltd.,
Bennekerry,
Co. Carlow.

The County Council of the County of Carlow, in exercise of the powers conferred on it by the Air Pollution Act, 1987 have by Managers Order Dated July 13th, 2010 and April 1st 2011 decided to grant a licence to Dan Morrissey Ireland Ltd., hereinafter called 'the Licensee', to operate an industrial plant for the production of bitumen macadam and asphalt, and products containing those constituents, located at Clonmelsh, Milford, Co. Carlow subject to the 9 conditions attached.

Signed:


Senior Executive Officer

Dated this 1st **day of** April **2011**

Managers Order No. 2011/49

CONDITION 1: SCOPE

- 1.1 This licence shall be in respect of emissions to atmosphere from the Dan Morrissey Ireland Ltd. of Clonmelsh, Milford, Co. Carlow in respect of the operations of the asphalt production plant described in the application and accompanying documentation submitted to Carlow County Council.
- 1.2 The operating hours of the asphalt plant involving emissions to air shall be from 0600 hours to 1900 hours Monday to Friday, and 0600 hours to 1500 hours on Saturday, unless otherwise agreed in writing with the Licensing Authority.
- 1.3 The Licensee's asphalt plant shall be controlled, operated and maintained in such a manner as to ensure that emissions to atmosphere are in accordance with the emission limit values set in this licence.
- 1.4 The activity shall be confined to the area outlined in the site plan submitted with the air emission licence application received on the 4th of February 2010 and further information received on the 20th of April 2010, and shall take place only as specified in the application, as modified and/or controlled by the terms of this licence. The height of the stack shall be 33m above ground level.
- 1.5 The licence is for the purpose of licensing under the Air Pollution Act, 1987, the production of bitumen macadam and asphalt and the manufacture of products containing them only, and nothing in this licence shall be construed as negating the Licensee's statutory obligations or requirements under any other enactments or regulations.
- 1.6 This Air Pollution Licence in itself does not entitle the Licencee to construct, alter or operate any plant as shown in the air emissions application received on the 4th of February 2010 and updated by further information received on the 20th of April 2010. The construction, alteration or operation of any plant is subject to the provisions of appropriate Planning Legislation which shall be complied with in full in respect of the activities which are the subject of this licence.

CONDITION 2: MANAGEMENT OF THE ACTIVITY

- 2.1 A copy of the licence shall be kept on site at all reasonable times. The Licensee shall issue a copy of this licence to all relevant personnel whose duties relate to any condition of this licence and acquaint all staff, employees and agents, including replacement personnel, of the provisions and conditions of this licence.

- 2.2 The Licensee shall ensure that there is a person in charge available at all reasonable times when the plant is in operation to meet with Authorised Officers of the Licensing Authority. The Licensee shall identify in writing to the Licensing Authority the responsible persons within one month from the date of grant of this licence.
- 2.3 Personnel performing tasks associated with the management or monitoring of emissions arising at the plant, shall be qualified on the basis of appropriate education, training or experience as required. The Licensee shall provide appropriate training for all personnel whose work could have a significant effect upon the environment.
- 2.4 The Licensee shall install in a prominent location on the site a windsock which shall be visible from the public road at the front of the site. The Licensee shall maintain the windsock in good condition and shall replace the windsock if it fails to indicate clearly the direction of the wind.
- 2.5 Within **two** months of the date of issue of the licence, the Licensee shall establish written procedures to ensure the following:
- (a) That plant and machinery, and particularly emissions abatement equipment, are operated in accordance with the manufacturer's instructions or in accordance with the best practice methods developed during commissioning programme.
 - (b) Best practicable means shall be used to treat aerial emissions from the process.
 - (c) That corrective action procedures are in place, and shall be taken, should the specified requirements of this licence are not met. The responsibility and authority for initiating further investigation and corrective action in the event of a material non-compliance with the conditions of the licence shall be clearly defined to the licensing authority within six months of the date of grant of this licence.
- 2.6 The Licensee shall ensure that all operations on the site shall be laid out, operated and maintained in such a manner that emissions and/or odours do not result in significant impairment of, or significant interference with, amenities or the environment beyond the site boundary.
- 2.7 During dry weather conditions which favour the dispersion of dust, the Licensee shall ensure that dust from the movement of machinery or windblown dust on site is controlled. A procedure for dust control shall be drawn up by the Licensee and shall be submitted to the Licensing Authority within one month from the date of grant of this licence.

CONDITION 3: INTERPRETATION:

- 3.1 For continuous monitoring points, 97% of all 1 hourly mean values shall not exceed the hourly emission limit value.
- 3.2 The concentration limits for emissions to atmosphere specified in this licence shall be based on gas volumes under standard conditions of – temperature 273K; pressure 101.3kPa; dry gas; oxygen content 17% (dry) for liquid and gaseous fuels.

CONDITION 4: NOTIFICATION

- 4.1 The Licensee shall immediately notify the Licensing Authority by telephone, fax or e-mail of the occurrence of any of the following:
- (a) any malfunction or breakdown of control equipment, which is likely to lead to loss of control of abatement systems at the plant;
 - (b) any incident giving rise to an emission liable to result in significant impairment of or significant interference with amenities or the environment beyond the site boundary;
 - (c) any emissions that do not comply with emission limit values set in this licence.
 - (d) any incident that requires an emergency response by Carlow County Council.

Full details shall be forwarded in writing on the next working day.

The Licensee shall include as part of the notification:

- the date and time of the incident,
- details of the incident and circumstances giving rise to it,
- an evaluation of environmental pollution caused, if any,
- actions taken to minimise the effect on the environment,
- steps taken to avoid recurrence,
- any other remedial action taken.

The Licensee shall make a record of any such incident in a register to be maintained on the site.

- 4.1.1 All communications with the Licensing Authority shall be addressed to the Senior Executive Officer,
Environment Section,

County Buildings,
Athy Road,
Carlow.

Telephone No. (working hours): 059-9136230

Fax number: 059-9138098

CONDITION 5: MONITORING OF EMISSIONS TO ATMOSPHERE

- 5.1 Within **two** months of the date of issue of this licence, the Licensee shall enter into a contract with a competent specialist environmental monitoring firm to carry out annual stack emissions monitoring at the site as per the parameters outlined in **Appendix B**. Details of the firm shall be advised to the Licensing Authority within **one** month of appointment of the firm. The specialist firm shall be adequately equipped to carry out the required monitoring, and be competent to carry out the monitoring either by experience or by qualification. In the event of a change in the monitoring contract, the Licensee shall notify this change to the Licensing Authority within **one** month of the change of contract.
- 5.2 Within three months of the date of grant of this licence, the exhaust stack shall be fitted with a continuous dust monitor (with data logger) that records continuous dust concentrations as discharged to the atmosphere. The continuous monitor shall be calibrated, operated and maintained in such a manner to ensure that the monitor is properly functioning at all times.
- 5.3 The dust monitor shall be fitted with an audible alarm if the dust concentration in the stack exceeds $50\text{mg}/\text{Nm}^3$.
- 5.4 The output of the dust monitor shall be recorded and show the average dust concentration in the exhaust gases for each hour and the maximum dust concentration within the hour. The Licensee shall maintain records of the continuous monitoring of particulate matter, as analysed by the method specified at **Appendix B**.
- 5.5 The continuous monitor shall be calibrated at six monthly intervals and the calibration certificates and service reports shall be submitted to the Licensing Authority on request.
- 5.6 The maximum dust concentration shall be calculated as the highest five minute average dust concentration recorded within the previous hour.
- 5.7 In the event of dust levels exceeding $50\text{mg}/\text{Nm}^3$ in the exhaust stack emissions, the operation of the dry bag filter shall be investigated. If it is found

that the dust collection system has malfunctioned, plant operation shall cease until such time as the dust collection system is repaired.

- 5.8 The Licensee shall monitor and maintain records of the quarterly and continuous monitoring and analysis of emissions to the atmosphere at the exhaust stack from the asphalt plant for the determinants specified in **Appendix A**, in accordance with the requirements of **Appendix B**.

Reason: In the interest of protection of public health and local amenity.

- 5.9 Within **two** months of the date of issue of this licence, the Licensee shall enter into a contract with a suitably qualified independent body to carry out dust deposition monitoring at the site. Details of the firm shall be advised to the Licensing Authority within **one** month of appointment of the firm. The specialist firm shall be adequately equipped to carry out the required monitoring, and be competent to carry out the monitoring either by experience or by qualification. In the event of a change in the monitoring contract, the Licensee shall notify this change to the Licensing Authority within **one** month of the change of contract.
- 5.10 Dust deposition monitoring at the site shall be carried out by a suitably qualified independent body on a monthly basis. Dust deposition, when measured at the site boundaries and averaged over 30 days shall not exceed $350\text{mg/m}^2/\text{day}$ using the "Bergerhoff Method".
- 5.11 Within **two** months of the date of issue of the licence, the Licensee shall submit a site plan illustrating the dust deposition monitoring sites. The Licensee shall submit grid reference co-ordinates for the dust deposition monitoring sites, which shall be located at the Northeast, East, South, Southwest and West boundaries of the site operated by Dan Morrissey Ireland Ltd. at Clonmelsh, Milford, Co. Carlow. Upon receipt of the proposed dust deposition monitoring locations, the Licensing Authority shall confirm in writing whether the proposed dust deposition monitoring locations meet the requirements of this condition.
- 5.12 The pressure differential across the bag filters shall be monitored using a pressure indicator and alarm system. The pressure indicator and alarm system shall be serviced, operated and maintained in such a manner to ensure that they are properly functioning at all times.
- 5.13 Within **two** months of the date of issue of the licence, the Licensee shall submit details of the maintenance and service checks required to ensure that the pressure indicator and alarm system are properly functioning. Maintenance reports and service checks shall be submitted to the Licensing Authority on request.

- 5.14 The bag filters and all other abatement/treatment control equipment as specified in **Appendix C** shall be operated and maintained in such a manner to ensure that the equipment is properly functioning at all times. Maintenance and service reports shall be submitted to the Licensing Authority on request.
- 5.15 All other abatement, control and monitoring equipment shall be calibrated, operated and maintained in such a manner to ensure that they are properly functioning at all times.
- 5.16 The Licensing Authority may consider at any time, to reduce or increase the frequency of emissions to atmosphere monitoring, depending on compliance with the emission limit values as per **Appendix A** of this licence.
- 5.17 The Licensee shall provide safe and permanent access to any sampling or monitoring point on the exhaust stack from the asphalt plant, and safe access to any other sampling or monitoring point required under this licence.
- 5.18 Within **two** months of the date of issue of the licence, the Licensee shall submit to the licensing authority a fuel certificate confirming that heavy fuel oil, light oil fuel, bio fuel and alternative fuel types with a maximum sulphur content of 1% is used as a fuel source for the rotary drum dryer.

Reason: To facilitate use of a range of fuel types, whilst protection public health and local amenity.

- 5.19 The Licensee shall not use waste oil or recovered oil as a fuel without the prior written agreement of the licensing authority.
- 5.20 The Licensee shall employ a competent person to monitor emissions from the plant over a full working day and determine the maximum hourly emission rates of the following materials:
- (a) Sulphur dioxide (SO₂)
 - (b) Oxides of Nitrogen (NO_x) (as NO₂)
 - (c) Particulates
 - (d) Benzene
 - (e) Xylene
 - (f) Toluene
 - (g) Naphthalene

- 5.21 The Licensee shall employ a competent person to use a dispersion model to predict the impact on air quality within an area two kilometres of the site boundary. The impact shall be determined in relation to the materials listed in condition number 5.20 above. The predicted ground level concentrations of sulphur dioxides, nitrogen oxides, particulates and benzene shall be compared with the relevant air quality standards set out in the Air Quality Standards Regulations, 2002 (S.I. No. 2001 of 2002). The predicted increase in ground level concentrations of xylene, toluene and naphthalene shall be compared with the Danish EPA C-values.
- 5.22 The dispersion model used to comply with condition number 5.21 shall explicitly take account of the surrounding buildings, berms and piles of aggregate and the height of the stack in relation to the surrounding site level. The study shall include an estimate of the height of the stack at its present location that is required to prevent building downwash of emissions.
- 5.23 A report on the monitoring results and air dispersion modelling shall be forwarded to the Licensing Authority with three months from the date of grant of this licence.
- 5.24 Within three months of receipt of the report by the Licensing Authority, the stack height shall be raised to that identified in the report as required to prevent building downwash of emissions.
- 5.25 The requirements of the following legislation should be met for site operations
- S.I. 271-2002: Air Quality Standards Regulations
 - S.I. 53-2004 : Ozone in Ambient Air Regulations, 2004.
 - SI 58-2009: Arsenic, Cadmium, Mercury, Nickel and Polycyclic Aromatic Hydrocarbons in Ambient Air Regulations, 2009.
- 5.26 Activities associated with the asphalt plant shall not give rise to noise levels off site, when measured at noise sensitive locations which exceed the following sound pressure limits:
- Daytime: 55 dB (A) (15 minutes, L_{eq})
Night-time: 45 dB(A) (15 minutes, L_{eq})

CONDITION 6: RECORDING AND REPORTING

- 6.1 The Licensee shall record and report all sampling, analysis, measurements, examinations, calibrations and maintenance carried out under the terms of this licence, in accordance with the requirements of **Appendix D**.
- 6.2 Reports of all recording, sampling, analysis, measurements, examinations, calibrations and maintenance shall be submitted to the Licensing Authority as specified in this licence, in a format to be agreed with the Licensing Authority.
- 6.3 The Licensee shall record all complaints relating to emissions from the plant. Each record shall give details of the date and time of the complaint, the name of the complainant and the exact nature of the complaint. A record shall be kept of the response to each complaint. The Licensee shall submit a report to the Licensing Authority within two weeks of such complaints, providing the above details.
- 6.4 The Licensee shall keep records of all monitoring carried out and shall retain such records for a minimum period of seven years. These records shall be made available to the licensing authority on request.
- 6.5 The Licensee's plant manager or person designated with specific responsibility for this duty shall certify all reports accurate and representative.
- 6.6 The frequency and scope of reporting may be amended with the written agreement of the Licensing Authority, following evaluation of test results.

CONDITION 7: ACCESS BY AUTHORISED PERSONNEL

- 7.1 Details of emergency contact personnel, including addresses and telephone numbers, shall be made available to the Licensing Authority. At least one such person shall be available for contact at all times, having due authorisation from the Licensee to expedite emergency measures as may be required.
- 7.2 Authorised Officers of the Licensing Authority, or its Agents, or any person authorised under Section 14 of the Air Pollution Act, 1987 shall have access to the site at all reasonable times, including, if necessary times other than normal working hours for the purposes of carrying out their duties and ensuring compliance with the conditions of this licence.

CONDITION 8: ALTERATION TO, OR CHANGE IN THE SCALE OF ACTIVITY:

8.1 The Licensee shall notify the Licensing Authority of any proposed change in the scale of the activity or alteration to or reconstruction in respect of the activity or any part thereof which would or be likely to result in a material change or increase in:

- the nature or quantity of any emission,
- the abatement or treatment of any emission,
- the site management and control with adverse impact on emissions to air.

No such change, alteration or reconstruction shall be carried out or commenced without the prior written agreement of the Licensing Authority.

8.2 The Licensing Authority shall interpret whether any such change is material or not, and whether a review of the licence is required as a result.

CONDITION 9: FINANCIAL PROVISIONS

9.1 The Licensee shall be responsible for meeting the cost of all the monitoring associated with this licence.

9.2 The Licensee shall pay to the Licensing Authority an annual financial contribution of €500 (five hundred euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), towards the costs incurred by the licensing authority of site inspections and assessment of reports of the results of monitoring of emissions submitted by the licensee. The first payment shall be made within two months of the date of issue of this license, and thereafter not later than January 31st of each year.

Reason: To cover the reasonable costs incurred by the licensing authority in relation to monitoring the development.

9.3 Once per annum, or in the event of persistent breaches of emission limit values set in this licence, or in the event of persistent complaints from the public, the Licensing Authority may retain the services of a specialist Consultant to carry out independent monitoring at the plant. The costs for this shall be invoiced directly to the Licensee.

9.4 The Licensee shall pay the Licensing Authority such additional fees, as the Licensing Authority considers necessary for the carrying out of any such confirmatory or specialist testing during the life of this licence.

Appendix A – Emission Limit Values.

Emission point: Exhaust stack from asphalt plant.
 Volume to be emitted: Maximum in any one day – 800,000Nm³/day
 (based on 8 hours of emissions)
 Maximum rate per hour – 100,000 Nm³/hour
 Period of emissions: 6am to 7pm Monday to Friday,
 6am to 3 pm Saturday.
 Minimum discharge height: 33m above ground level.
 Fuel type: Heavy fuel oil with maximum sulphur content of 1%
 Light fuel oil with maximum sulphur content of 1%
 Bio-fuel with maximum sulphur content of 1%
 Alternative fuels with maximum sulphur content of 1%

Reason: To facilitate use of a range of fuel types, whilst protecting public health and local amenity.

Parameter	Emission Limit Value
NO _x	450mg/Nm ³
SO ₂	500mg/Nm ³
Particulates	50mg/Nm ³

Appendix B – Monitoring Emissions.

Emission point: Exhaust stack.

Parameter	Monitoring frequency	Analysis method/technique
Particulates	Continuous	In-stack continuous monitoring device, to be agreed with the Licensing Authority.
NO _x	Quarterly	To be agreed with the Licensing Authority
SO ₂	Quarterly	To be agreed with the Licensing Authority
Volumetric flow	Quarterly	To be agreed with the Licensing Authority
Temperature	Quarterly	To be agreed with the Licensing Authority

Appendix C – Abatement/Treatment control.

Emission point: Rotary Drum Dryer.
 Description of treatment: Bag house filters.

Abatement/treatment control equipment:

Control parameter	Equipment	Back-up equipment
Dust	Bag filters	Spares

Abatement/treatment control operation:

Control Parameter	Measurement required	Equipment required
Dust	Pressure differential across bag filters.	Pressure indicator & alarm.

Appendix D – Recording & Reporting.

Reports to be submitted to the Licensing Authority are as set out below:

Report	Frequency	Report submission date
Monitoring of emissions to atmosphere	NO _x and SO ₂ = Quarterly Particulates = Continuous	Report on NO _x and SO ₂ emissions to be submitted within one month following completion of monthly sampling. Results of continuous particulate emissions monitoring to be compiled monthly, and submitted within one month following completion of report.
Cross-check monitoring of emissions to atmosphere	At least once per annum or for investigation of ELV breaches, or for complaints monitoring	Within one month following completion of sampling.
Complaints	As required	Report to be submitted within 2 weeks of complaint

Completed reports shall be submitted to:

Senior Executive Officer,
Environment Section,
Carlow County Council,
County Buildings,
Athy Road,
Carlow.

APPEAL

An appeal against a decision of the Local Authority under Section 32 of the Air Pollution Act, 1987, may be made to An Bord Pleanála. The applicant for a Licence or any other person may appeal to the Board within one month beginning on the date of the decision to grant or refuse the Licence.

An Appeal shall:-

- (a) be made in writing
- (b) state the subject matter of the appeal
- (c) state the grounds of appeal
- (d) be accompanied by Fee of €60.00 as required by Section 35 of the Act and the Regulations made thereunder.

Submissions or observations made to the Board by or on behalf of a person (other than the Applicant) as regards an Appeal made by another person must be accompanied by a fee of €10.00.

An appeal by the Applicant for a Licence should be accompanied by this form. In the case of an appeal by any other person, the name of the applicant, particulars of the application and the date of the decision of the Local Authority should be stated.

An appeal to the Board will be invalid unless it is accompanied by the appropriate fee.

Submissions and observations made by or on behalf of the person by whom such a fee is payable shall not be considered by the Board if the fee has not been received.

Appeals should be addressed to the Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1. (Telephone 01 8728011).

- Appendix 1.3.1 **S.261 Registration Form (QY25)**
- Appendix 1.3.2 **S.261 Registration Map (QY/25)**
- Appendix 1.3.3 **S.261A review determination (QY12/25)**
- Appendix 1.3.4 **Notification of decision to grant permission under Reg. Ref. 10/130 for continuation and extension of quarry at Clonmelsh & Garyhundon**
- Appendix 1.3.5 **Refusal of permission on appeal of Reg. Ref. 10/130 for continuation and extension of quarry at Clonmelsh & Garyhundon under An Bord Pleanála ref. PL01.238679**
- Appendix 1.3.6 **Copy of reduced depth of proposed quarry extension under Reg. Ref. 10/130 submitted to An Bord Pleanála ref. PL01.238679 in March 2013**
- Appendix 1.4.1 **Notification of decision to grant permission under Reg. Ref. 12/140 for retention and permission for plant at Clonmelsh**
- Appendix 1.4.2 **Refusal of permission on appeal of Reg. Ref. 12/240 for retention and permission for plant at Clonmelsh under An Bord Pleanála ref. PL01.242648**

APPLICATION TO LOCAL AUTHORITY FOR REGISTRATION OF A QUARRY UNDER SECTION 261 OF THE PLANNING AND DEVELOPMENT ACT, 2000

Please answer all questions on the application form.

Details of Quarry Owner/Operator

Name of owner/operator of quarry(s):	PHILIP MORRISSEY
Address:	CLONMELSH Co. CARLOW
Telephone Number:	059-9131464
E-mail address (if any)	dmil@dmil.ie

If Owner/Operator is a Company -

Name of Company	N/A
Name of Company Directors	N/A
Registered Address of Company	N/A
Companies Office Registration Number	N/A

Landowner and Location Details

Name and address of landowner (if different from owner/operator)	PHILIP MORRISSEY
Location, townland or postal address of quarry concerned Please indicate an Ordnance Survey Map Ref No, and the Grid Reference (where available).	CLONMELSH + GARRYHUNDON 4531-B 4473-C 4472-D 4472-B 4473-A 4532-A CO. CARLOW 672524,669665
Folio No(s) of lands on which quarry is located	6086 F 2075 F
When were the lands in each folio acquired for Quarrying purposes.	2075 F - 1968 6086 F - 1964

Planning History of Quarry

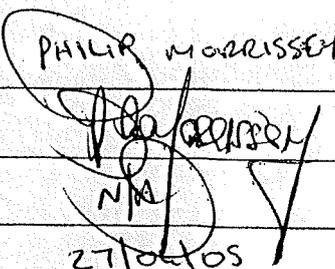
Was planning permission granted under Part IV of the Local Government (Planning and Development) Act, 1963? If YES, please quote the reference number of the permission and include a copy if possible.	<input checked="" type="radio"/> YES NO MULTIPLE PERMISSIONS Plan Ref. No:
Did the quarry commence operation before 1 October 1964? If YES, supporting documentary evidence should be submitted with your application.	<input checked="" type="radio"/> YES NO MARKED ON EARLY O.S. MAPPING

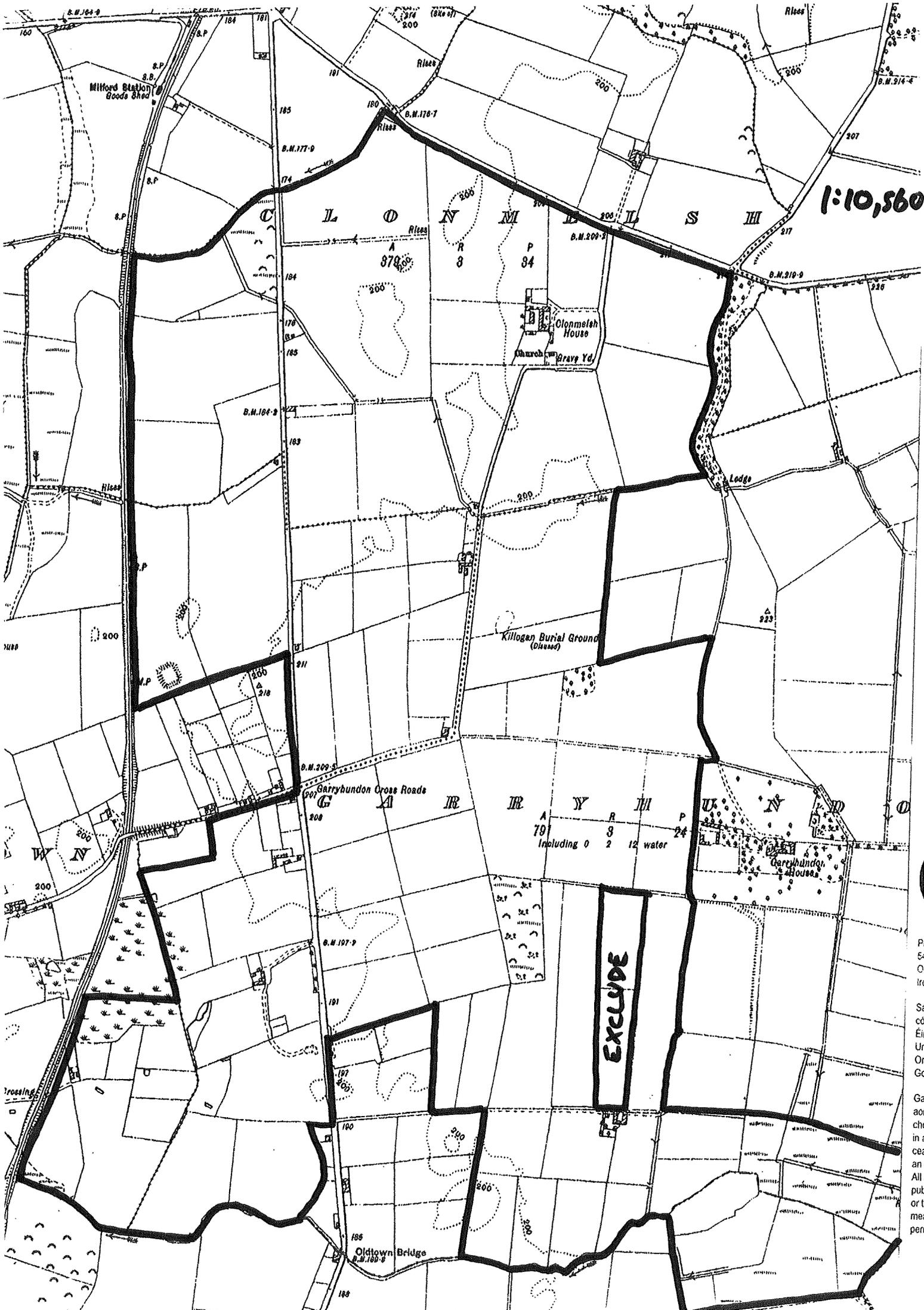
If YES, what date did the Quarry operation commence on the land? If the operation of the quarry was only periodic please give details of dates of operation if known.	1947
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Details of Quarry

Total site area of quarry (hectares)	323 HECTARES
Extraction area of quarry (hectares)	85 HECTARES
Annual extraction rate (tonnes)	1,000,000
Method of extraction	BLASTING
Please give details of ancillary processing or manufacturing operations on the site (e.g. concrete blocks, asphalt, etc.)	CRUSHING, SCREENING, WASHING, CONCRETE, CONCRETE BLOCKS + TALMAC
Plant operating hours	(a) Weekdays 0600 - 1900 (b) Saturdays 0600 - 1700
Loading/Off-site Haulage Hours (if different from above)	(a) Weekdays 0600 - 1900 (b) Saturdays 0600 - 1700
Operating hours (outside normal opening hours) to service	(a) Weekdays } OCCASIONAL USE (b) Saturdays } 7 DAYS PER WEEK AND 24 HOURS PER DAY
Give details of the traffic generated by the operation of the quarry. (Type and frequency of vehicle entering and leaving the quarry.)	AVERAGE 200 LOADS PER DAY
Please give details of emission (noise, dust, water, etc.) from the quarry where measurements are available.	NO MEASUREMENTS AVAILABLE

Please note that any changes to the particulars noted above must be brought to the attention of the planning authority as soon as possible.

Name (BLOCK CAPITALS):	PHILIP MORRISSEY
Signature:	
Position with company:	N/A
Date:	27/10/05



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EXCLUDE

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PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED

Control of Quarries

23rd August 2012

Dan Morrissey (Irl) Ltd,
Bennekerry,
Co. Carlow

Quarry Reference Number: QY 12/25

Owner: Dan Morrissey (Irl) Ltd

Location of Quarry: Clonmelsh/Powerstown/Garryhundon, Co. Carlow.

In accordance with Section 261A, subsection 2(a) a planning authority is required to examine each quarry in its administrative area to determine whether:

“(i) development was carried out after 1 February 1990 [i.e. the relevant date for EIA transposition] which development would have required, having regard to the Environmental Impact Assessment Directive, an environmental impact assessment or a determination as to whether an environmental impact assessment was required, but that such an assessment or determination was not carried out or made, or

(ii) development was carried out after 26 February 1997, [i.e. the relevant date for Habitats transposition], which development would have required, having regard to the Habitats Directive, an appropriate assessment, but that such an assessment was not carried out.”

In relation to Environmental Impact Assessment Directive:

The Planning Authority has assessed this quarry with regard to development which took place after 1st February 1990, and determined that an Environmental Impact Assessment or an Environmental Impact Assessment determination (screening), were not required.

Schedule of Reasons:

- (a) Planning permission PL10/130 with an EIS was submitted to the Planning Authority (this application is currently the subject of an appeal to An Bord Pleanala)

In relation to Habitats Directive:

The Planning Authority has assessed this quarry with regard to development which took place after 26th February 1997, and determined that an Appropriate Assessment was not required.

Schedule of Reasons:

- (a) Planning application PL10/130 with an Appropriate Assessment Screening was submitted to the Planning Authority (this application is currently the subject of an appeal to An Bord Pleanala)

Consequently, it is decided that **No Further Action is Required**, pursuant to Section 261A, in relation to Quarry QY 12/25 at Clonmelsh/Powerstown/Garryhundon, Co. Carlow, as identified on the attached map.

Please Note:

This Section 261A process is completely independent of any other statutory requirements with respect to this quarry and does not confer planning consent for a quarry or any part of a quarry that is not authorised.

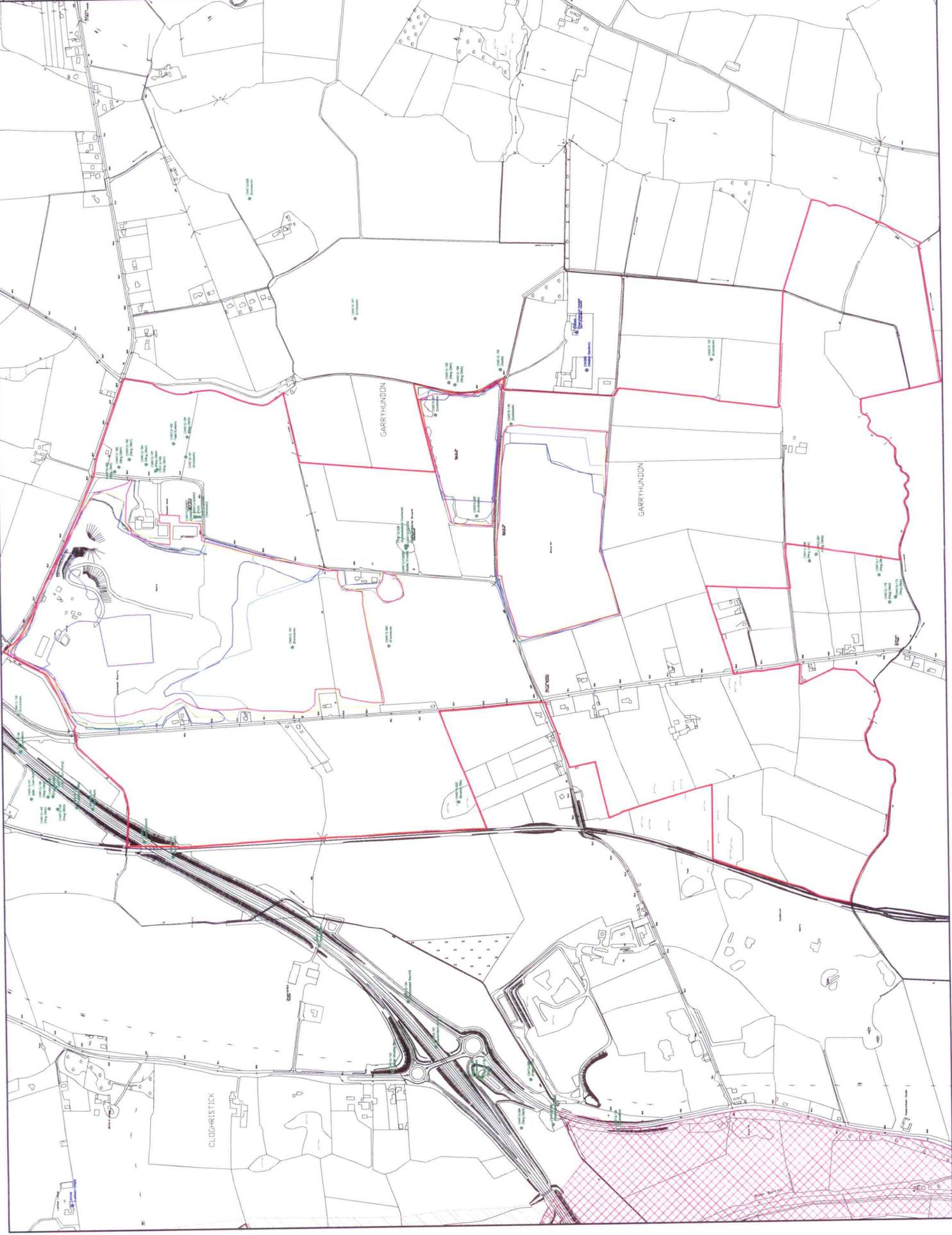

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Fiona O'Neill
Senior Executive Officer

NOTES

LEGEND

- Historic:**
- 1973: [Blue line]
 - 1986: [Green line]
 - 2000: [Yellow line]
 - 2006: [Orange line]
 - 2010: [Red line]
 - 2012: [Purple line]
- S261 Bdy:** [Red line]
- SAC's:** [Blue hatched box]
- NHAs:** [Green hatched box]
- Pro NHAs:** [Yellow hatched box]
- RPS:** [Orange hatched box]
- SMR:** [Purple hatched box]
- YEAR AREA (Ha)**
- | | |
|-----------|-----------------------|
| Pre 1913: | 0 |
| Pre 1964: | 12.77 |
| 1973: | 50.53 |
| 1986: | 54.78 |
| 2000: | 59.92 |
| 2006: | 79.04 |
| 2010: | 76.70 |
| 2012: | 316.28 map
323 app |



05-1 Survey
 Approved Ordnance Survey Public Access Coordinates and
 Grid Reference Data for the Planning Department
 Downloaded from Ordnance Survey Public Access Website
 on 05/08/2016 10:00:00 AM
 © Crown Copyright / All Rights Reserved

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CARLOW COUNTY COUNCIL
 CLONMELSH, CARLOW
 Planning Department
 Carlow Manager Tom Barry
 Phone: (051) 702071; Fax: (051) 702072
 Email: carlow@carlowcoco.ie

Page: 11
 REVIEW OF QUARRIES
 SECTION 281A PFD ACT 2010

Q125 - DAN MORRISSEY /RL LTD.
 CLONMELSH, CARLOW
 COMBINED MAP ON MODERN MAP

Drawn By:	B.S.	Drawn Date:	XXXXXXXXXXXXXX	Drawn No:	
Checked By:	B.S.	Checked Date:	XXXXXXXXXXXXXX	Checked No:	
Approved By:	P.C.	Approved Date:		Approved No:	
Issue:	0000	Issue Date:		Issue No:	Q125
Date:	00/00/00	Issue Reference:		Issue Reference:	11



CARLOW COUNTY COUNCIL

COMHAIRLE CHONTAE CHEATHARLOCHA

County Buildings, Athy Road, Carlow.

Tel: 059 9170300

Fax: 059 9141503

Email: secretar@carlowcoco.ie

Web: www.carlow.ie

Hand Delivery

Our Ref: QY12/25

23rd August 2012

Dan Morrissey (Irl) Ltd
Bennekerry
Co. Carlow

RE: Quarry Review under Section 261A of the Planning & Development Act 2000, as amended

LOCATION: Clonmelsh/Powerstown/Garryhundon, Co. Carlow

I acknowledge receipt of correspondence in relation to the above.

Signed:

Date:

23/8/12

Witnessed:

Date:

23rd August 2012

CARLOW COUNTY COUNCIL
PLANNING AND DEVELOPMENT ACTS 2000-2010
NOTIFICATION OF DECISION TO GRANT

TO: Dan Morrissey (Irl) Ltd
C/o SLR Consulting Ireland
c/o Tim Paul
7 Dundrum Business Park
Windy Harbour
Dublin 14

Planning Register Number: 10/130
Valid Application Received: 28/04/2010
Further Information Received Date: 21/12/2010

In pursuance of the powers conferred upon them by the above-mentioned Acts, Carlow County Council has by Order dated 23/02/2011 decided to GRANT PERMISSION for development of land, namely:-

The development consists of the continued use and development of the quarry (extraction area 123.8 hectares) within an application area of 167.2 hectares. The proposed quarry floor level will be at -75 mOD. This application is submitted in accordance with the requirements of Section 261 of the Planning & Development Act, 2000 (Quarry Ref No. 25). The development comprises extraction of rock using conventional blasting techniques; excavation of sand & gravel; processing of the extracted material using mobile crushing, screening and washing plant; product stockpiles; top soil/overburden storage; settlement ponds; screening berms and landscaping works; realignment of a section of of the L3044 local road (between the L3050 local road and Garryhundon Cross Roads); closure of sections of the L3044 and L3045 local roads; demolition of 3 no. dwellings (505 sq.metres) owned by the Applicant; restoration of the extracted areas to natural habitats; and all related ancillary site works. An Environmental Impact Statement (EIS) will be submitted to the planning authority in connection with the application AT Clonmelsh, Garryhundon & Powerstown IN ACCORDANCE WITH THE PLANS SUBMITTED WITH THE APPLICATION, for the reasons set out in the First Schedule hereto but subject to the 40 conditions set out in the Second Schedule, hereto.

If there is no appeal against the said decision a grant permission in accordance with the decision will be issued not earlier than 3 working days of the period within which an appeal may be made to An Bord Pleanala.

Signed on behalf of CARLOW COUNTY COUNCIL


for COUNTY SECRETARY
Date: 23/2/2011

An appeal against a decision of a Planning Authority maybe made to An Bord Pleanala.

THE APPLICANT FOR PERMISSION OR ANY OTHER PERSON may appeal within four weeks beginning on the date of the making of the decision by the Planning Authority. Appeals should be addressed to An Bord Pleanala, 64 Marlborough Street, Dublin 1, and be accompanied by a fee of :-

- (a) €4,500 (appeal against a decision of a planning authority on a planning application relating to commercial development, made by the person by whom the planning application was made, where the application relates to unauthorised development.(€9,000 if E.I.S. involved)

X

- (b) €1,500 (appeal against a decision of a planning authority on a planning application relating to commercial development, made by the person by whom the planning application was made, other than an appeal mentioned at (a) (**€3,000 if E.I.S. involved**)
- (c) €660 (in the case of an appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal mentioned at (a) or (b)
- (d) €220 (appeal other than an appeal mentioned at (a), (b) or (c)
- (e) €50 for an oral hearing, submissions or observations.

Appeals submitted without the appropriate fee will be invalid. An appeal by the applicant for permission should be accompanied by this form. In the case of an appeal by any other person, the name of the applicant, particulars of the proposed development or of the structure proposed to be retained and the date of the decision should be stated.

Development: Permission for the continued use and development of the quarry (extraction area 123.8 hectares) within an application area of 167.2 hectares. The proposed quarry floor level will be at -75mOD. This application is submitted in accordance with the requirements of Section 261 of the Planning and Development Act, 2000. The development comprises of the extraction of rock using conventional blasting techniques, excavation of sand and gravel, processing of the extracted material using mobile crushing, screening and washing plant, product stockpiles, top soil / overburden storage, settlement ponds, screening berms and landscaping works, realignment of a section of the L3044 Local Road between the L3044 and L3045 local roads, demolition of 3 no. dwellings owned by the applicant, restoration of the extracted areas to natural habitats and all ancillary works. An Environmental Impact Statement accompanies this application at Clonmelsh, Garryhundon & Powerstown, Co. Carlow

Applicant: Dan Morrissey (Irl.) Ltd.

Schedule 1

Subject to compliance with the conditions set out below, the proposed development should not seriously injure the amenities of the area, would be acceptable in terms of public health, traffic safety, environmental protection and residential amenity and thus be in accordance with the sustainable development of the area.

Second Schedule

1. The development shall be carried out in accordance with the plans and particulars received by the planning authority on the 28th April, 2010, as amended by the plans and particulars received by the planning authority on the 21st December, 2010, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity and the proper planning and sustainable development of the area.

2a) This permission shall be for a period of fifty years and in any event shall not exceed a period of fifty one years from the date of this order. After this period, all plant and machinery items shall be removed from the site and the land shall be restored to agricultural use unless a subsequent planning permission has been obtained.

b) No land immediately beyond this site boundary shall be excavated at any stage throughout the lifetime of this planning permission, unless subject to a separate planning application.

Reason: In the interest of clarity and orderly development.

3. On site operations in association with the proposed development, including transport of vehicles, shall be carried out only between 0700 hours and 1900 hours Monday to Friday, between 0800 hours and 1400 hours on Saturday and at no time on Sundays or bank holidays or other public holidays.

Reason: In the interest of residential amenity.

4a) Activities at the site shall be restricted to the workings of a wheel wash, weighbridge, ready mix concrete plant, mobile asphalt plant, block making plant, extraction of rock, excavation of sand and gravel, washing plant & lagoons, screening plant, mobile crushers, product stockpiles, top soil and over-burden storage, settlement ponds, screening berms and landscaping works along with associated entrance. No further structures or development shall occur or exist, without the necessary planning permission from the Planning Authority.

b) This permission allows for the demolition of 3 no. dwellings in the applicants ownership as outlined on details submitted on 28th April, 2010.

c) This permission excludes the stream diversion, which is not permitted under this application.

Reason: In the interest of orderly development.

5a) The developer shall ensure that activities on this site does not affect or cause deterioration in water quality, water levels or yields in the domestic wells in the vicinity. In the event of activities having an adverse impact on existing private wells in the vicinity the developer shall undertake appropriate remedial measures as agreed with the Planning Authority and Sanitary Services, at their own expense. In the event of any disruption of water supplies, the developer shall cease any operations causing such disruption until water supply has been restored or replaced.

b) All private wells within a 500m radius of the site boundary shall be surveyed within one month of the date of grant of planning permission to establish groundwater levels and chemical / biological status in accordance with Table A. All these private wells shall also be surveyed in early March and early September following a grant of planning permission in order to establish benchmark high and low levels. Groundwater levels in all private boreholes within 500m radius of the site boundary shall be monitored on a six-monthly basis in early March and early September of each year. Any significant changes in level shall be notified immediately to Carlow County council Environment Section and may impact on the extent of further excavations at the facility. Testing of the above private and on-site boreholes shall be carried out for the following parameters at six-monthly intervals.

Table A

- Ph
- Ammonia (N)
- Suspended Solids
- BOD
- COD
- Total Phosphorus
- Orthophosphate (P)
- Nitrate (N)
- Total Hydrocarbons
- E.coli
- Coliform bacteria

Borehole BH04 shall be tested on a six-monthly basis for the parameters listed in Schedule 5 of the EC Environmental Objectives (Groundwater) Regulations 2010.

The estimated maximum groundwater radius of influence, for the 50 year period of this permission, extends beyond a number of private wells. Should the productivity of these wells be reduced, the operator of the quarry shall arrange for an alternative supply source to the specifications supplied by Carlow County Council, in terms of both quantity and quality. The cost of this alternative supply shall be borne fully by the quarry operator. If necessary, this will include for connection of the affected properties to the nearest public water supply and the payment of any local authorities charges due.

Reason: In the interest of proper planning and development and the protection of the environment.

6. All heavy goods vehicles carrying material off the site shall pass through the wheel wash. A fixed sprinkler system shall be installed at the exit gate to dampen down any dry load before it leaves the site.

Reason: To prevent deposition of material on the public road.

7. Warning signs shall be provided as appropriate on the approaches to the entrance to the proposed development, to the satisfaction of the Area Engineer, and maintained at all times in satisfactory condition throughout the life of the proposed development. These shall all be in situ within one month from the date of grant of this planning permission.

Reason: In the interest of traffic safety.

8. The access road from the edge of the public road to a point at least 50 metres inside the entrance gates shall be surfaced in a durable dust-free material to the satisfaction of the Area Engineer. This access road shall be cleaned routinely and as necessary so that deleterious matter is not transported onto the public road on wheels of vehicles.

Reason: In the interests of traffic safety and to safeguard the amenities of the area.

9. No surface water shall be discharged or allowed to flow from the site or site access road onto the public road, during the operational phase of the development.

Reason: In the interest of public health and to protect the quality of surface and groundwater.

10a) Only clean uncontaminated storm water shall be discharged to surface waters.

b) All surface water from vehicular waiting and parking areas shall pass throughout adequately sized and located petrol/oil bypass interceptors before any discharge to surface waters. The developer shall submit full details of the petrol/oil interceptors for agreement of the Area Engineer, prior to the commencement of development.

c) All over ground oil or other chemical storage tanks shall be adequately bunded to protect against spillage. Bunding shall be impermeable and capable of retaining a volume equal to 110% of the capacity of the largest tank within the area or 25% of the total volume which could be stored within the area.

d) The developer shall take precautions to ensure that oils and fuels used in the operations are stored in a secure place. All waste oil shall be removed from the site and disposed of to the satisfaction of the sanitary services.

Reason: To avoid pollution of ground and surface waters.

Note: Under the Local Government (Water Pollution) Act, 1977, a licence is required for the discharge of trade effluent or other matter (other than domestic sewage or storm water) to any waters (Section 4).

11. The total particulate emission arising from all the on-site operations associated with the development shall not exceed 350 milligrams per square metre per day, averaged over a continuous period of 30 days, when measured as deposition of insoluble particulate matter at any position along the boundary of the site. Monitoring shall be carried out annually at a minimum of 4 locations on-site to be agreed with the Environment Section of the Local Authority. The results of this monitoring programme shall be submitted to the Environment Section and Planning Authority on annual basis. Water shall be sprayed on the roads and exposed soil heaps in periods of windy and dry weather in order to reduce the potential impact of dust on neighbouring properties. Vehicles used for transport of materials from the site shall be equipped so as to prevent spillage of materials and dust blow.

Reason: To protect air quality.

12. An annual Environmental Report shall be submitted on 28th February of each year. This shall include the following:

- (a) Proposals for the on-going environmental monitoring (noise, dust and water quality) of the development and a list of all monitoring locations,
- (b) Proposals for the suppression of dust on site and on the access road,
- (c) Proposals for the bunding of fuel and lubrication storage areas, and details of emergency action in the event of accidental spillage,
- (d) Details of the maintenance of the settlement lagoons, including proposals for the prevention of dust during dry weather,
- (e) Details of safety measures for the land, to include warning signs and stock proof fencing (works to be carried out within one month of the written agreement from the planning authority to these details), and
- (f) Full details of site management arrangements, contact numbers (including out of hours), and public information signs on the entrance to the facility.
- (g) A description and specification of all equipment is to be provided and the person responsible for the monitoring;
- (h) Private well levels and chemical testing
- (i) On-site wells levels and chemical testing
- (j) Surface water test results in accordance with the discharge licence

- (k) Monitoring intervals, the proposal for the presentation of data, codes of practice to be used and details of the right of access of Planning Authority staff to carry out environmental checks as required or as requested
- (l) Blasting monitoring results
- (m) Air Pollution monitoring results
- (n) Quantity of material excavated and removed off site
- (o) Update of the Waste Management Plan

Costs incurred by the Planning Authority in the carrying out of any necessary monitoring, monitoring checks, inspections and environmental audit shall be reimbursed by the developer.

Reason: In the interest of environmental protection and safeguarding local amenities.

13. The developer shall record all complaints received relating to site operations. The record shall contain the name of the complainant, nature, time and date and a summary of the company's investigation and response including the name of the person who investigated the complaint and their relationship to the developer or operator of the site. All records of complaints shall be made available to the Planning Authority on request whether requested in writing or by a member of staff of the Planning Authority at the site.

Reason: In the interest of proper planning and development and the protection of the environment.

14. The developer shall put in place a programme to ensure that members of the public can obtain information concerning all emissions from this activity. The programme shall be agreed with the Planning Authority / Environment Section of Carlow County Council and be in place prior to commencement of operations covered by this planning permission.

Reason: In the interests of orderly development.

15. Prior to January 15th of each calendar year, the applicant shall submit a summary report of all monitoring carried out in the previous year. This report shall evaluate the operation of the facilities available on-site in the light of the results achieved in the previous year. The report shall also outline the intentions of the applicant with regard to the upgrading of treatment methods or operations should these results not fully comply with the terms of this permission. All monthly and annual reports shall be certified accurate and representative by the Plant Manager or other senior officer designated by him. Provision shall be made for the transfer of atmospheric monitoring data and related information to the Planning Authority's computer system, on request.

Reason: In the interest of proper planning and development and the protection of the environment.

16. An Environmental Management System shall be put in place and submitted for approval to the Environmental Section of Carlow County Council within 3 months of the grant of this permission.

Reason: To ensure protection of the environment.

17. The developer shall prevent the spillage/spread of dust and aggregates onto public roads, from all vehicles associated with the development. The developer shall clean up any spillages on public roads from vehicles associated with the development as soon as such spillage arises or is notified.

Reason: To safeguard the amenities of the area.

18. All trucks hauling dusty materials onto and from the site shall be covered.

Reason: To safeguard the amenities of the area.

19. The importation of natural soils to assist reclamation of the exhausted area of gravel pit within this site, of >1000,000t total for use as fill, will require an Environmental Protection Agency Licence and would be subject to the EPA Regulations.

Reason: To protect and safeguard the environment and the amenities of the area.

20. Bi-annual noise monitoring shall be carried out at 4 noise sensitive locations, exact locations to be agreed with the Environment Section of Carlow County Council and revised as the quarry extraction area increases. The measurements will take place at times when normal plant operations are taking place. The development shall not give rise to noise levels off site, which exceed the following sound pressure limits (Leq, 15 minute):

Daytime (08.00 hours and 18.00 hours): 55 dB(A)

Night-time (all other times) : 45 dB(A)

There shall be no clearly audible tonal or impulsive component in the noise emission from the development at any noise sensitive location. Low noise emitting plant shall be used at the development where possible and all plant and machinery shall be maintained so as to minimise noise emissions.

Reason: To protect and safeguard the environment and the amenities of the area.

21. Notwithstanding the exempt advertising regulations any signage/advertising structure on any element of this development site shall be the subject of a separate planning application.

Reason: In the interests of proper planning and sustainable development of the area.

22. No ancillary buildings, sheds, stores etc., other than those shown on the plans submitted shall be constructed within the site without the prior approval of the Planning Authority.

Reason: In the interests of orderly development.

23a) The surface water system shall be protected to ensure no liquid can discharge to the surface water system. The system shall have grit removal and an oil and interceptor in place for the discharge to ensure no suspended solids, which may discharge accidentally to the surface system discharges from the site. Sampling manholes shall be placed on the surface water system at locations to be agreed with the Environment Section of Carlow County Council.

The oil interceptors shall be Class 1 Full Retention Separators. Silt traps and oil interceptors shall be in accordance with EN 858-2:2003.

b) The surface water discharge to the Clonmelsh Stream shall be in compliance with discharge licence DL7/233 as amended by the An Bord Pleanála decision 01.WW.0371 (imposing a revised Total Suspended Solids ELV of 25 mg/l). Monitoring shall be carried out in accordance with Schedules 1-2 of DL 7/233. A revised licence however shall be applied for within one month of the date of grant of this planning permission.

c) The settlement lagoons receiving silt slurry and other settlement ponds shall be constructed so as to achieve the recommendations of the EPA Guidance Document “Environmental Management in the Extractive Industry (Non Scheduled Minerals)”. The operator shall demonstrate compliance with the requirements of this document at all times.

Reason: In the interests of public health.

24a) A 2 metre buffer zone shall be retained undisturbed between the proposed extraction area and boundary hedgerows around the perimeter of the site and the maintenance of a buffer zone outside of any proposed berms/bunds which shall be fully landscaped during the infrastructure development phase of the development.

b) The operator shall ensure that at all times of operations on this site, a minimum of 30 metres shall be maintained between washing areas and watercourses.

Reason: To ensure the protection of the landscape and for the protection of flora and fauna.

25a) The entrance shall be located such that clear and unobstructed sight lines are available from a point 2.0 m. back from the edge of the metalled surface of the roadway at the centre of the entrance for a distance of **90m.** in each direction to a point on the roadway 2m. from the edge of the nearside metalled surface. The appropriate eye and object heights of 1.05m. & 0.15m. respectively shall be used. The road boundary fence shall be set back behind the sightlines so as to accommodate this requirement.

b) Entrance to be so that surface water is not allowed to flow onto the roadway. The necessary gullies and soakaways shall be provided inside the gateway.

Reason: In the interests of traffic safety and the preservation of the visual amenity of the area.

26. A development contribution of €494,011.02 shall be paid within four months of the date of issue of this grant of planning permission for continuance of use, in respect of varying facilities provided by the Council.

Note: This sum will be adjusted on the actual date of payment to correspond with the rates then applicable (such rates being the results of adjustments in line with changes in the House Building Costs Index)

Reason: In order to contribute to the cost of Local Authority services which facilitate the development and as provided for in Section 48 (1) of the Planning and Development Act 2000 – 2010.

27a) Any water discharging from the siltation ponds to any watercourse shall be subject to a Section 4 discharge licence under the Local Government (Water Pollution) Act 1977- 1990.

b) Daily visual inspections of discharges from silt settlements ponds/wheelwashes shall be carried out for evidence of deleterious discharges and if such are found, the Environment Section of the Council and the Eastern Fisheries Board shall be contacted immediately and ameliorative measures put in place to rectify the problem.

Reason: In the interests of proper planning and sustainable development of the area.

28. Groundwater levels in on-site boreholes BH01-BH08 shall be carried out on a quarterly basis and submitted with the AER

Reason: In the interests of proper planning and sustainable development of the area.

29. On site operations shall comply at all times with the requirements of the Air Pollution Licence issued for this site, APL 10/01 and thus the following legislation;
- S.I. 271-2002: Air Quality Standards Regulations
 - S.I. 53-2004: Ozone in Ambient Air Regulations, 2004
 - S.I. 58- 2009: Arsenic, Cadmium, Mercury, Nickel and Polycyclic Aromatic Hydrocarbons in Ambient Air Regulations, 2009.

Reason: In the interests of proper planning and sustainable development of the area.

30. Dust monitoring shall occur four times per annum, three of which shall be between the months of April and September. Monitoring is to take place at 4 locations on the site boundaries, exact locations to be agreed with the Environment Section of Carlow County Council and revised as the quarry extraction area increases. An ELV at the site boundary of 350 mg/m²/day monthly mean will apply in accordance with TA Luft VDI method 2119 (Bergerhoff Gauge).

Reason: In the interests of proper planning and sustainable development of the area.

31. The following vibration and air overpressure ELV's shall apply at the nearest vibration and air overpressure sensitive locations (eg. a residential property):

Ground-bourne vibration: Peak particle velocity = 12mm/s, measured in any of the three mutually orthogonal directions at the receiving location (for vibration with a frequency of less than 40 Hz).

Air overpressure: 125 dB (linear maximum peak value), with a 95% confidence limit.

No blasting activity shall be undertaken within any part of the site before 0800 or after 1800 hours Monday – Friday and no blasting (including emergency blasting) shall occur on Saturdays, Sundays or public holidays.

A suitable monitoring programme shall be developed to assess the impact of quarry blasts within 8 weeks of the date of grant of this permission. Operations shall comply with the submitted report “Blasting Protocol” on 21st September, 2010. Details of this programme shall be submitted to the agreed with both the Environment Section and Planning Section of Carlow County Council, prior to the commencement of the monitoring programme. A survey and an assessment shall be undertaken during every blast and as a minimum this shall involve the following elements;

- The measurement and assessment of peak particle and air overpressure at the two nearest sensitive locations to the blast and at a fixed monitoring station. The location of this fixed monitoring station shall be agreed with the Planning Authority and its location may be altered, in time, to reflect the movement of quarrying operations within the site.
- A log of meteorological conditions, including cloud cover precipitation temperature, humidity and wind speed and direction for the duration of the noise measurements.
- Consideration shall be given to current vibration assessment guidance published by the Environmental Protection Agency or other competent authority.
- Details of the proposed blast techniques, the proposed instrumentation, calibration records and the competent persons responsible for monitoring shall be submitted to and agreed with the Planning Authority and Environment Section of Carlow County Council prior to commencement of the monitoring programme.
- A detailed report on the blast assessment shall be prepared by a competent person and submitted to the Planning Authority and Environment Section within two weeks of the survey work.
- Advance warning signals indicating that blasting operations are about to commence and “all clear” signals indicating that the blasting operations have been completed shall be given (by means of sirens or other audible devices operated by the developer) to members of the public within 500m of the location of the blasting operations. The signalling arrangements shall be as agreed between the Planning Authority / Environment Section and the quarry operator. An annual review of all blast monitoring data shall be undertaken by a competent and qualified person, the results of which shall be submitted to the Planning Authority / Environment Section of Carlow County Council within two weeks of completion.

Reason: In the interests of proper planning and sustainable development of the area.

32. The operator of this quarry shall comply with the requirements of the Waste Management (Management of Waste from the Extractive Industries) Regulations, 2009, including the requirement to draw up a waste management plan (to be known as an Extractive Waste Management Plan) for the minimisation, treatment, recovery and disposal of extractive waste, taking account of the principle of sustainable development. The Plan shall be submitted within 3 months from the date of grant of this planning permission for the consideration of the Environment and Planning Section of Carlow County Council

Reason: In the interests of proper planning and sustainable development of the area.

33a) Closure operations shall be carried out in accordance with the report submitted with the report submitted “Landscape Operational, Restoration and Closure Plan”.

b) Screening berms shall be constructed as per drawing number D0004 of the further information submitted on 21st December, 2010 and shall be 10metres in width and 4 metres in height with a slope angle to be agreed with the Area Engineer within one month of the date of this grant of planning permission. This screening berm shall extend around the perimeter of the house on the south-eastern side of the development upon agreement of the property owner.

c) The submitted “Landscape Operation Restoration Closure Plan” submitted as further information on 21st December, 2010, shall be fully adhered to in relation to all manner of planting, fencing, screening, restoration, weed control, maintenance and aftercare, soil handling and soil and overhanding resources.

d) Full details of the complete external boundary fencing / enclosures shall be submitted to the Planning Authority for their written agreement, within one month of the date of grant of this planning permission. All types of enclosure existing and proposed shall be solid and secure so as to ensure the elimination of trespassing onto this site boundary and this shall be clearly shown on submitted details.

Reason: In the interests of the visual amenity of this rural area of County Carlow.

34a) The applicant is required to engage the services of a suitably qualified archaeologist (licenced under the National Monuments Acts 1930 – 2004) to carry out all archaeological works at the site. No sub-surface work shall be undertaken in the absence of the archaeologist without his / her consent.

b) The archaeologist is required to notify the DoEHLG in writing at least four weeks prior to the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the work.

c) The visual amenity of sites CW012-025 and CW012-02401 shall be preserved by the construction of landscape berms as outlined in the submitted further information on 21st December, 2010.

d) Preservation by excavation is recommended for the 3 possible archaeological sites that have been identified through aerial photography and geophysical survey, as outlined in the submitted further information on 21st December, 2010.

e) Methodology for these works shall be agreed and approved by the National Monuments Service of the DoEHLG.

f) The applicant is required to engage the services of a suitably qualified archaeologist to monitor all topsoil stripping associated with the development.

g) Should archaeological material be found during the course of monitoring, the archaeologist may have to stop work on the site, pending a decision as to how best to deal with the archaeology. The

developer shall be prepared to be advised by this office with regard to any necessary mitigating action (e.g. preservation in situ, and / or excavation). The applicant shall facilitate the archaeologist in recording any material found.

h)The Planning Authority and the National Monument Service of the DoEHLG.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects or archaeological interest.

35. The one parcel of land, indicated in yellow on Map No. 27.1 within Appendix M of the further information submitted on 21st December, 2010, shall be registered with Land Registry and within one month from the date of grant of this planning permission, a pending folio number and associated map from Land Registry shall be submitted for the written approval of the Planning Authority.

Reason: In the interests of proper planning and sustainable development of the area.

36a) All operational works on this site shall ensure the safe operation of the railway and in accordance with Railway Safety Commission Guidelines RSC-G-010-A (Third Party Guidance on Railway Risk Volume 1 Planning and Development).

b) The relevant railway undertaking shall be consulted regarding increased flow or abnormal loads during operations on site on planned haulage routes to ensure any possible risks caused by the change in traffic are identified and mitigated. Particular attention shall be paid to vulnerable bridges, particularly those at Ballybannon, the former Milford Station and Powerstown.

c) Any future excavation works shall be risk assessed and mitigation measures agreed between the quarry operator and the Railway Safety Commission, to minimise any potentially negative impacts on railway safety.

d) Ditches / gries, drains, culverts or pipes parallel to the railway form part of CIE ownership and are not to be interfered with without the written consent of Iarnrod Eireann.

e) Blasting operations shall not occur such that the railway is within the exclusion zone for such blasting i.e., it must always be possible for trains to operate and staff to work on the track safely at all times. The applicant's exclusion zone is 400m from the railway track.

f)No liquid either surface water or effluent or debris from blasting shall be discharged onto the railway property.

g) Lights from the proposed development shall not cause glare or in any way impair the vision of train drivers or personnel operating on-track machines.

h)The integrity of the railway and its supporting structures shall not be compromised at any time. Any work to be undertaken within the railway structures 'zone of influence' must be properly monitored and the subject of agreement with Iarnrod Eireann. The zone of influence may be

taken as a notional line, running parallel to, and 4m from the boundary foundations formation level. At this point, the zone falls away at 30 degrees from the horizontal.

i) The new road alignment shall be bordered on the railway side by an N4 safety barrier for the length of the road that is within 30m of the railway boundary.

Reason: In the interests of proper planning and sustainable development of the area and the full protection of the Waterford – Dublin railway line.

37. Prior to the commencement of works to any extended area of the quarry and no later than 3 months from the date of this permission, the applicant shall submit a Conservation and Management Plan prepared by a suitably qualified person for the Graveyard adjacent to Clonmelsh House.

Reason: In order to provide for the protection and future management of the Graveyard.

38. An ecological report, carried out by a fully qualified ecologist shall be submitted for the written approval of the Planning Authority within one month of the date of this grant of planning permission, outlining clearly the management of the site to protect Basil thyme, a listed protected plant species under the Flora Protection Order, 1999. Please note that any activity likely to impact on this species is subject to a relevant licence.

Reason: In order to provide for the protection of the Basil Thyme species.

39. Within one month from the date of grant of this planning permission, the quarry operator shall submit a phasing proposal for the extension areas of this quarry, considering the 50 year timeframe this permission is being issued for under Condition no. 2(a) of this grant of planning.

Reason: In the interests of orderly and sustainable development within this rural area of County Carlow.

40. This grant of permission is conditional on;

a) The satisfactory completion, the coming into operation and the taking charge by the Local Authority of the rerouted section of the County Road L3044 as authorised under this application, and

b) The satisfactory completion of the road Closure process relating to the relevant section of County Roads L3044 and L3045 to facilitate the proposed works, prior to the extension to form a single quarry extraction area (123.8 ha.), which will be facilitated by the said re-alignment of a section of the existing public road. No works associated with this element of the quarry shall be carried out pending the issue of formal Planning Authority approval of completion of the procedures and the works under (a) and (b) above.

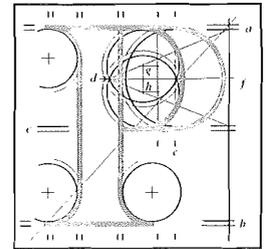
Reason: To clarify the detailed development proposals authorised by this and other permissions.

Our Ref: PL 01.238679
P.A.Reg.Ref: 10/130
Your Ref: Dan Morrissey (Irl) Ltd

SLR Consulting,
7 Dundrum Business Park,
Windy Arbour,
Dublin 14.

29 MAY 2013

An Bord Pleanála



28 MAY 2013

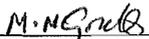
Appeal Re: Continued use and development of a quarry.
Clonmelsh, Garryhundon and Powerstown, Co. Carlow.

Dear Sir/Madam,

An order has been made by An Bord Pleanála determining the above-mentioned appeal under the Planning and Development Acts 2000 to 2011. A copy of the order is enclosed.

In accordance with section 146(3) of the Planning and Development Act 2000, the Board will make available for inspection and purchase at its offices the documents relating to the appeal within 3 working days following its decision. In addition, the Board will also make available the Inspector's Report and the Board Direction on the appeal on its website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

Yours faithfully,



Mary McGrath,
Administrative Assistant.

Encl:

BP 100n.ltr



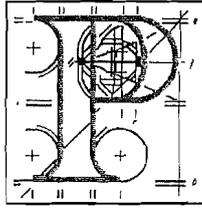
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An Bord Pleanála



29 MAY 2013

PLANNING AND DEVELOPMENT ACTS 2000 TO 2011

Carlow County

Planning Register Reference Number: 10/130

An Bord Pleanála Reference Number: PL 01.238679

APPEAL by Sheila Jeaney care of Vivian Cummins and Associates Limited of Levitstown Lock, Athy, County Kildare and by Dan Morrissey (Ireland) Limited care of SLR Consulting of 7 Dundrum Business Park, Windy Arbour, Dublin against the decision made on the 23rd day of February, 2011 by Carlow County Council to grant subject to conditions a permission to the said Dan Morrissey (Ireland) Limited.

PROPOSED DEVELOPMENT: Continued use and development of quarry (extraction area 123.8 hectares) within an application area of 167.2 hectares. The proposed quarry floor level will be at -75 metres OD. The development comprises extraction of rock using conventional blasting techniques; excavation of sand and gravel; processing of the extracted material using mobile crushing, screening and washing plant; product stockpiles; topsoil/overburden storage; settlement ponds; screening berms and landscaping works; realignment of a section of the L3044 local road (between the L3050 local road and Garryhundon Cross Roads); closure of sections of the L3044 and L3045 local roads; demolition of three number dwellings (505 square metres) owned by the applicant; restoration of the extracted areas to natural habitats; and all related ancillary site works all at Clonmelsh Quarry, Clonmelsh, Garryhundon and Powerstown Townlands, County Carlow (This application is submitted in accordance with the requirements of Section 261 of the Planning and Development Act 2000 (Quarry reference number 25). The proposed development was revised by further public notice received by the planning authority on the 21st day of December, 2010).

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

1. Having regard to:

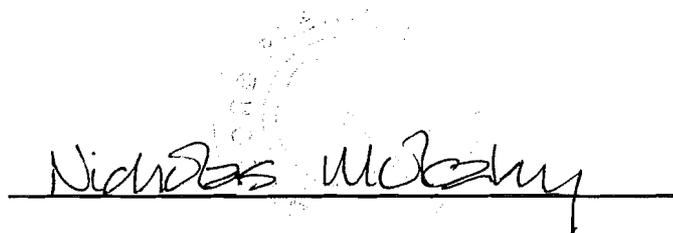
- All documentation on file in relation to the planning status of the site, including information regarding land ownership based on folio maps and other correspondence; documentation including aerial photographs and historic mapping showing the field patterns, townland boundaries, road alignments, the principal geographical features in the area and the extent of the site's physical boundaries; and the documentation submitted in the registration process, including observations, and in the course of the planning application and appeal;
- an examination of the nature, scale and extent of the activities on site at various stages, current rates of extraction as detailed in the application and the proposed extraction rates of up to 1,000,000 tonnes per annum depending on market demand;
- the provisions of the Quarries and Ancillary Activities, Guidelines for Planning Authorities issued by the Department of the Environment Heritage and Local Government in April 2004, and
- the provisions of Section 261 of the Planning and Development Act, as amended,

it is considered, having undertaken an appropriate enquiry into the matter, and notwithstanding that quarry activity appears to have been occurring on lands prior to the 1st day of October, 1964, at Garryhundon and also at Clonmelsh on a separate landholding, that the quarrying activity registered by Carlow County Council and forming the basis for the current application for the continued use and development of a quarry is of a scale, nature and intensity that could not have been envisaged at the time of coming into operation of the Local Government (Planning and Development) Act, 1963. No planning permission for the extensive quarrying of rock, sand and gravel is in place on these lands and it is therefore considered that the quarry operation in question includes unauthorised development both in terms

NSM

of the nature, scale and intensity of operations and the footprint of the quarry which includes lands outside of the folios associated with the pre 1st day of October, 1964 development. It is therefore considered that the proposed development which is subject to Environmental Impact Assessment (EIA) should include elements of retention. Pursuant to the European Court judgement (Case C- 215-06, Commission -v-Ireland delivered on 3rd day of July 2008) it was held that the retention permission system, as it applies in Irish law to projects that are required to be subject to Environmental Impact Assessment under the EIA Directives, does not comply with the Directives. Having regard to this ECJ judgement and also to the provisions of section 34(c)(12) of the Planning and Development Act 2010 the Board considers that it is precluded from considering a grant of planning permission in this case.

2. Having regard to the large scale of the proposed development to be continued and developed the Board is not satisfied that the Environmental Impact Statement submitted with the planning application, as supplemented at further information stage and in the ensuing response to the Board's notice under section 137 of the Planning and Development Act, 2000, provides adequate information to enable the Board to carry out an Environmental Impact Assessment. The Board has particular concerns regarding the information provided in relation to; impacts on, i) hydrology, in particular the local stream which it is proposed to divert and the diversion of which might impinge upon the amenities of other landowners; ii) groundwater and hydrogeology; iii) amenities arising from noise and dust; and iv) impacts on the historic graveyards at Clonmelsh and Killogan. To grant planning permission in the absence of such information, which is necessary to enable the Board to complete an Environmental Impact Assessment, would be contrary to the proper planning and sustainable development of the area.



**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this 27th day of May, 2013.

CARLOW COUNTY COUNCIL
PLANNING AND DEVELOPMENT ACTS 2000-2010
NOTIFICATION OF DECISION TO GRANT

TO: Dan Morrissey (Irl) Ltd
C/o Tim Paul
SLR Consulting Ireland
7 Dundrum Business Park
Windy Arbour
Dublin 14

Planning Register Number: 12/240
Valid Application Received: 22/10/2012
Further Information Received Date: 18/09/2013

In pursuance of the powers conferred upon them by the above-mentioned Acts, Carlow County Council has by Order dated 14/10/13 decided to GRANT RETENTION for development of land, namely:-

Retention permission and permission of development. The development, within an application area of 4.0 hectares, consists of the following: retention of the existing quarry office (102.9m², height 3.1m), retention of existing septic tank and replacement of septic tank with new effluent treatment system, retention of ESB substation (50.6m²), retention of bunded fuel tanks and pump house (202.2m²), retention of workshop (180.3m²), retention of mobile canteen facility (27m²), retention of two-storey plant control building (66.5m²), retention of 2 No. containers (43.5m²), retention of the existing Asphalt Plant (847 m²) (Air Pollution Licence APL 10/01 ABP 01.LA.0085), retention of concrete block & precast shed, and ready-mix concrete plant (1244m² / 110 m²), retention of additional ready-mix plant (219 m²), permission for a new office development (387.2 m², height 8.9m), with the proposed parking area and permission for a check-in weight bridge (54.9m²) along with raw material and finished product storage areas. AT Clonmelsh Co Carlow IN ACCORDANCE WITH THE PLANS SUBMITTED WITH THE APPLICATION, for the reasons set out in the First Schedule hereto but subject to the 25 conditions set out in the Second Schedule, hereto.

If there is no appeal against the said decision a grant permission in accordance with the decision will be issued not earlier than 3 working days of the period within which an appeal may be made to An Bord Pleanala.

Signed on behalf of CARLOW COUNTY COUNCIL


for COUNTY SECRETARY

Date: 14/10/13 -

An appeal against a decision of a Planning Authority may be made to An Bord Pleanála.

THE APPLICANT FOR PERMISSION OR ANY OTHER PERSON may appeal within four weeks beginning on the date of the making of the decision by the Planning Authority. Appeals should be addressed to An Bord Pleanála, 64 Marlborough Street, Dublin 1, and be accompanied by a fee of :-

- (a) €4,500 (appeal against a decision of a planning authority on a planning application relating to commercial development, made by the person by whom the planning application was made, where the application includes the retention of development. (**€9,000 if EIS or NIS involved**))
- (b) €1,500 (appeal against a decision of a planning authority on a planning application relating to commercial development, made by the person by whom the planning application was made, other than an appeal mentioned at (a) (**€3,000 if EIS or NIS involved**))
- (c) €660 (in the case of an appeal made by the person by whom the planning application was made, where the application includes the retention of development other than an appeal mentioned at (a) or (b))
- (d) €220 (appeal other than an appeal mentioned at (a), (b) or (c))
- (e) €50 for an oral hearing, submissions or observations.

Appeals submitted without the appropriate fee will be invalid. An appeal by the applicant for permission should be accompanied by this form. In the case of an appeal by any other person, the name of the applicant, particulars of the proposed development or of the structure proposed to be retained and the date of the decision should be stated.

PL Ref 12/240

Retention permission and permission of development at Clonmelsh Quarry. The development, within an application area of 4.0 hectares, consists of the following: retention of the existing quarry office (102.9m², height 3.1m), retention of existing septic tank and replacement of septic tank with new effluent treatment system, retention of ESB substation (50.6m²), retention of bunded fuel tanks and pump house (202.2m²), retention of workshop (180.3m²), retention of mobile canteen facility (27m²), retention of two-storey plant control building (66.5m²), retention of 2 No. containers (43.5m²), retention of the existing Asphalt Plant (847 m²) (Air Pollution Licence APL 10/01 ABP 01.LA.0085), retention of concrete block & precast shed, and ready-mix concrete plant (1244m² / 110 m²), retention of additional ready-mix plant (219 m²), permission for a new office development (387.2 m², height 8.9m), with the proposed parking area and permission for a check-in weight bridge (54.9m²) along with raw material and finished product storage areas at Clonmelsh, Co Carlow.

Applicant: Dan Morrissey (Irl) Ltd.

Schedule 1

Having regard to the provisions of the Carlow County Development Plan 2009-2015, the location and nature of the development for which permission is sought and the prevailing land uses in the area, it is considered that subject to compliance with the conditions attached, the development would not seriously injure the area or of property in the vicinity and would not otherwise be contrary to the proper planning and sustainable development of the area.

Schedule 2

1. The development shall be retained and carried out in accordance with plans and particulars submitted to the Planning Authority on 22/10/2012, as amended by plans and particulars submitted on 20/03/2013, 17/05/2013 and 18/09/2013, except where altered or amended by conditions in this permission.

Reason: To ensure that the development strictly accords with the permission and to ensure that effective control is maintained.

2. This permission does not provide for quarrying activities on the site.

Reason: In the interest of clarity.

3. (a) The manufacturing facilities which form part of this development shall use raw materials obtained from authorised quarry operations only, where a valid planning permission exists for same and materials from any unauthorised quarry operation shall not be used as raw material.

(b) Each year the quarry operator shall submit a report to the planning authority by the 31st December of each year which shall state in a table format the quarry name, its planning permission details including Section 261 status and the tonnage received from that quarry.

Reason: In the interest of orderly development and the proper planning and sustainable development of the area.

4. On site operations in association with the development, including vehicular movements on and off the site shall be carried out between the Hours of Operation set out below:-

Monday to Friday: 07-30 am to 18-00 pm.
Saturdays: 07-30 am to 14-00 pm.
Sundays and Public Holidays: No activity on site.

Reason: In the interests of the residential amenities of the area.

5. (a) An Air Pollution Licence application has been granted in respect of the asphalt plant and the plant shall be operated in accordance with the conditions contained in the licence, as amended by an Bord Pleanála (APL 10/01).

(b) Dust monitoring to measure ambient air levels shall take place four times per annum, three of which shall be between the months of April and September. Monitoring is to take place at 4 locations on the site boundaries, exact locations to be agreed with Carlow County Council (within three months of the date of grant of permission). An ELV at the site boundary of 350 mg/m²./day monthly mean will apply in accordance with TA Luft VDI method 2119 (Bergerhoff Gauge).

(c) During periods of dry weather dust suppression is to be employed using water bowsers on internal haul roads. Regular cleaning of the section of public road in the vicinity of the site entrance should be carried out in dry weather conditions.

Reason: In order to safeguard the environment and prevent pollution.

6. (a) The operator shall ensure that all surface water discharge shall pass through a silt trap and oil interceptor in advance of final discharge. The oil interceptors shall be Class I Full Retention Separators. Silt traps and oil interceptors shall be constructed in accordance with EN 858-2: 2003. The operator shall submit an Operation and Maintenance Plan for the silt traps and oil interceptors on site for written agreement prior to construction of the new surface water management system.

(b) There shall be only one surface water outlet to the Powerstown Stream from the site, the subject of this application, and the quarry facility. Surface water infrastructure on site shall be installed such that there are no other discharges from any areas and shall be as outlined in the Surface Water Management Plan submitted with the application.

(c) The surface water discharge to the Clonmelsh Stream shall be in compliance with discharge licence DL7/233 as amended by the An Bord Planeala decision 01.WW.0371 (imposing a revised Total Suspended Solids ELV of 25 mg/l). Monitoring shall be carried out in accordance with Schedules 1-2 of DL 7/233. Should non-compliances occur, the operator will be required to install additional infrastructure as requested by the Planning Authority. In addition, the discharge licence may be reviewed.

Reason: In order to safeguard the environment and prevent pollution.

7. The applicant shall comply with the following requirements in relation to groundwater:

(a) An additional borehole should be installed downstream of the present application site and this should be monitored at three-month intervals for the following:

Ph

Ammonia (N)

Suspended Solids

BOD

COD

Total Phosphorus

Orthophosphate (P)

Nitrate (N)

E. coli

Coliform bacteria

Mineral Oil

Diesel Range Organics

(b) A proposal for the borehole location and testing shall be submitted for approval within 3 months of grant of permission.

(c) The sampling and monitoring programme may be revised after 12 months when results have been examined.

Reason: In order to safeguard the environment and prevent pollution.

8. Bi-annual noise monitoring shall be carried out at 2 noise sensitive locations, exact locations to be agreed with Carlow County Council (within three months of grant of permission). The measurements will take place at times when normal plant operations are taking place. Activities on site shall not give rise to noise levels at sensitive locations which exceed the following:

Daytime (08-00 to 20-00) $L_{Aeq\ 1\ hour} = 55\ dB(A)$.

Night time (20-00 to 08-00) $L_{Aeq\ 1\ hour} = 45\ dB(A)$.

Reason: In order to safeguard local amenities.

9. Bunding shall be provided to all fuel/chemical storage tanks which will provide for 110% of the capacity of the largest tank within the area or 25% of the total volume which could be stored within the area. Bund integrity tests shall be carried out every three years.

Reason: In order to safeguard local amenities.

10. An Annual Environmental Report shall be submitted by 28 February of each year. This shall contain the results of all monitoring carried out, together with an interpretation of the results. Monitoring carried out as required by the discharge licence and air pollution licence should be included in the report. The contents shall include the following:

On-site well levels and testing.

Wastewater plant maintenance and test results.

Surface water test results in accordance with the discharge licence.

Noise monitoring results.

Dust monitoring results.

Air Pollution Licence monitoring results.

Quantity and type of materials removed from the site and brought to the site.

Details of environmental complaints received.

Synthesis of environmental impacts and mitigation measures employed.

Update of the Surface Water Management Plan.

Reason: In the interest of protecting residential amenities and orderly development.

11. [a] The wastewater treatment system shall be designed, located and constructed in accordance with EPA Code of Practice: Wastewater Treatment and Disposal Systems serving Single Houses 2009”.

[b] A Certificate of Compliance shall be submitted to the planning authority, prepared and signed by a suitably qualified person upon installation, which clearly states that the wastewater treatment unit and associated works fully comply with the EPA 2009 standards. This certificate shall include a site specific “as constructed” drawing of the length of percolation trench / pipe and cross sectional drawings through the effluent treatment system and polishing filter/percolation area. A generic cross section is not acceptable. This certification shall be submitted to the Planning Authority for their written approval.

[c] All soakaways throughout the site shall be designed and installed in accordance with BRE Digest 365.

[d] The applicant shall ensure that the minimum depth requirements as set out in Table 6.2 of the EPA Code of Practice for Wastewater Treatment Systems and Disposal Systems Serving Single Houses shall be met during the installation of the percolation area as well as the recommended minimum separation distances set out in Table B.3 and Table 6.1.

[e] The on-site domestic wastewater treatment system shall treat to a minimum performance standard as set out in Table 5.1 of the EPA Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses.

[f] The applicant shall ensure that the minimum area for polishing filters are met as set out in Table 10.1 of the EPA Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses.

[g] The on-site wastewater treatment system shall be installed, inspected and monitored in accordance with Table 12.1 of the EPA Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses.

[h] Surface Water shall not infiltrate the wastewater treatment system and a domestic grease trap shall be installed to prevent grease entering the system.

[i] The new wastewater treatment system shall be installed in strict accordance with specification set out by the manufacturer.

[j] The installation of the new wastewater treatment system may be subject to the supervision of the Council's technical staff. The developer shall notify the Planning Authority in writing at least one week prior to the installation to make the necessary arrangements.

[k] The existing septic tank shall be decommissioned once the new system is in operation.

Reason: In the interests of public health and in order to safeguard the environment.

12. (a) Notwithstanding the Landscape proposals (figure LA-05) submitted with the application, the applicant shall submit for the written agreement of the Planning Authority, a detailed landscaping plan in respect of the overall development, prepared by a qualified landscape architect or horticulturist within three(3) months of the date of the final grant of permission. The detailed landscaping plan shall include proposals for retention of existing trees and hedgerow on the site and the provision of indigenous planting around the site boundaries with details of type/species, density and size of the proposed.

(b) Existing boundary hedgerows and trees on the site shall be retained and shall be reinforced by the planting of indigenous trees and shrubs.

Reason: In the interests of visual amenity and the proper planning and development of the area.

13. The landscaping scheme shall be carried out within 12 months from that date when any building hereby permitted is occupied or carried out as the case may be; any trees or

shrubs planted in accordance with this condition which are removed, die, become severely damaged or diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: As provided in Section 34(4)(e) of the Planning and Development Act 2000-2010 and in the interests of visual amenity.

14. Details of materials for the proposed office development shall be in accordance with the finishes and materials shown on Drawing Nos 1115-PLN-005 and 1115-PLN-006 date stamped 22-10-2012.

Reason: In the interests of visual amenity.

15. Prior to the commencement of development, the developer shall submit a construction programme of the works to be carried out including proposed construction traffic times/work schedule on site, which shall be subject to the agreement of the Planning Authority.

Reason: In the interests of orderly development.

16. The applicant shall comply with the following requirements in the development:-

- (a) No materials shall be left/stored on the public road during the construction period.
- (b) No traffic associated with the proposed development shall be permitted to block or cause nuisance on the public road.
- (c) The applicant's shall ensure that all works on site are carried out in a manner such that noise and dust emissions do not result in significant impairment of, or significant interference with amenities or the environment beyond the site boundary.

Reason: In the interests of orderly development and to ensure compliance with planning conditions.

17. The applicant shall comply with the following requirements of the Chief Fire Officer:-

- (a) The development shall fully comply with Part B and Part M of the Building Regulations.
- (b) That the applicant carries out the works and applies for the relevant Fire Safety Certificate (for the new office development of 387sq.m) in accordance with the Building Control Regulations 1997 & 2009.
- (c) A Commencement Notice shall be submitted to the Building Control Authority in accordance with the Building Control Regulations 1997 & 2009.

(d) A DAC is applied for and granted prior to the operation and occupation of the premises.

Reason: To ensure a satisfactory standard of development.

18. All development works may be subject to the inspection of the Council's Technical Staff.

Reason: In the interests of orderly development and to ensure compliance with planning conditions.

19. Notwithstanding the provisions of the Planning & Development Regulations 2001, as amended, no advertisement signs, advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected within the cartilage of the site, or attached to the glazing without the prior grant of planning permission.

Reason: In the interests of visual amenity.

20. A development contribution of €4,719.97 shall be paid before the development is commenced, in respect of community, recreation, parks and leisure provided by the Council.

Note: This sum will be adjusted on the actual date of payment to correspond with the rates then applicable (such rates being the results of adjustments in line with changes in the House Building Costs Index).

Reason: In order to contribute to the cost of Local Authority services which facilitate the development and as provided for in Section 48 (1) of the Planning and Development Act 2000-2011 (as amended).

21. A development contribution of €2,838.17 shall be paid before the development is commenced, in respect of roads provided by the Council.

Note: This sum will be adjusted on the actual date of payment to correspond with the rates then applicable (such rates being the results of adjustments in line with changes in the House Building Costs Index).

Reason: In order to contribute to the cost of Local Authority services which facilitate the development and as provided for in Section 48 (1) of the Planning and Development Act 2000-2011 (as amended).

22. A development contribution of €1,703.68 shall be paid before the development is commenced, in respect of ancillary works provided by the Council.

Note: This sum will be adjusted on the actual date of payment to correspond with the rates then applicable (such rates being the results of adjustments in line with changes in the House Building Costs Index).

Reason: In order to contribute to the cost of Local Authority services which facilitate the development and as provided for in Section 48 (1) of the Planning and Development Act 2000-2011 (as amended).

23. Within one month of the date of the final grant of planning permission a development contribution of €15,055.94 shall be paid in respect of community, recreation, parks and leisure provided by the Council.

Note: This sum will be adjusted on the actual date of payment to correspond with the rates then applicable (such rates being the results of adjustments in line with changes in the House Building Costs Index).

Reason: In order to contribute to the cost of Local Authority services which facilitate the development and as provided for in Section 48 (1) of the Planning and Development Act 2000-2011 (as amended).

24. Within one month of the date of the final grant of planning permission a development contribution of €7,545.12 shall be paid in respect of roads provided by the Council.

Note: This sum will be adjusted on the actual date of payment to correspond with the rates then applicable (such rates being the results of adjustments in line with changes in the House Building Costs Index).

Reason: In order to contribute to the cost of Local Authority services which facilitate the development and as provided for in Section 48 (1) of the Planning and Development Act 2000-2011 (as amended).

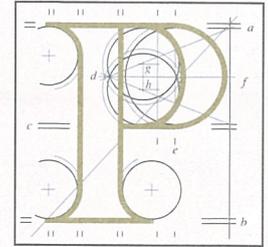
25. Within one month of the date of the final grant of planning permission a development contribution of €5,864.62 shall be paid in respect of ancillary works provided by the Council.

Note: This sum will be adjusted on the actual date of payment to correspond with the rates then applicable (such rates being the results of adjustments in line with changes in the House Building Costs Index).

Reason: In order to contribute to the cost of Local Authority services which facilitate the development and as provided for in Section 48 (1) of the Planning and Development Act 2000-2011 (as amended).

Our Ref: PL 01.242648
P.A.Reg.Ref: 12/240
Your Ref: Dan Morrissey (IRL) Ltd.

An Bord Pleanála



Received
13/11/2014

SLR Consulting,
7 Dundrum Business Park,
Windy Arbour,
Dublin 14.

17 NOV 2014

Appeal **Re:** Retention of quarry buildings, septic tank, fuel tanks, plant control building, ready-mix concrete plants and permission for new office and check-in weigh bridge.
Clonmelsh, Co. Carlow.

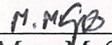
Dear Sir/Madam,

An order has been made by An Bord Pleanála determining the above-mentioned matter under the Planning and Development Acts 2000 to 2013. A copy of the order is enclosed.

In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to any matter falling to be determined by it, within 3 days following the making of its decision. The documents referred to shall be made available for a period of 5 years, beginning on the day that they are required to be made available. In addition, the Board will also make available the Inspector's Report, the Board Direction and Board Order in respect of the matter on the Board's website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The Public Access Service for the purpose of inspection/purchase of file documentation is available on weekdays from 9.15am to 5.30pm (including lunchtime) except on public holidays and other days on which the office of the Board is closed.

Yours faithfully,



Mary McGrath,
Administrative Assistant.

Encl:

BP 100n.ltr



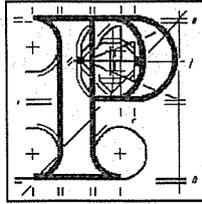
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An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2013

Carlow County

Planning Register Reference Number: 12/240

An Bord Pleanála Reference Number: PL 01.242648

APPEAL by Sheila Jeaney on behalf of the Local Garryhundon Residents' Action Group care of Vivian Cummins and Associates Limited of Levitstown Lock, Athy, County Kildare and by Dan Morrissey (Irl) Limited care of SLR Consulting Ireland of 7 Dundrum Business Park, Windy Arbour, Dublin against the decision made on the 14th day of October, 2013 by Carlow County Council to grant subject to conditions a permission to the said Dan Morrissey (Irl) Limited.

PROPOSED DEVELOPMENT: Development, within an application area of four hectares, consisting of the following:- retention permission and permission for development comprising (a) retention of the existing quarry office (102.9 square metres, height 3.1 metres), (b) retention of existing septic tank and replacement of septic tank with new effluent treatment system; (c) retention of ESB substation (50.6 square metres); (d) retention of bunded fuel tanks and pump house (202.2 square metres), (e) retention of workshop (180.3 square metres); (f) retention of mobile canteen facility (27 square metres), (g) retention of two-storey plant control building (66.5 square metres), (h) retention of two number containers (43.5 square metres), (i) retention of the existing Asphalt Plant (847 square meters) (Air Pollution Licence APL 10/01 ABP 01.LA.0085), (j) retention of concrete block and precast shed, and ready-mix concrete plant (1244 square metres/110 square metres), (k) retention of additional ready-mix concrete plant 219 square

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metres, (l) permission for a new office development (387.2 square metres, height 8.9 metres) with proposed parking area and (m) permission for a check-in weighbridge (54.9 square metres) along with raw material and finished product storage areas, all at Clonmelsh Quarry, Clonmelsh Townland, County Carlow.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

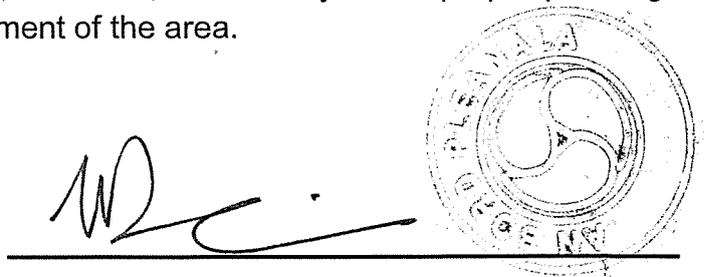
MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

1. The subject production plant cannot reasonably be viewed as a separate and independent operation to the adjoining quarry with which it has been closely associated over an extended period of time and which quarry does not have the benefit of a grant of planning permission. It is considered inappropriate for the Board to consider a grant of permission in such circumstances as to do so would militate against proper overall consideration of all operations at this location in terms of environmental impact assessment and proper planning and sustainable development. The development proposed to be retained and the proposed development, in this instance, would constitute haphazard and disorderly development and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The surface water management proposal to serve the existing quarry buildings, for which retention is sought, includes the provision of an off-site settlement lagoon. This settlement lagoon forms part of the water management system of the neighbouring quarry which does not have the benefit of a grant of planning permission. It is considered that, in the absence of an appropriate and authorised system of surface water management, the Board is not satisfied that the subject development would not result in an unacceptable risk of pollution of surface or groundwaters. Furthermore, it is considered that the Natura impact statement relating to the subject application does not demonstrate to the satisfaction of the Board that the development proposed to be retained and the proposed development would not adversely affect natural habitats in Annex I of the Habitats directive or of species in Annex II of the Habitats directive located in the nearby designated Natura 2000 site- the River Barrow and River Nore Special Area of Conservation (Site Code 002162). The development proposed to be retained and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. On the basis of the traffic information submitted, which relates to traffic activity at the subject site at a date in the past when by implication the adjacent quarry was at a peak of activity, the Board considers that it is unable to properly assess the potential traffic impacts associated with the development proposed to be retained and the proposed development given the fundamentally different nature of the proposed use of the subject lands whereby raw materials would be imported by road from other locations for processing at the subject site with subsequent re-export of product. Accordingly, it is considered that the development proposed to be retained and the proposed development would endanger public safety by reason of traffic hazard an obstruction of road users and would, therefore, be contrary to the proper planning and sustainable development of the area.

A handwritten signature in black ink is positioned to the left of a circular official seal. The seal features a stylized 'A' in the center, surrounded by the text 'AN BORD PLEANÁLA' and 'PLANNING AUTHORITY'.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this 13th day of November 2014.

JUDICIAL REVIEW NOTICE

Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Act 2000 (as amended)

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(6) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant against a respondent or notice party where relief is obtained to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website, www.citizensinformation.ie.

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.

Modified 30/11/2011

FÓGRA FAOI ATHBHREITHNIÚ BREITHIÚNACH

Athbhreithniú breithiúnach ar chinneadh a rinne An Bord Pleanála faoi fhorálacha an Achta um Pleanáil agus Forbairt, 2000 (arna leasú)

Nuair is mian le duine agóid dhlíthiúil a chur in aghaidh cinnidh an Bhoird caithfear é sin a dhéanamh trí athbhreithniú breithiúnach amháin. Tá na forálacha chun agóid dhlíthiúil a chur in aghaidh cinnidh an Bhoird le fáil in ailt 50, 50A agus 50B san Acht um Pleanáil agus Forbairt, 2000 (arna ionadú le halt 13 den Acht um Pleanáil agus Forbairt (Bonneagar Straitéiseach) 2006, le hailt 32 agus 33 den Acht um Pleanáil agus Forbairt (leasú), 2010 agus le hailt 20 agus 21 den Acht Comhshaoil (Forálacha Ilghnéitheacha), 2011.)

Ní féidir ceistiú a dhéanamh in aghaidh cinnidh an Bhoird ach amháin trí iarratas ar athbhreithniú breithiúnach faoi Ordú 84 de Rialacha na nUaschúrteanna (I.R. Uimhir 15 de 1986). Faoi réir fho-alt 50(6) den Acht um Pleanáil agus Forbairt, 2000 déanfar iarratas ar chead chun iarratas a dhéanamh ar athbhreithniú breithiúnach laistigh den tréimhse 8 seachtain den dáta a rinne an Bord an cinneadh nó laistigh d'aon síneadh ama a cheadaíonn an Ard-Chúirt faoi fho-alt 50(8). Tabhair faoi deara nuair atá athbhreithniú breithiúnach i gceist faoi alt 50 nach féidir ach bailíocht an chinnidh a cheistiú agus ní thugann an Chúirt aon chinneadh faoi fhiúntas na forbartha ó thaobh prionsabail pleanála cuí nó forbairt inchothaithe na háite nó éifeachtaí ar an timpeallacht. Tá sé leagtha síos in alt 50 nach ndeonófar cead d'athbhreithniú breithiúnach muna bhfuil an Chúirt sásta go bhfuil forais shubstantiúla ann chun argóint a dhéanamh go bhfuil an cinneadh neamhbhailí nó gur ceart é a neamhniú agus go bhfuil suim shásúil ag an iarratasóir leis an ábhar i gceist san iarratas nó i gcásanna a bhaineann le measúnacht tionchair timpeallachta gur eagraíocht í an t-iarratasóir a chomhlíonann coinníollacha áirithe.

Tá forálacha in alt 50B mar gheall ar chostais maidir le himeachtaí san Ard-Chúirt i dtaobh athbhreithniú breithiúnach i gcásanna áirithe (lena n-áirítear imeachtaí faoi chinntí nó gníomhartha de bhun dlí de chuid an Stáit lena dtugtar éifeacht do na forálacha faoi rannpháirtíocht an phobail agus rochtain ar an gceartas atá leagtha amach i dTreoir 85/337/CEE i.e. an Treoir faoi mheasúnacht tionchair timpeallachta agus na forálacha í dTreoir 2001/42/CE maidir le héifeachtaí pleananna agus clár áirithe ar an timpeallacht a mheasúnú). Is í an fhoráil ghinearálta in imeachtaí lena mbaineann alt 50B ná go n-íocfaidh gach páirtí a chostais féin. Is féidir leis an gCúirt costais a bhronnadh i gcoinne aon pháirtí i gcásanna áirithe. Chomh maith le sin tá forálacha i bhfeidhm ionas gur féidir leis an gCúirt iomlán a chostas nó cuid díobh a bhronnadh ar an iarratasóir, in aghaidh fhreagróra nó fhógrapáirtí i gcásanna ina bhfaightear faoiseamh mar gheall ar gníomhú nó neamhfheidhm an fhreagróra nó an fhógrapáirtí.

Tá eolas ginearálta faoi athbhreithniú breithiúnach le fáil ar an suíomh idirlín www.citizensinformation.ie.

Séanadh: Tá an t-eolas thuas tugtha mar threoirlíne. Ní éilítear gur léirmhíniú dlí faoi na forálacha ábhartha atá ann agus dá mbeadh sé ar intinn ag éinne cás dlí a thógáil in aghaidh an Bhoird bheadh sé inmholta comhairle dlí a fháil ar dtús

Athbhreithnithe 30/11/2011

- Appendix 1.5.1 **Carlow County Council Sec5/13/13 Determination**
- Appendix 1.5.2 **Carlow County Council Sec5/13/16 Determination**
- Appendix 1.5.3 **An Bord Pleanála Sec5/13/16 Referral Determination RL01.RL3149**
- Appendix 1.5.4 **Carlow County Council Sec5/13/17 Determination**
- Appendix 1.5.5 **An Bord Pleanála Sec5/13/17 Referral Determination RL01.RL3148**

APPENDIX (C)

AN BORD PLEANALA	
TIME _____	BY _____
27 SEP 2013	
LTR-DATED _____	FROM _____
PL _____	

1st August 2013

Our Ref: SEC5/13/13HT

Mr. Tim Paul,
SLR Consulting Ireland,
7 Dundrum Business Park,
Windy Arbour,
Dublin 14.

Re: Section 5 Declaration

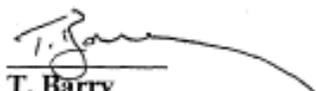
A Chara

I refer to documentation submitted on 5th July 2013 in relation to Pre 1964 Quarrying Use at Clonmelsh Quarry, Carlow and wish to advise that the quarry and quarrying use of these Pre 1964 lands is considered exempted development as follows:

- (i) Quarrying use on the lands comprising land registry folios CW 2075F (part) and CW 6086F commenced before the appointed date – 1st October 1964.
- (ii) Dan Morrissey was in control of the lands (land registry folios CW 2075F (part), CW 6086F and CW236F) on the appointed date, and had a reasonable anticipation of continuing to quarry these lands to completion.
- (iii) Quarrying use of the Pre 1964 lands has not been abandoned since the appointed date.
- (iv) There has been no material intensification of the quarrying use of these lands since the appointed date.
- (v) The quarry and quarrying use of these Pre 1964 lands is exempted development (as per Drawing SLR2 submitted with this application).

Official Receipt No. LC1/0/171090 refers to payment of prescribed fee of €80.00

Mise le meas


T. Barry
County Manager



CARLOW COUNTY COUNCIL

COMHAIRLE CHONTAE CHEATHARLOCHA

County Buildings, Athy Road, Carlow.
Tel: 059 9170300
Fax: 059 9141503
Email: secretary@carlowcc.ie
Web: www.carlow.ie

4th September 2013

Our Ref: SEC5/13/16HT

Mr. Vivian Curran & Associates Ltd.,
Levitstown Lock,
Athy,
Co. Kildare.

Re: Section 5 Declaration

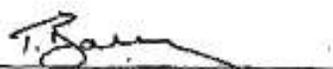
A Chara

I refer to documentation submitted on 9th August 2013 in relation to Quarrying Use at Clonmelsh, Co. Carlow and wish to advise as follows:

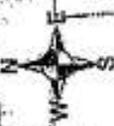
- (i) Quarrying use on the lands comprising land registry folios CW 2075F (part) and CW 6086F commenced before the appointed date – 1st October 1964.
- (ii) Dan Morrissey was in control of the lands (land registry folios CW 2075F (part), CW 6086F and CW236F) on the appointed date, and had a reasonable anticipation of continuing to quarry these lands to completion.
- (iii) Quarrying use of the Pre 1964 lands has not been abandoned since the appointed date.
- (iv) There has been no material intensification of the quarrying use of these lands since the appointed date.
- (v) The quarry and quarrying use of these Pre 1964 lands is exempted development (as per Drawing SLR2 attached).

Official Receipt No. LC1/0/171548 refers to payment of prescribed fee of €80.00

Mise le meas


County Manager

1:10,000



2. Drawings shall be prepared by a registered professional engineer or a registered professional surveyor.

1. Drawings shall be prepared by a registered professional engineer or a registered professional surveyor.



2. Drawings shall be prepared by a registered professional engineer or a registered professional surveyor.



SLR

DAN MORRISSEY (P.R.) LTD.
COLLEGE AT GLOMAGHER
GARRETTSON & POWERSHAW
C/O. CASLOV
PRE 1924 LANDS

DRAWING SLR 2

Scale 1:10,000



1:10,000

COUNTY MANAGER'S ORDER

SEC5/13/16

Order No: 29857

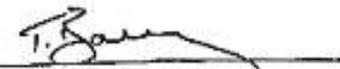
SUBJECT: Mr. Vivian Cummins and Associates Ltd., Levitstown Lock, Athy, Co. Kildare on behalf of Sheila Jeaney, Secretary of the Garryhundon Residents Association, of Garryhundon House, Garryhundon, Co. Carlow submitted Certificate of Exemption, Section 5 application on 9th August 2013 with respect to Quarrying Use at Clonmelsh, Co. Carlow – Folio CW2075F.

SUBMITTED: Report of Mr. D. Walsh, Senior Executive Planner dated 29th August 2013 recommending the same determination issued on 1st August 2013 under SEC5/13/13 to Dan Morrissey (Irl) Ltd., issue to Vivian Cummins on behalf of Sheila Jeaney, Secretary of the Garryhundon Residents Association.

ORDER: It is ordered that a declaration issue to Vivian Cummins and Associates Ltd., Levitstown Lock, Athy, Co. Kildare on behalf of Sheila Jeaney, Secretary of the Garryhundon Residents Association, of Garryhundon House, Garryhundon, Co. Carlow as follows:

- (i) Quarrying use on the lands comprising land registry folios CW 2075F (part) and CW 6086F commenced before the appointed date – 1st October 1964.
- (ii) Dan Morrissey was in control of the lands (land registry folios CW 2075F (part), CW 6086F and CW236F) on the appointed date, and had a reasonable anticipation of continuing to quarry these lands to completion.
- (iii) Quarrying use of the Pre 1964 lands has not been abandoned since the appointed date.
- (iv) There has been no material intensification of the quarrying use of these lands since the appointed date.
- (v) The quarry and quarrying use of these Pre 1964 lands is exempted development (as per Drawing SLR2 attached).

Made this 4th of September 2013


Mr Tom Barry
County Manager

Chomhairle Chontae Cheatharlacha / CARLOW COUNTY COUNCIL.

An Roinn Pleanála/Planning Department.

REPORT TO COUNTY MANAGER

Date: 29/8/2013

Sec 5 Ref No: SEC5/13/16

Received: 9/8/2013

Applicant: Vivian Cummins on behalf of Shelia Jeaney, Secretary of the Garryhendon Residents Association

Site Location: Clonmelsh, Co. Carlow.

The applicant Vivian Cummins on behalf of Shelia Jeaney, Secretary of the Garryhendon Residents Association has submitted a request for a declaration under Section 5 of the Planning and Development Act 2000-2011 in respect of the following:-

- (i) That quarrying use of the lands comprising land registry folio CW 2075F commenced before the appointed date – 1st October, 1964 and if this is or is not development or is or is not exempted development within the meaning of the act.
- (ii) That a reasonable anticipation of continuing to quarry the lands comprising land registry folio CW 2075F to completion existed at the appointed date – 1st October, 1964, and if this is or is not development or is or is not exempted development within the meaning of the act.
- (iii) That quarry use of any of these lands comprising land registry folio CW 2075F has been abandoned since the appointed date and if this is or is not development or is or is not exempted development within the meaning of the act.
- (iv) That material intensification of the quarrying use of the lands comprising land registry folio CW 2075F has occurred since the appointed date – 1st October, 1964 and if this is or is not development or is or is not exempted development within the meaning of the act.
- (v) That the quarry and quarrying use of the lands comprising land registry folio CW 2075F is or is not development or is or is not exempted development within the meaning of the act.
- (vi) That the use of extraction by blasting on any of the lands comprising land registry folio CW 2075F commenced after the appointed date – 1st October, 1964, and is or is not development or is or is not exempted development within the meaning of the act.
- (vii) ****A** That the use of extraction by blasting on any of the lands comprising land registry folio CW 2075F intensified after the appointed date – 1st October, 1964, and is or is not development or is or is not exempted development within the meaning of the act.
- (vii) ****B** That the quarry and quarrying use of any of the lands comprising land registry folio CW 6086F is or is not development in relation to the quarry and quarrying use of any of the lands comprising land registry folio CW 2075F or is or is not exempted development within the meaning of the act.

****Eight (8) questions were submitted as set out above although it is noted that two of the questions above carry the same number, i.e. (vii). In the interest of clarity and for the purpose of this assessment, these last two questions are re-numbered above as (vii) A and (vii) B to assist in the assessment of the questions.**

Assessment

In examining the Section 5 Reference submitted by Vivian Cummins on behalf of Shelia Jeaney, Secretary of the Garryhundon Residents Association, it is noted that the Planning Authority has already made a determination on the questions raised in response to a Section 5 Reference submitted by SLR Consulting Ireland on behalf of Dan Morrissey (Irl.) Ltd (SEC5/13/13).

Questions (i) to (v) are essentially the same questions as questions (i) to (v) submitted under Section 5 Reference by SLR Consulting Ireland on behalf of Dan Morrissey (Irl.) Ltd (SEC5/13/13) while question (vii) B is the same question as question (v).

With regard to questions (vi) and (vii), the issue of blasting was assessed as part of question (iv) in relation to material intensification of quarrying use in the Section 5 Reference submitted by SLR Consulting Ireland on behalf of Dan Morrissey (Irl.) Ltd (SEC5/13/13) and a determination on this matter has been issued by the Planning Authority in answer to question (iv) on SEC5/13/13.

Recommendation:

On the basis that a determination has already been made by the Planning Authority on 1/8/2013 as a result of a request received from SLR Consulting Ireland on behalf of Dan Morrissey (Irl.) Ltd, and as outlined above as the declaration sought by Vivian Cummins on behalf of Shelia Jeaney, Secretary of the Garryhundon Residents Association is for questions which have already been addressed by the determination issued on 1/8/2013 to SLR Consulting Ireland on behalf of Dan Morrissey (Irl.) Ltd under SEC5/13/13, it is therefore recommended that the same determination issued on 1/8/2013 to the Section 5 Reference submitted by SLR Consulting Ireland on behalf of Dan Morrissey (Irl.) Ltd (SEC5/13/13) be issued in response to the current Section 5 Reference received from Vivian Cummins on behalf of Shelia Jeaney, Secretary of the Garryhundon Residents Association (SEC5/13/16) as set out below:-

- (i) Quarrying use on the lands comprising land registry folios CW 2075F (part) and CW 6086F commenced before the appointed date – 1st October 1964.
- (ii) Dan Morrissey was in control of the lands (land registry folios CW 2075F (part), CW 6086F and CW236F) on the appointed date, and had a reasonable anticipation of continuing to quarry these lands to completion.
- (iii) Quarrying use of the Pre 1964 lands has not been abandoned since the appointed date.
- (iv) There has been no material intensification of the quarrying use of these lands since the appointed date.
- (v) The quarry and quarrying use of these Pre 1964 lands is exempted development.

I recommend that Vivian Cummins on behalf of Shelia Jeaney, Secretary of the Garryhundon Residents Association be advised accordingly.

D. J. Walsh
SEP.

Agreed
T. J. O'Connell
3/9/13

PLANNING DEPARTMENT

SEC/5/13/16

9th August 2013

Mr. D. Walsh
Planner

Re: Enquiry under Section 5 of the Planning and Development Act 2000.

A request has been made by Ms. Sheila Jeaney, Secretary of the Garryhundon Residents Association, Garryhundon, Co. Carlow under Section 5 of the Planning and Development Act 2000 for Quarry at CLONMELSH

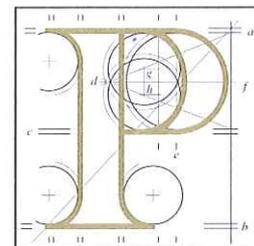
The statutory period for which the Planning Department has to issue a response under Section 5 is **4 weeks** from the date of receipt of this request.

Therefore I would be obliged to have your reports and comments by **Monday 26th August 2013.**

H. Tomkins
A/Senior Staff Officer

Our Ref: 01.RL.3149
P.A.Reg.Ref: SEC5/13/16
Your Ref: S Tennant/P McCann,
Receivers of the Assets of Dan Morrisey Ltd.

An Bord Pleanála



Mr. D. O'Raghallaigh,
McCann FitzGerald Solicitors,
Riverside One,
Sir John Rogerson's Quay,
Dublin 2.

20 JAN 2015

Referral **Re:** Whether the quarrying of lands carried out within Land Reg. folio CW2075F in the townland of Clonmelsh, Powerstown, Co. Carlow is or is not development or is or is not exempted development.

Dear Sir,

An order has been made by An Bord Pleanála determining the above-mentioned referral under the Planning and Development Acts 2000 to 2014. A copy of the order is enclosed.

In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to any matter falling to be determined by it, within 3 days following the making of its decision. The documents referred to shall be made available for a period of 5 years, beginning on the day that they are required to be made available. In addition, the Board will also make available the Inspector's Report, the Board Direction and Board Order in respect of the matter on the Board's website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

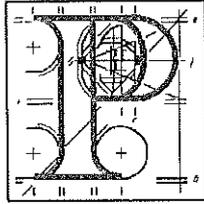
The Public Access Service for the purpose of inspection/purchase of file documentation is available on weekdays from 9.15am to 5.30pm (including lunchtime) except on public holidays and other days on which the office of the Board is closed.

Yours faithfully,

Miriam Baxter
Executive Officer

Encl:
RL 100

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2014

Carlow County

Planning Authority Reference Number: SEC5/13/16

An Bord Pleanála Reference Number: 01.RL.3149

WHEREAS a number of questions have arisen as to whether, in the townland of Clonmelsh, Powerstown, County Carlow, -

- (i) quarrying use on the lands comprising Land Registry folio CW2075F commenced after the appointed date (the 1st day of October, 1964), and whether this is or is not development or is or is not exempted development,
- (ii) a reasonable anticipation of continuing to quarry the lands comprising Land Registry folio CW2075F to completion existed at the appointed date, and whether this is or is not development or is or is not exempted development,
- (iii) quarrying use of any of the lands comprising Land Registry folio CW2075F had been abandoned since the appointed date; and whether this is or is not development or is or is not exempted development,
- (iv) material intensification of the quarrying use of any of the lands comprising Land Registry folio CW2075F has occurred since the appointed date, and whether this is or is not development or is or is not exempted development,

- (v) the quarry and quarrying use of any of the lands comprising Land Registry folio CW2075F is or is not development or is or is not exempted development,
- (vi) the use of extraction by blasting on any lands comprising Land Registry folio CW2075F commenced after the appointed date and whether this is or is not development or is or is not exempted development,
- (vii) the use of extraction by blasting on any lands comprising Land Registry folio CW2075F intensified after the appointed date and whether this is or is not development or is or is not exempted development, and
- (viii) the quarry and quarrying use of any of the lands comprising Land Registry folio CW6086F is or is not development in relation to the quarry and quarrying use of any of the lands comprising Land Registry folio CW2075F or is or is not exempted development:

AND WHEREAS Garryhundon Residents Association care of Vivian Cummins and Associates Limited of Levitstown Lock, Athy, County Kildare requested a declaration on the said question from Carlow County Council and the said Council issued a declaration on the 4th day of September, 2013 stating that;

- (i) quarrying use on the lands comprising Land Registry folios CW2075F (part) and CW6086F, was commenced prior to the appointed date (the 1st day of October, 1964),
- (ii) Dan Morrissey was in control of the lands (land registry folios CW 2075F (part), CW 6086F and CW 236F) on the appointed date, and had a reasonable anticipation of continuing to quarry these lands to completion,
- (iii) quarrying use of the pre-1964 lands had not been abandoned since the appointed date;
- (iv) there has been no material intensification of the quarrying use of these lands since the appointed date, and
- (v) the quarry and quarrying use of these pre-1964 lands is exempted development (as per drawing SLR2):

AND WHEREAS the said Garryhundon Residents Association care of Vivian Cummins and Associates Limited of Levitstown Lock, Athy, County Kildare referred the declaration for review to An Bord Pleanála on the 27th day of September, 2013:

AND WHEREAS An Bord Pleanála, in considering this referral, reconfigured the question as follows –

whether in the townland of Clonmelsh, Powerstown, County Carlow the quarrying as carried out within Land Registry folio CW2075F in the townland of Clonmelsh, Powerstown, County Carlow is or is not development or is or is not exempted development:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Section 24 of the Local Government (Planning and Development) Act 1963,
- (b) Section 2, 3 and 4 of the Planning and Development Acts 2000-2014, and
- (c) An Bord Pleanála Inspector's report:

AND WHEREAS An Bord Pleanála has concluded that -

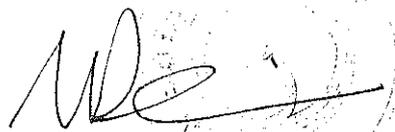
- (a) There is insufficient information before the Board to make a determination as to whether or not quarrying activity at Land Registry folio CW6086F was commenced after the appointed date (that is, the 1st day of October, 1964).
- (b) There was not a reasonable anticipation of continuing to quarry sand and gravel only within the lands comprising Land Registry folio CW2075F, in Clonmelsh, to completion.
- (c) There has been material intensification of quarrying within Land Registry folio CW2075F, in Clonmelsh, by the development of rock quarrying, and the use of blasting and the increase in the rate of blasting since the appointed date.

- (d) Pre 1964 establishment of quarrying activity which was carried on within the holding covered by Land Registry folio CW6086F, in Garryhundon, did not permit the extension of the quarrying into Land Registry folio CW2075F at Clonmelsh or Garryhundon which were subsequent acquisitions:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the said development of quarrying in the townland of Clonmelsh, Powerstown, County Carlow as carried out within Land Registry folio CW2075F is development and is not exempted development.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.



**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this 20th day of JANUARY 2015.

JUDICIAL REVIEW NOTICE

Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Act 2000 (as amended)

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(6) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant against a respondent or notice party where relief is obtained to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website, www.citizensinformation.ie.

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.

Modified 30/11/2011

FÓGRA FAOI ATHBHREITHNIÚ BREITHIÚNACH

Athbhreithniú breithiúnach ar chinneadh a rinne An Bord Pleanála faoi fhorálacha an Achta um Pleanáil agus Forbairt, 2000 (arna leasú)

Nuair is mian le duine agóid dhlíthiúil a chur in aghaidh cinnidh an Bhoird caithfear é sin a dhéanamh trí athbhreithniú breithiúnach amháin. Tá na forálacha chun agóid dhlíthiúil a chur in aghaidh cinnidh an Bhoird le fáil in ailt 50, 50A agus 50B san Acht um Pleanáil agus Forbairt, 2000 (arna ionadú le hait 13 den Acht um Pleanáil agus Forbairt (Bonnegar Straitéiseach) 2006, le hait 32 agus 33 den Acht um Pleanáil agus Forbairt (leasú), 2010 agus le hait 20 agus 21 den Acht Comhshaoil (Forálacha Ilghnéitheacha), 2011.)

Ní féidir ceistiú a dhéanamh in aghaidh cinnidh an Bhoird ach amháin trí iarratas ar athbhreithniú breithiúnach faoi Ordú 84 de Rialacha na nUaschúrteanna (I.R. Uimhir 15 de 1986). Faoi réir fho-alt 50(6) den Acht um Pleanáil agus Forbairt, 2000 déanfar iarratas ar chead chun iarratas a dhéanamh ar athbhreithniú breithiúnach laistigh den tréimhse 8 seachtain den dáta a rinne an Bord an cinneadh nó laistigh d'aon síneadh ama a cheadaíonn an Ard-Chúirt faoi fho-alt 50(8). Tabhair faoi deara nuair atá athbhreithniú breithiúnach i gceist faoi alt 50 nach féidir ach bailíocht an chinnidh a cheistiú agus ní thugann an Chúirt aon chinneadh faoi fhiúntas na forbartha ó thaobh prionsabail pleanála cuí nó forbairt inchothaithe na háite nó éifeachtaí ar an timpeallacht. Tá sé leagtha síos in alt 50 nach ndéanfar cead d'athbhreithniú breithiúnach muna bhfuil an Chúirt sásta go bhfuil forais shubstaintiúla ann chun argóint a dhéanamh go bhfuil an cinneadh neamhbhailí nó gur ceart é a neamhniú agus go bhfuil suim shásúil ag an iarratasóir leis an ábhar i gceist san iarratas nó i gcásanna a bhaineann le measúnacht tionchair timpeallachta gur eagraíocht í an t-iarratasóir a chomhlíonann coinníollacha áirithe.

Tá forálacha in alt 50B mar gheall ar chostais maidir le himeachtaí san Ard-Chúirt i dtaobh athbhreithniú breithiúnach i gcásanna áirithe (lena n-áirítear imeachtaí faoi chinntí nó gníomhartha de bhun dlí de chuid an Stáit lena dtugtar éifeacht do na forálacha faoi rannpháirtíocht an phobail agus rochtain ar an gceartas atá leagtha amach i dTreoir 85/337/CEE i.e. an Treoir faoi mheasúnacht tionchair timpeallachta agus na forálacha i dTreoir 2001/42/CE maidir le héifeachtaí pleananna agus clár áirithe ar an timpeallacht a mheasúnú). Is í an fhoráil ghinearálta in imeachtaí lena mbaineann alt 50B ná go n-íocfaidh gach páirtí a chostais féin. Is féidir leis an gCúirt costais a bhronnadh i gcoinne aon pháirtí i gcásanna áirithe. Chomh maith le sin tá forálacha i bhfeidhm ionas gur féidir leis an gCúirt iomlán a chostas nó cuid díobh a bhronnadh ar an iarratasóir, in aghaidh fhreagróra nó fhógrapáirtí i gcásanna ina bhfaightear faoiseamh mar gheall ar gníomhú nó neamhfheidhm an fhreagróra nó an fhógrapáirtí.

Tá eolas ginearálta faoi athbhreithniú breithiúnach le fáil ar an suíomh idirlín www.citizensinformation.ie.

Séanadh: Tá an t-eolas thuas tugtha mar threoirlíne. Ní éilítear gur léirmhíniú dlí faoi na forálacha ábhartha atá ann agus dá mbeadh sé ar intinn ag éinne cás dlí a thógáil in aghaidh an Bhoird bheadh sé inmholta comhairle dlí a fháil ar dtús

Athbhreithnithe 30/11/2011



CARLOW COUNTY COUNCIL

COMHAIRLE CHONTAE CHEATHARLOCHA

County Buildings, Ashy Road, Carlow.
Tel: 059 9170300
Fax: 059 9141503
Email: secretary@carlowcoco.ie
Web: www.carlow.ie

4th September 2013

Our Ref: SECS/13/17HT

Mr. Vivian Cummins & Associates Ltd.,
Levitstown Lock,
Athy,
Co. Kildare.

Re: Section 5 Declaration

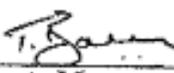
A Chara

I refer to documentation submitted on 9th August 2013 in relation to Quarrying Use at Garryhondon, Co. Carlow and wish to advise as follows:

- (i) Quarrying use on the lands comprising land registry folios CW 2075F (part) and CW 6086F commenced before the appointed date – 1st October 1964.
- (ii) Dan Morrissey was in control of the lands (land registry folios CW 2075F (part), CW 6086F and CW236F) on the appointed date, and had a reasonable anticipation of continuing to quarry these lands to completion.
- (iii) Quarrying use of the Pre 1964 lands has not been abandoned since the appointed date.
- (iv) There has been no material intensification of the quarrying use of these lands since the appointed date.
- (v) The quarry and quarrying use of these Pre 1964 lands is exempted development (as per Drawing SLR2 attached).

Official Receipt No. LC1/0/171549 refers to payment of prescribed fee of €80.00

Mise le meas


County Manager

carlow
through the waters of time

DIRECT LINES CODE 059

General Engineering Area	9172486
Maintenance Area Engineer	9172418
Tallow Engineering Area	9136272
County Library	9170094
Fire Station	9171144
Water Taxation	9170342
Driving Licenses	9170342

Mining	9170307
Mowing	9170368
Waste & Environment	9136230
Roads	9170377
Water Services	9136264
County Development Board	9170785
Loan Payments	9172409
Rates Payments	9172489

Human Resources	9170387
Information Technology	9136215
Community & Enterprise	9136205
Higher Education Grants	9170314
Rates	9172487
Registrar of Electors	9170317
Arts	9136209

1. This plan is a copy of the original plan and is not to be used for any other purpose.
2. The original plan is held by the Surveyor General.
3. The original plan is held by the Surveyor General.

LEGEND

[Symbol]	100m
[Symbol]	200m
[Symbol]	300m
[Symbol]	400m
[Symbol]	500m
[Symbol]	600m
[Symbol]	700m
[Symbol]	800m
[Symbol]	900m
[Symbol]	1000m



Dan Morrissey
DAN MORRISSEY (IRE.) LTD.
100, GERRYSTOWN ROAD
DUBLIN 15, IRELAND
TEL: 01 454 4444

SLR
SPECIALIST LAND RECONSTRUCTION
100, GERRYSTOWN ROAD
DUBLIN 15, IRELAND
TEL: 01 454 4444

DAN MORRISSEY (IRE.) LTD.
QUARRY AT CLOMELISE
GERRYTHUNDER & POWERSHOWN
CO. DUBLIN
PLOT 1884 LANDS

DRAWING SLR 2

COUNTY MANAGER'S ORDER

SEC5/13/17

Order No: 29856

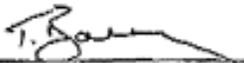
SUBJECT: Mr. Vivian Cummins and Associates Ltd., Levinstown Lock, Athy, Co. Kildare on behalf of Sheila Jeaney, Secretary of the Garryhundon Residents Association, of Garryhundon House, Garryhundon, Co. Carlow submitted Certificate of Exemption, Section 5 application on 9th August 2013 with respect to Quarrying Use at Garryhundon, Co. Carlow – Folio CW6086F.

SUBMITTED: Report of Mr. D. Walsh, Senior Executive Planner dated 29th August 2013 recommending the same determination issued on 1st August 2013 under SEC5/13/13 to Dan Morrissey (Irl) Ltd., issue to Vivian Cummins on behalf of Sheila Jeaney, Secretary of the Garryhundon Residents Association.

ORDER: It is ordered that a declaration issue to Vivian Cummins and Associates Ltd., Levinstown Lock, Athy, Co. Kildare on behalf of Sheila Jeaney, Secretary of the Garryhundon Residents Association, of Garryhundon House, Garryhundon, Co. Carlow as follows:

- (i) Quarrying use on the lands comprising land registry folios CW 2075F (part) and CW 6086F commenced before the appointed date – 1st October 1964.
- (ii) Dan Morrissey was in control of the lands (land registry folios CW 2075F (part), CW 6086F and CW236F) on the appointed date, and had a reasonable anticipation of continuing to quarry these lands to completion.
- (iii) Quarrying use of the Pre 1964 lands has not been abandoned since the appointed date.
- (iv) There has been no material intensification of the quarrying use of these lands since the appointed date.
- (v) The quarry and quarrying use of these Pre 1964 lands is exempted development (as per Drawing SLR2 attached).

Made this 4th of September 2013


Mr Tom Barry
County Manager

Chomhairle Chontae Cheatharlacha / CARLOW COUNTY COUNCIL.

An Roinn Pleanála/Planning Department.

REPORT TO COUNTY MANAGER

Date: 29/8/2013

Sec 5 Ref No: SEC5/13/17

Received: 9/8/2013

Applicant: Vivian Cummins on behalf of Shelia Jeaney, Secretary of the Garryhondon Residents Association

Site Location: Garryhondon, Co. Carlow.

The applicant Vivian Cummins on behalf of Shelia Jeaney, Secretary of the Garryhondon Residents Association has submitted a request for a declaration under Section 5 of the Planning and Development Act 2000-2011 in respect of the following:-

- (1) That quarrying use of the lands comprising land registry folio CW 6086F commenced before the appointed date – 1st October, 1964 and if this is or is not development or is or is not exempted development within the meaning of the act.
- (ii) That a reasonable anticipation of continuing to quarry the lands comprising land registry folio CW 6086F to completion existed at the appointed date – 1st October, 1964, and if this is or is not development or is or is not exempted development within the meaning of the act.
- (iii) That quarry use of any of these lands comprising land registry folio CW 6086F has been abandoned since the appointed date and if this is or is not development or is or is not exempted development within the meaning of the act.
- (iv) That material intensification of the quarrying use of the lands comprising land registry folio CW 6086F has occurred since the appointed date – 1st October, 1964 and if this is or is not development or is or is not exempted development within the meaning of the act.
- (v) That the quarry and quarrying use of the lands comprising land registry folio CW 6086F is or is not development or is or is not exempted development within the meaning of the act.
- (vi) That the use of extraction by blasting on any of the lands comprising land registry folio CW 6086F commenced after the appointed date – 1st October, 1964, and is or is not development or is or is not exempted development within the meaning of the act.
- (vii) ****A** That the use of extraction by blasting on any of the lands comprising land registry folio CW 6086F intensified after the appointed date – 1st October, 1964, and is or is not development or is or is not exempted development within the meaning of the act.
- (vii) ****B** That the quarry and quarrying use of any of the lands comprising land registry folio CW 2075F is or is not development in relation to the quarry and quarrying use of any of the lands comprising land registry folio CW 6086F or is or is not exempted development within the meaning of the act.

****Eight (8) questions** were submitted as set out above although it is noted that two of the questions above carry the same number, i.e. (vii). In the interest of clarity and for the purpose of this assessment, these last two questions are re-numbered above as (vii) **A** and (vii) **B** to assist in the assessment of the questions.

Assessment

In examining the Section 5 Reference submitted by Vivian Cummins on behalf of Shelia Jeaney, Secretary of the Garryhundon Residents Association, it is noted that the Planning Authority has already made a determination on the questions raised in response to a Section 5 Reference submitted by SLR Consulting Ireland on behalf of Dan Morrissey (Irl.) Ltd (SEC5/13/13).

Questions (i) to (v) are essentially the same questions as questions (i) to (v) submitted under Section 5 Reference by SLR Consulting Ireland on behalf of Dan Morrissey (Irl.) Ltd (SEC5/13/13) while question (vii) **B** is the same question as question (v).

With regard to questions (vi) and (vii), the issue of blasting was assessed as part of question (iv) in relation to material intensification of quarrying use in the Section 5 Reference submitted by SLR Consulting Ireland on behalf of Dan Morrissey (Irl.) Ltd (SEC5/13/13) and a determination on this matter has been issued by the Planning Authority in answer to question (iv) on SEC5/13/13.

Recommendation:

On the basis that a determination has already been made by the Planning Authority on 1/8/2013 as a result of a request received from SLR Consulting Ireland on behalf of Dan Morrissey (Irl.) Ltd, and as outlined above as the declaration sought by Vivian Cummins on behalf of Shelia Jeaney, Secretary of the Garryhundon Residents Association is for questions which have already been addressed by the determination issued on 1/8/2013 to SLR Consulting Ireland on behalf of Dan Morrissey (Irl.) Ltd under SEC5/13/13, it is therefore recommended that the same determination issued on 1/8/2013 to the Section 5 Reference submitted by SLR Consulting Ireland on behalf of Dan Morrissey (Irl.) Ltd (SEC5/13/13) be issued in response to the current Section 5 Reference received from Vivian Cummins on behalf of Shelia Jeaney, Secretary of the Garryhundon Residents Association (SEC5/13/17) as set out below:-

- (i) Quarrying use on the lands comprising land registry folios CW 2075F (part) and CW 6086F commenced before the appointed date - 1st October 1964.
- (ii) Dan Morrissey was in control of the lands (land registry folios CW 2075F (part), CW 6086F and CW236F) on the appointed date, and had a reasonable anticipation of continuing to quarry these lands to completion.
- (iii) Quarrying use of the Pre 1964 lands has not been abandoned since the appointed date.
- (iv) There has been no material intensification of the quarrying use of these lands since the appointed date.
- (v) The quarry and quarrying use of these Pre 1964 lands is exempted development.

I recommend that Vivian Cummins on behalf of Shelia Jeaney, Secretary of the Garryhundon Residents Association be advised accordingly.

D.J. Walker
S.E.P.

Agreed
[Signature]
3/19/13

PLANNING DEPARTMENT

SEC/5/13/17

9th August 2013

Mr. D. Walsh
Planner

Re: Enquiry under Section 5 of the Planning and Development Act 2000.

A request has been made by Ms. Sheila Jeaney, Secretary of the Garryhundon Residents Association, Garryhundon, Co. Carlow under Section 5 of the Planning and Development Act 2000 for Quarry at GARRYHUNDON

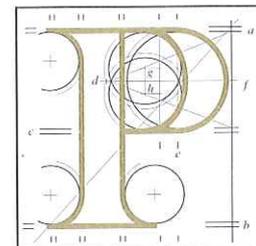
The statutory period for which the Planning Department has to issue a response under Section 5 is **4 weeks** from the date of receipt of this request.

Therefore I would be obliged to have your reports and comments by **Monday 26th August 2013.**

H. Tomkins
A/Senior Staff Officer

Our Ref: 01.RL.3148
P.A.Reg.Ref: SEC5/13/17
Your Ref: S Tennant/P McCann,
Receivers of the Assets of Dan Morrisey Ltd.

An Bord Pleanála



Mr. D. O'Raghallaigh,
McCann FitzGerald Solicitors,
Riverside One,
Sir John Rogerson's Quay,
Dublin 2.

20 JAN 2015

Referral **Re:** Whether the extension of quarrying from Land Reg. folio CW6086F to Land Reg. folio CW2075F is or is not development or is or is not exempted development
Garryhundon, Powerstown, Co. Carlow

Dear Sir,

An order has been made by An Bord Pleanála determining the above-mentioned referral under the Planning and Development Acts 2000 to 2014. A copy of the order is enclosed.

In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to any matter falling to be determined by it, within 3 days following the making of its decision. The documents referred to shall be made available for a period of 5 years, beginning on the day that they are required to be made available. In addition, the Board will also make available the Inspector's Report, the Board Direction and Board Order in respect of the matter on the Board's website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

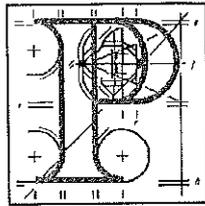
The Public Access Service for the purpose of inspection/purchase of file documentation is available on weekdays from 9.15am to 5.30pm (including lunchtime) except on public holidays and other days on which the office of the Board is closed.

Yours faithfully,

Miriam Baxter
Executive Officer

Encl:
RL 100

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2014

Carlow County

Planning Authority Reference Number: SEC5/13/17

An Bord Pleanála Reference Number: 01.RL.3148

WHEREAS a number of questions have arisen as to whether, in the townland of Garryhundon, Powerstown, County Carlow, -

- (i) quarrying use on the lands comprising Land Registry folio CW6086F commenced after the appointed date (the 1st day of October, 1964), and whether this is or is not development or is or is not exempted development,
- (ii) a reasonable anticipation of continuing to quarry the lands comprising Land Registry folio CW6086F to completion existed at the appointed date, and whether this is or is not development or is or is not exempted development,
- (iii) quarrying use of any of the lands comprising Land Registry folio CW6086F had been abandoned since the appointed date; and whether this is or is not development or is or is not exempted development,
- (iv) material intensification of the quarrying use of any of the lands comprising Land Registry folio CW6086F has occurred since the appointed date, and whether this is or is not development or is or is not exempted development,

- (v) the quarry and quarrying use of any of the lands comprising Land Registry folio CW6086F is or is not development or is or is not exempted development,
- (vi) the use of extraction by blasting on any lands comprising Land Registry folio CW6086F commenced after the appointed date and whether this is or is not development or is or is not exempted development,
- (vii) the use of extraction by blasting on any lands comprising Land Registry folio CW6086F intensified after the appointed date and whether this is or is not development or is or is not exempted development, and
- (viii) the quarry and quarrying use of any of the lands comprising Land Registry folio CW2075F is or is not development in relation to the quarry and quarrying use of any of the lands comprising Land Registry folio CW6086F or is or is not exempted development:

AND WHEREAS Garryhundon Residents Association care of Vivian Cummins and Associates Limited of Levitstown Lock, Athy, County Kildare requested a declaration on the said question from Carlow County Council and the said Council issued a declaration on the 4th day of September, 2013 stating that;

- (i) quarrying use on the lands comprising Land Registry folios CW2075F (part) and CW6086F, commenced before the appointed date (the 1st day of October, 1964) – Drawing SLR2,
- (ii) Dan Morrissey was in control of the lands (land registry folios CW 2075F (part), CW 6086F and CW 236F) on the appointed date, and had a reasonable anticipation of continuing to quarry these lands to completion,
- (iii) quarrying use of the pre-1964 lands had not been abandoned since the appointed date;
- (iv) there has been no material intensification of the quarrying use of these lands since the appointed date, and
- (v) the quarry and quarrying use of these pre-1964 lands is exempted development:

AND WHEREAS the said Garryhundon Residents Association care of Vivian Cummins and Associates Limited of Levinstown Lock, Athy, County Kildare referred the declaration for review to An Bord Pleanála on the 27th day of September, 2013:

AND WHEREAS An Bord Pleanála, in considering this referral, reconfigured the question as follows –

whether the extension of quarrying from Land Registry folio CW6086F to Land Registry folio CW2075F in the townland of Garryhundon, Powerstown, County Carlow is or is not development or is or is not exempted development:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Section 24 of the Local Government (Planning and Development) Act 1963,
- (b) Section 2, 3 and 4 of the Planning and Development Acts 2000-2014, and
- (c) AnBord Pleanala Inspector's report:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) The quarrying use of the lands comprising Land Registry folio CW6086F commenced before the appointed date (that is, the 1st day of October, 1964).
- (b) There was a reasonable anticipation of continuing to quarry sand and gravel only within the lands comprising Land Registry folio CW6086F to completion.
- (c) There is insufficient information before the Board to make a determination as to whether quarrying activity at Land Registry folio CW6086F was abandoned after the appointed date.

- (d) There is insufficient information before the Board to make a determination as to whether there has been material intensification of quarrying within Land Registry folio CW6086F by the development of rock quarrying, and the use of blasting since the appointed date.
- (e) Pre 1964 establishment of quarrying activity which was carried on within the holding covered by Land Registry folio CW6086F did not permit the extension of the quarrying into Land Registry folio CW2075F which was a subsequent acquisition.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the said extension of quarrying from Land Registry folio CW6086F to Land Registry folio CW2075F in the townland of Garryhundon, Powerstown, County Carlow is development and is not exempted development.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.



**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this 20th day of JANUARY 2015.

JUDICIAL REVIEW NOTICE

Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Act 2000 (as amended)

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(6) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant against a respondent or notice party where relief is obtained to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website, www.citizensinformation.ie.

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.

Modified 30/11/2011

FÓGRA FAOI ATHBHREITHNIÚ BREITHIÚNACH

Athbhreithniú breithiúnach ar chinneadh a rinne An Bord Pleanála faoi fhorálacha an Achta um Pleanáil agus Forbairt, 2000 (arna leasú)

Nuair is mian le duine agóid dhlíthiúil a chur in aghaidh cinnidh an Bhoird caithfear é sin a dhéanamh trí athbhreithniú breithiúnach amháin. Tá na forálacha chun agóid dhlíthiúil a chur in aghaidh cinnidh an Bhoird le fáil in ailt 50, 50A agus 50B san Acht um Pleanáil agus Forbairt, 2000 (arna ionadú le halt 13 den Acht um Pleanáil agus Forbairt (Bonneagar Straitéiseach) 2006, le hailt 32 agus 33 den Acht um Pleanáil agus Forbairt (leasú), 2010 agus le hailt 20 agus 21 den Acht Comhshaoil (Forálacha Ilghnéitheacha), 2011.)

Ní féidir ceistiú a dhéanamh in aghaidh cinnidh an Bhoird ach amháin trí iarratas ar athbhreithniú breithiúnach faoi Ordú 84 de Rialacha na nUaschúirteanna (I.R. Uimhir 15 de 1986). Faoi réir fho-alt 50(6) den Acht um Pleanáil agus Forbairt, 2000 déanfar iarratas ar chead chun iarratas a dhéanamh ar athbhreithniú breithiúnach laistigh den tréimhse 8 seachtain den dáta a rinne an Bord an cinneadh nó laistigh d'aon síneadh ama a cheadaíonn an Ard-Chúirt faoi fho-alt 50(8). Tabhair faoi deara nuair atá athbhreithniú breithiúnach i gceist faoi alt 50 nach féidir ach bailíocht an chinnidh a cheistiú agus ní thugann an Chúirt aon chinneadh faoi fhiúntas na forbartha ó thaobh prionsabail pleanála cuí nó forbairt inchothaithe na háite nó éifeachtaí ar an timpeallacht. Tá sé leagtha síos in alt 50 nach ndeonófar cead d'athbhreithniú breithiúnach muna bhfuil an Chúirt sásta go bhfuil forais shubstantiúla ann chun argóint a dhéanamh go bhfuil an cinneadh neamhbhailí nó gur ceart é a neamhniú agus go bhfuil suim shásúil ag an iarratasóir leis an ábhar i gceist san iarratas nó i gcásanna a bhaineann le measúnacht tionchair timpeallachta gur eagraíocht í an t-iarratasóir a chomhlíonann coinníollacha áirithe.

Tá forálacha in alt 50B mar gheall ar chostais maidir le himeachtaí san Ard-Chúirt i dtaobh athbhreithniú breithiúnach i gcásanna áirithe (lena n-áirítear imeachtaí faoi chinntí nó gníomhartha de bhun dlí de chuid an Stáit lena dtugtar éifeacht do na forálacha faoi rannpháirtíocht an phobail agus rochtain ar an gceartas atá leagtha amach i dTreoir 85/337/CEE i.e. an Treoir faoi mheasúnacht tionchair timpeallachta agus na forálacha í dTreoir 2001/42/CE maidir le héifeachtaí pleananna agus clár áirithe ar an timpeallacht a mheasúnú). Is í an fhoráil ghinearálta in imeachtaí lena mbaineann alt 50B ná go n-íocfaidh gach páirtí a chostais féin. Is féidir leis an gCúirt costais a bhronnadh i gcoinne aon pháirtí i gcásanna áirithe. Chomh maith le sin tá forálacha i bhfeidhm ionas gur féidir leis an gCúirt iomlán a chostas nó cuid díobh a bhronnadh ar an iarratasóir, in aghaidh fhreagróra nó fhógrapáirtí i gcásanna ina bhfaightear faoiseamh mar gheall ar gníomhú nó neamhfheidhm an fhreagróra nó an fhógrapáirtí.

Tá eolas ginearálta faoi athbhreithniú breithiúnach le fáil ar an suíomh idirlín www.citizensinformation.ie.

Séanadh: Tá an t-eolas thuas tugtha mar threoirlíne. Ní éilítear gur léirmhíniú dlí faoi na forálacha ábhartha atá ann agus dá mbeadh sé ar intinn ag éinne cás dlí a thógáil in aghaidh an Bhoird bheadh sé inmholta comhairle dlí a fháil ar dtús

Athbhreithnithe 30/11/2011

APPENDIX 2.1 MASTER TIMELINE OF CLONMELSH & GARYHUNDON rEIAR LANDS & SURROUNDING PROJECTS

TIME			EVENTS		EXTRACTION				TRAFFIC GENERATION				
YEAR	NO. OF INTERVENING YEARS	EVENT YEAR	rEIAR SITE EVENT	PRINCIPAL PROJECTS	AREA EXTRACTED	TONNES OF MATERIAL EXTRACTED & PROCESSED OVER PERIOD	AVERAGE TONNES OF MATERIAL EXTRACTED PER ANNUM OVER PERIOD	CALCULATED TOTAL EXTRACTED TONNES AT KEY YEARS	EQUIVALENT PRODUCT WEIGHT IN TONNES FOR INTERVENING PERIOD	ANNUAL AVERAGE NO. OF HGV PRODUCT EXPORTED	IMPORTATION OF HIGH PSV STONE 60:40 RATE	WEEKDAY AVERAGE NO. OF HGV TRIPS	WEEKDAY AVERAGE NO. OF HGV MOVEMENTS
to 2014	4					1,200,000	300,000		1,020,000	12,750	31,875	106	213
		2015 Jan.	SEC5/13/16 & SEC5/13/17 Declarations appealed to DMIL that quarrying on lands in folios CW2075F & CW6086F is exempted development. RL01.3149 & RL01.3149										
		2015 July	Application for leave for substitute consent in respect of a quarry of 81 hectares (ha.) in extent over two benches to a depth of 25aOD located on lands at Clonmelsh and Garyhondon, Co. Carlow. ABP ref. LS01.LS0019										
		2015 Oct.		Powerstown landfill & recycling centre granted revision to IED license for increased annual intake from 40,000 to 50,000 tonnes p.a. under Reg. No. W0025-04.									
		2015		Carlow County Development Plan 2015 - 2021									
to 2017	3	2017 April	Leave for substitute consent granted. grant of leave for plant area 01.LS.0019 & grant of leave for quarry area 01.LQ.001.		64.03	450,000	150,000		382,500	6,375	15,938	53	106
				TOTALS		23,260,000		23,898,851					
FORECAST													
to 2021	4					720,000	180,000		612,000	7,650	19,125	64	128

NOTE: Assumptions after each table created in rEIAR

APPENDIX 2.2 EXTRACT OF 1ST PARTY RESPONSE TO 3RD PARTY APPEAL OF REG. REF. 10/130 UNDER REF. PL01.238679

21st April 2011

By Hand

The Secretary,
An Bord Pleanála
64 Marlborough St.
Dublin 1

Our Ref: 501.00051.00013.L02.ABP 3rd Party Response
Your Ref: Planning Ref No. 10-130 / ABP PL01.238679

Dear Sir/Madam,

RE: DAN MORRISSEY (IRL) LTD.: QUARRY AT CLONMELSH, GARRYHUNDON & POWERSTOWN, CO. CARLOW (QUARRY REF. NO 25)

RESPONSE TO 3RD PARTY APPEAL OBJECTION TO THE NOTIFICATION OF DECISION OF CARLOW CO. COUNCIL TO GRANT PLANNING PERMISSION

PLANNING FILE REF. NO. 10/130

We refer to the appeal letter dated 21st March 2011 submitted by Vivian Cummins Architects on behalf of Sheila Jeaney (Secretary, Local Residence Action Group) to An Bord Pleanála in relation to the above development, and enclosed with the An Bord Pleanála letter dated 25th March 2011.

SLR Consulting Ireland makes the following submission and observations on the 3rd Party Grounds of Appeal, on behalf of Dan Morrissey (Irl) Ltd.

SUBMISSIONS & OBSERVATIONS ON THE 3RD PARTY GROUNDS OF APPEAL

1. COMPETENCY OF PLANNING AUTHORITY

The appellant is of the opinion that the Planning Authority may not have the functional competence to determine this planning application and requests that An Bord Pleanála determines the application as if it had been made to the An Bord Pleanála in the first instance.

Following the publication of the Local Government Auditor's Report to the members of Carlow County Council in December 2009 which highlighted an 'emphasis of matter' in relation to planning issues (Appendix A) and corporate governance in the Planning Department of Carlow County Council, the Carlow County Manager decided to have a review undertaken of Corporate Governance issues relating to the planning processes of the Council. Former Louth County Manager and Carlow Town Clerk, Mr. John Quinlivan, was commissioned to conduct the review which was published in October 2010.

In relation to Quarries, Mr. Quinlivan writes on Page 18 of his review (Appendix B):

The Council has exposed itself to considerable criticism for its inadequate attention to the quarries issue. There exists 37 quarries, 18 of which are registered, 6 have planning permission, 6 are ongoing, 4 withdrawn and 3 have no permission. The Council has been more than lenient on this issue and while the quarries are business entities, they must conform to the legal requirements of the Planning Acts. In many instances repeated extensions for compliance were given leading to the exploitation of the County Council's supportive approach. The Council must of course be helpful, but to be limitless in this respect is unacceptable.

The law on quarries is clear and while they must be given the benefit of the law, the general public must also be considered in this respect.

Recommendations;

- *One extension of the period described by law to be sufficient unless in exceptional circumstances*
- *Council apply immediate legal processes to bring all quarries within the planning system.*

Despite the polite tone adopted by Mr. Quinlivan in his review the matters described in this document in relation to 'irregularities' uncovered in the operation of the Planning Authority and in particular in the performance of the Director of Services- Planning are truly shocking.

It is further noted that the Local Government Auditor in December 2010 (Appendix C) again raised continuing concerns on these 'emphasis of matters' on Planning Issues and Corporate Governance and observes that the Minister for the Department of the Environment, Heritage and Local Government has issued a statement that he is to appoint planning consultants to review six planning authorities, one of which is Carlow County Council.

Response:

The Planning Authority made their decision in relation to the subject application in accordance with Section 34(1) of the Planning and Development Acts, 2000-2010.

The subject site is located within the functional area of Carlow County Council and Carlow County Council is the Planning Authority as defined by Section 2 of the Planning and Development Acts, 2000-2010 and is therefore the competent authority.

We note that the third party appellant has requested that An Board Pleanála determine their appeal in accordance with Section 37(1) of the Planning and Development Acts, 2000-2010.

We are satisfied that Section 37 of the Planning and Development Acts, 2000-2010 is the appropriate provision under which to determine this application as opposed to Section 139 of the Act which refers to appeals against conditions imposed by the decision of a planning authority.

2. EXTENT OF DEVELOPMENT

The appellant is of the opinion that the extent of the development is unclear from the documentation on file and that there is confusion between the registration of a quarry under Section 261 of the Planning and Development Act, 2000 and what should be a separate planning application for intensification of use. Accordingly it would be impossible to monitor compliance with any Registration of the quarry and/or Grant of Planning Permission for intensification of use.

21st April 2011

In the original application, dated 27 April 2005, to the Local Authority for registration of a quarry under section 261 of the Planning and Development Act, 2000 (Appendix D) the applicant claimed a total site area of 323 hectares with an extraction area of 85 hectares comprising two land folios 6086F and 2075F.

On the map drawing D01: Existing Quarry Area and Development Scheme (Appendix E) the existing quarry A, Band C are shown with an area of 85.1 hectares with a potential future development of 272.1 hectares.

It is noted:

- That when the site was registered under QY25 on the basis of pre-64 status no documentary evidence appears to have been provided on the nature and extent of any quarrying in 1964. Section 261 registration does not establish the legal status of a quarry operation. There must be properly documented pre-1964 operating status or a post 1964 application.
- It was recorded on the Registration application form that the lands in Folio 6086F were acquired by the applicant in 1964 and the lands in folio 2075F were only acquired by the applicant in 1968 (Appendix E).
- That when registering the site under QY25 the Planning Authority noted that under Section 261 of the Planning and Development Act, 2000 the applicant can only apply for part of the lands shown on the quarry registration application (Appendix F).
- That the Planning Authority wrote to the applicant on 26th April 2006 (Appendix G) pointing out inter alia that the applicant will be required to apply for planning permission independent of the provisions of Section 261 for the additional lands included in the quarry registration application including:
 - (1) Lands that cannot reasonably be anticipated to be a natural and logical extension of the existing development,
 - (2) Lands that involve the quarrying of deposits that are not the same as that which is currently being worked.
 - (3) Lands which would necessitate or constitutes an intensification of the development.

In the description of the proposed development (Q.9 application form/site notice/ newspaper ad the applicant described the proposed development as consisting of: "the continued use and development of the quarry (extraction area 123.8 hectares) with an application area of 167.2 hectares.

In determining the levies attached to the proposed development the planning authority describes the current quarry area as 79.6 hectares, the total extraction area as 123.8 hectares and the area of quarry under site application as 167.2 hectares (information taken from Section 1.10 of the Environmental Impact statement).

The appellant would like An Bord Pleanála to determine the exact extent of the development and to adjudicate on whether two separate applications should have been made for:

- (i) Registration of the existing use of the land as a quarry which was operating at the time of registration under Section 261 of the Planning and Development Act, 2000 and
- (ii) A separate planning application for a significant portion of the lands for intensification of their use.

Response:

The planning application and accompanying EIS is for the registration of the quarry under Section 261 and for the continuance of use for the operations.

The correspondence from Mr. T. Barry County Manager (dated 23rd February 2011) recognised the pre 1963 status of the quarry;

Carlow County Development Plan 2009-2015

The above recognises the importance of stone and gravel deposits in Carlow to both the local and national economy. This quarry was in operation pre 1963 and has been registered in accordance with Section 261 of the Planning & Development Act. 2000.

The existing quarry has been in continuous operation since before the 1st October 1964.

Extraction in the southern area (Garryhundon) commenced in c. 1955, and these lands were purchased by Dan Morrissey from the Conran family in the 1963 before the commencement of the 1963 Act, and have been in continuous use since. Folio no. 4124 (now 6068F) was registered in Dan Morrissey's name in June 1964, refer to documentation provided in Appendix A of this submission.

Extraction in the northern area (Clonmelsh) commenced in c. 1945 and these lands were purchased by Dan Morrissey from Mrs. Kelly in 1967, and registered on three separate dates thereafter, refer to Appendix M of the RFI dated December 2010. The quarrying on these lands commenced before the 1st October 1964 and this use was ongoing at the time of purchase, and has continued on the lands un-interrupted since.

Documentary evidence in the form of a selection of Dan Morrissey sales invoices are provided by the Applicant in Appendix B of this submission. These invoices confirm sales of hardcore, chips, gravel, and sand by Dan Morrissey over the period June 1962 to December 1963. Original invoices can be provided to the Board, if necessary.

Furthermore, the Applicant has obtained statements from a number of employees who have confirmed that extraction commenced in these areas before 1st October 1964 and have been in continuous use since, refer to Appendix C.

On the above basis there is clear documented evidence of pre-1964 quarrying use on the lands. Drawing D01: Existing Quarry Area and Development Scheme (Attached in Appendix E of the appellant's correspondence) was used in discussions with the Local Authority at pre-planning consultations. This drawing was not submitted as part of the planning application and accompanying EIS and **is not relevant to the final planning application documentation that was submitted** on the 28th April 2010 or the subsequent further information submitted on the 21st December 2010.

The applicant has only applied for part of the lands shown on the quarry registration application e.g. Lands Registered under Section 261 was c. 323 hectares and the Planning Application covered c. 167.2 hectares.

The applicant proved throughout the EIS that applying for planning permission for lands registered under Section 261 for the continued development show that:

- The lands can be reasonably anticipated to be a natural and logical extension of the existing development, (Refer to EIS Section 5 for local geology);
- The lands involve the quarrying of deposits that are the same as those being worked at 1st October 1964, (Refer to EIS Section 5 for local geology);
- There has been no material change in the established use of the lands - the business has proportionally increased in production since 1964.

The applicant's description of the proposed development as contained in the application form/site notice/newspaper notice is accurately based on the description that was submitted

with the PA & EIS and not on the 'Discussion' drawing referred to by the appellant in this appeal. The Drawing D01: Existing Quarry Area and Development Scheme should not be used in conjunction with this appeal.

The exact extent of the development is as per the description in the planning application form/site notice/newspaper notice and the subsequent revised/significant further information form/site notice/newspaper notice.

3. EXTENSIONS OF TIME

The appellant is of the opinion that the Planning Authority has not interpreted correctly the provisions of Section 261 (7) (a) (ii) of the Planning and Development Act 2000 in their determination of this application and in particular by their granting of seven extensions of time (Appendix H) to the applicant in which to make the application for permission and the submission of the Environmental Impact Statement.

The appellant concurs with the legal opinion given by Carlow County Council's own legal advisers in this regard (Appendix I) and seemingly ignored by the Council. Patrick Butler, Senior Counsel, on the instructions of Carlow County Council's legal agents Ronald J. Cleary & Co. wrote inter alia 2010 in relation to Section 261 of the Planning and Development Act 2000 - Control of Quarries:

The application for permission and the submission of the Environmental Impact Statement must be made within six months of the date of the service of a notice by a Planning Authority.

It does not appear to me that once that period has expired that it can be extended thereafter.

In accordance with the provisions of Section 261 (7) of the Planning and Development Act 2000 the Planning Authority wrote to the applicant on 26th April 2006 (Appendix G) requiring the making of a planning application and Environmental Impact Statement within six months i.e. by 25th October 2006.

*It took **FOUR YEARS** and two days with seven applications for extensions of time (Appendix H) before the applicant made an application for permission and the submission of the Environmental Impact Statement on 28th April 2010.*

It is the view of the appellant that the grounds claimed by the applicant for these extensions of times were spurious and merely served to enable the applicant to acquire additional lands involving the quarrying of a deposit that is not the same deposit that was being worked and to facilitate a substantial intensification of the quarry development. The appellant seemed to be fully supported in this approach by the Planning Authority to the detriment of the general public.

It is recorded that the first request for an extension of time was made on 23rd March 2007 (Appendix H). This is five months after the deadline for a submission in accordance with the provisions of Section 261 (7) of the Planning and Development Act 2000 had expired.

For the second extension of time the Director of Services - Planning justified the decision by writing on 11 July 2007:

"Agreed extension of time, as outlined. I understand the archaeologist has been, and will be out of the country for some time - and is crucial to proper assessment of this project. "

This statement calls into question Planning Authority's understanding of the issues involved and their professionalism skills. It also raise questions over whose interests it was serving.

Five further extensions of time were granted to facilitate additional land acquisitions and discussions regarding the local road networks although the latter issue is not a matter covered by the Planning Acts.

These statements further justify the appellant's opinion that the Planning Authority did not have the functional competence to determine this planning application.

21st April 2011

Appendix A

Folio 4124 – Confirmation of Transfer

Correspondence with this Department should be addressed to "The Registrar" and should quote the Folio No. of the Title concerned or other official reference.

CLÁRLANN NA TALÚN (PRÍOMH-OIFIG)
(Land Registry, Central Office),

SRÁID SEANSAIRE
(Chancery Street),

BAILE ÁTHA CLATH
(Dublin 2K)

○
112B

Registration completed.

1 - 6 - '64.

Folio 4124 County CARLOW.

Registered Owner Daniel Morrissey.

New Folio

Registered Owner

Dealing No. 475/4/64.

Dear Sir,

The registration of the above Dealing has been completed.
The returnable documents set out in the Schedule hereto are sent herewith.
Please acknowledge the receipt of the documents therein referred to.

Yours faithfully,

D. G. JACKSON, A.P.,
Chief Clerk, per.....

SCHEDULE

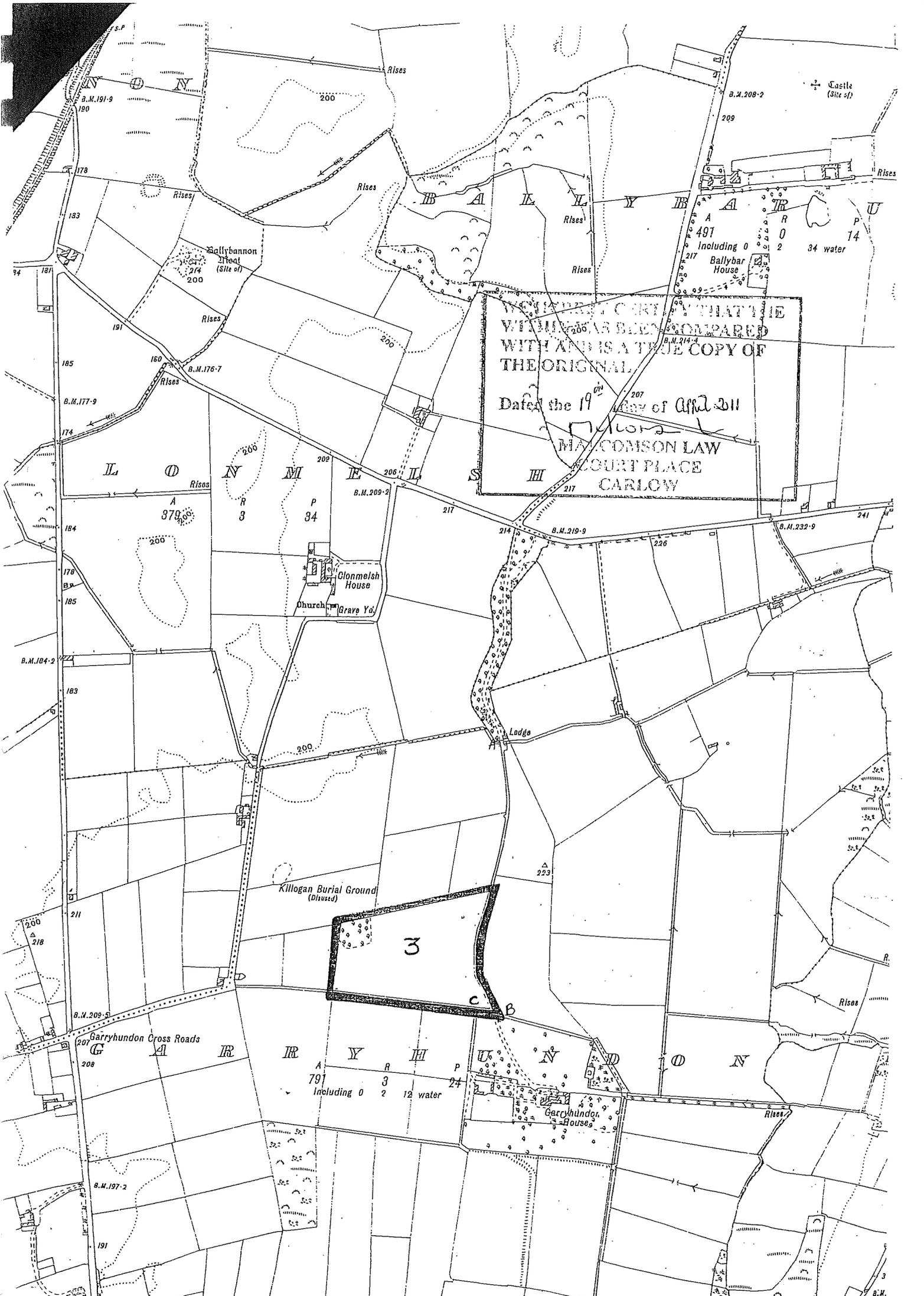
Land Certificate.

Francis J. Lanigan, Esq.,
Solicitor,
CARLOW.

WE HEREBY CERTIFY THAT THE
WITHIN HAS BEEN COMPARED
WITH AND IS A TRUE COPY OF
THE ORIGINAL

Dated the 19th day of April 2011

MALCOMSON LAW
COURT PLACE
CARLOW



NOTED BY COURT THAT THE
WITH HAS BEEN COMPARED
WITH AND IS A TRUE COPY OF
THE ORIGINAL
Dated the 19th day of April 1911
Malcomson Law
COURT PLACE
CARLOW

3

791
Including 0 2 12 water

Appendix B

Sales Invoices – June 1962 to December 1963

ORDER

Date 30/6/'62

Purchase Order No. :- 5196N/A.7831.K1
For Delivery to Our Factory at :- Carlow.

From CŌMHLUCT SIŪICRE EIREANN TEO.,
(IRISH SUGAR COMPANY LTD.)
7 Clare Street, Dublin,
IRELAND.

Telephone : 62341/62343.
Telegrams : "Coset, Dublin."
Codes : A, B, C, 5th & 6th Editions.

To

Mr. D. Morrissey,
Rathoe,
Carlow.

With reference to your tender of

Ref.

please execute the following order :-

QUANTITY	DESCRIPTION	PRICE
300 tons	<p><u>No. N1 - 401.</u></p> <p>hardcore supplied and is loaded on our transport or supplied and delivered</p> <p>(as previously supplied against order No. 699X1/A6144X1)</p> <p><u>We will advise delivery</u></p>	<p>3/6d ton.</p> <p>6/6d ton.</p>

Delivery Terms we will advise Carriage..... Payment..... m.a/c.

PACKING: NO STRAW OR HAY MAY BE USED.

Marks: C. S. E. T., and Order No. as above.

Invoices (stating Purchase Order Number) should be sent to this Office.

Copy Invoice and Detailed Advice Note should be sent with the Goods to our Factory at Carlow.

For CŌMHLUCT SIŪICRE EIREANN TEO.

J. J. Loman

PHONE
CARLOW 464

DAN MORRISSEY

SAND
CONTRACTOR

Ballycrogue, Carlow *June* 1963.

Deliver to *Bishop*

No 1331

Terms: Cash on Delivery.

GOODS

£ s. d.

Delivered		£	s.	d.
	<i>1 C. 9839</i>			
<i>June 18</i>	<i>9 Ton 1/2 washed chips</i>	<i>6</i>	<i>6</i>	
	<i>and 29 - 6</i>			

Received by
Driver

PHONE
CARLOW 464

DAN MORRISSEY

SAND
CONTRACTOR

Ballycrogue, Carlow *June* 1963.

Deliver to *Mr. A. Byrne*

No 1333

Terms: Cash on Delivery.

GOODS

£ s. d.

Delivered		£	s.	d.
	<i>1 C. 9839</i>			
<i>June 25</i>	<i>7 Ton gravel</i>	<i>4</i>	<i>4</i>	
	<i>3 Ton 1/2 washed sand</i>	<i>2</i>	<i>14</i>	
	<i>Paid 2/6 15/25/6/63 with Thacker</i>	<i>6</i>	<i>18</i>	
	<i>12/3</i>		<i>3</i>	
		<i>6</i>	<i>15</i>	

Received by
Driver

'PHONE
CARLOW 464

DAN MORRISSEY

SAND
CONTRACTOR

Ballycrogue, Carlow June 1963

Deliver to Mrs Furlong Ballynackill

No 1329

Terms: Cash on Delivery.

GOODS

		£	s.	d.
	Delivered 10.9434			
Mon 24	4 Ton $\frac{1}{2}$ " washed sand	2	16	
	5 " $\frac{1}{2}$ " tips	3	10	
		5	6	0

paid 27-8-63
Morrissey

30-7-63

Received by

Driver AM

'PHONE
CARLOW 464

DAN MORRISSEY

SAND
CONTRACTOR

Ballycrogue, Carlow June 1963

Deliver to Mrs L. Doran Sligo

No 1332

Terms: Cash on Delivery.

GOODS

		£	s.	d.
	Delivered 10.9434			
June 25	8 Ton $\frac{1}{2}$ " washed sand	5	12	
	Paid with 3 hands 25/6/63 5-10	5	10	

Received by

Driver AM

'PHONE
CARLOW 464

DAN MORRISSEY

SAND
CONTRACTOR

Ballycrogue, Carlow July 1963

Deliver to *Miley F. Fitzpatrick*

No 1386

Terms: Cash on Delivery.

GOODS

£ s. d.

		£	s.	d.
<i>Delivered 15 9439</i>				
<i>1 Load</i>				
<i>THIS</i>	<i>5 Ton 1/2 washed sand</i>	<i>3</i>	<i>10</i>	
	<i>5 Ton 1/2 blips</i>	<i>3</i>	<i>10</i>	
<i>TOTAL 31-7-63</i>		<i>7</i>	<i>0</i>	<i>0</i>

Received by

Recd 15-8-63 Thank you Dan Morrissey

Driver

'PHONE
CARLOW 464

DAN MORRISSEY

SAND
CONTRACTOR

All Paid C14-3-65 Duplicate

Ballycrogue, Carlow Nov 29 1963

Deliver to *P J Kelly*

No 2345

Terms: Cash on Delivery.

GOODS

£ s. d.

		£	s.	d.
<i>for 29</i>	<i>1 Ton fine sand 10/6</i>		<i>10</i>	<i>6</i>
<i>30-11-63 Dan Morrissey</i>				

Received by

Driver

PHONE
CARLOW 464

DAN MORRISSEY

SAND
CONTRACTOR

Ballycrogue, Carlow 19 63

Deliver to *Mr. & Mrs. Dray Copra* No 2358

Terms: Cash on Delivery.

GOODS

£ s. d.

		£	s.	d.
<i>12/11</i>	<i>8 Tons of shingles</i>	<i>4</i>	<i>0</i>	<i>0</i>
<i>Paul</i>				
<i>D. Morrissey</i>				

Received by

Driver

PHONE
CARLOW 464

DAN MORRISSEY

SAND
CONTRACTOR

Duplicate

Ballycrogue, Carlow Dec 19 63

Deliver to *Puffy Hachelstern* No 2365

Terms: Cash on Delivery.

GOODS

£ s. d.

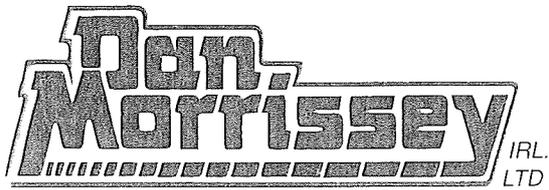
		£	s.	d.
<i>18th</i>	<i>8 Tons gravel loaded</i>	<i>4</i>	<i>0</i>	<i>0</i>
<i>18th</i>	<i>8 Tons " "</i>	<i>4</i>	<i>0</i>	<i>0</i>
<i>18th</i>	<i>8 Tons gravel</i>	<i>4</i>	<i>0</i>	<i>0</i>
<i>18th</i>	<i>8 Tons " "</i>	<i>4</i>	<i>0</i>	<i>0</i>
<i>More 32 Tons 9 5/6</i>		<i>64</i>	<i>16</i>	<i>0</i>
<i>D. Morrissey</i>				

Received by

Driver

Appendix C

Statements – Pre 1964 Quarrying Activity



Head Office: BENNEKERRY, CO. CARLOW, IRELAND.
Phone: 059-9131464. Fax: 059-9132091. E-mail: dmil@dmil.ie

Branches at:
Clonmelsh Quarry, Carlow.
059-9146142/9146176.

Fenniscourt, Bagenalstown,
Co. Carlow.
059-9722377

Baleese Wood Quarry,
Rathdrum, Co. Wicklow.
0404-46399/46503.

Kilpedder, Bray, Co. Wicklow.
01-2810100/2810103.

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20th April 2011

To whom it may concern,

I was employed by Dan Morrissey during the period 1955 to date.

I confirm that quarrying activities commenced on the lands at Clonmelsh and

Garryhundon before 1st October 1964, which included the use of explosives.

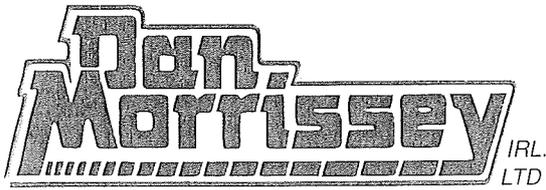
These activities have been in continuous use since.

Yours faithfully,

Clonmelsh House,

Milford,

Co. Carlow.



Head Office: BENNEKERRY, CO. CARLOW, IRELAND.
Phone: 059-9131464. Fax: 059-9132091. E-mail: dmil@dmil.ie

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20th April 2011

To whom it may concern,

I was employed by Dan Morrissey during the period 15/10/1962 to
Date. I confirm that quarrying activities commenced on the lands at
Clonmelsh and Garryhundon before 1st October 1964 and that these activities have been
in continuous use since.

Yours faithfully,

Liam Townsend

Ballyloo,
Nunsey,
Co. Carlow.

APPENDIX 6.1 TRIAL PIT LOGS SUBMITTED UNDER REG. REF. 10/130 EIS

NOTES

1. Refer to Figure 5.5 for Trial Pit Locations
2. Depths of contacts below surface in meters are written on the left of the column

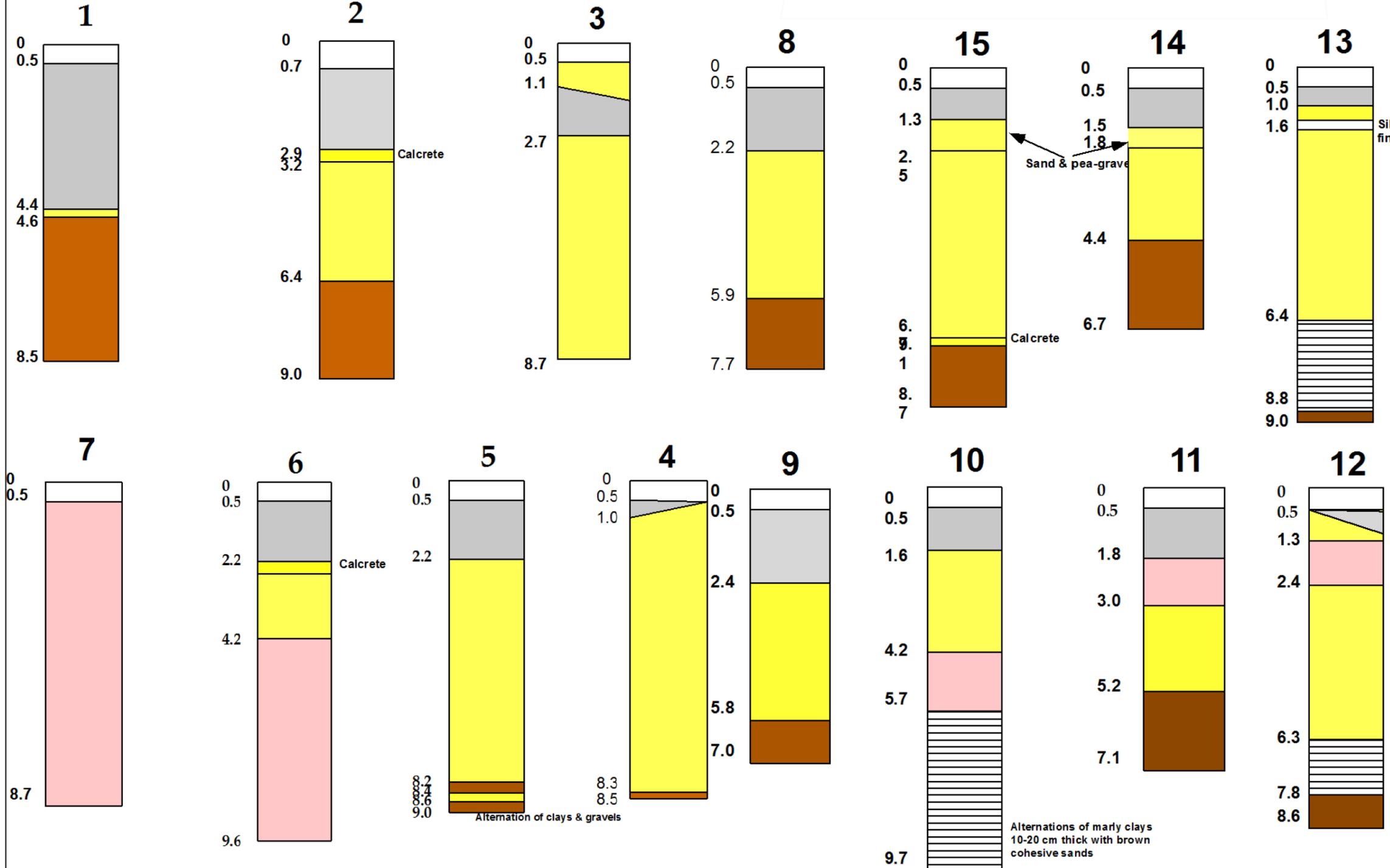
LEGEND

Key to colour coding of overburden

-  Soil.
-  Sandy & poorly cohesive till
Greyish-brown colour.
Predominantly limestone clasts.
-  Coarse limestone gravel with rare sand lenses
-  Dark brown clay-rich small stone till.
Bluish grey at depth.
-  Yellow, clay-rich gravels
and sands. Sticky & cohesive.
-  Clean, well-bedded
medium yellow sand.

East - west profiles along Trial Pits 1 to 3 and 7 to 4

East - west profiles along Trial Pits 8 to 15-14-13 and 9 to 12



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DAN MORRISSEY (IRL) LTD.
CLONMELSH, GARRYHUNDON &
POWERSTOWN, CO. CARLOW
SECTION 261 QUARRY REF. NO. 25
**EAST - WEST PROFILES ALONG
TRIAL PITS 1 TO 15**

FIGURE 5.6

Scale NTS @ A3 Date APRIL 2010

Project Name: Clonmelsh Quarry	Project No. 501.0051.00013	Co-ords: 271472E - 170155N	Hole Type Rotary
Location: Clonmelsh, Co. Carlow		Level: 50.00 m AOD	Scale 1:100
Client: Dan Morrissey (IRL) LTD		Dates: 01/07/2007	Logged By Dr. P. Stroger

Piezo	Core Geotechnical Data				Depth (m)	Level (m OD)	Litho	Stratum Description
	Drill Tag	Type	Results					
					1			SAND and GRAVEL (GLACIAL SAND & GRAVEL)
					2			
					3			
					3.80	46.20		
					4			Gravelly CLAY (BOULDER CLAY)
					4.20	45.80		
					5			SAND and GRAVEL (GLACIAL SAND & GRAVEL)
					6			
					7			
					7.70	43.00		Gravelly CLAY (BOULDER CLAY)
					8			
					9			
					9.10	40.90		SAND and GRAVEL (GLACIAL SAND & GRAVEL)
					10			
					11			
					11.90	38.10		LIMESTONE (OPEN HOLE)
					12.50	37.50		
					13			Weakly laminated dark argillaceous LIMESTONE. Laminae very irregular and clearly disturbed in places. Thicker paler grey bands up to 1cm thick with darker, finer black argillaceous laminae - very wispy and intricate (LIMESTONE BEDROCK)
					14			Shell hash
					15			Shell hash
					15.50	34.50		Shell hash
					16			End of Borehole at 15.50 m
					17			
					18			
					19			

Remarks: Rock Condition: Good, breaks along pressure solution seams 20-40cm apart. Possibly some cave-in. Recovery 80% no vugs, vein breccias. The limestones are locally dolomitized. The fabric of the limestones is almost fully preserved and the log descriptions focus on the limestone fabrics as such in order to correlate the individual boreholes as accurately as possible.

Project Name: Clonmelsh Quarry	Project No. 501.0051.00013	Co-ords: 271718E - 169722N	Hole Type Rotary
Location: Clonmelsh, Co. Carlow		Level: 54.34 m AOD	Scale 1:100
Client: Dan Morrissey (IRL) LTD		Dates: 01/07/2007	Logged By Dr. P. Strogon

Piezo	Core Geotechnical Data				Depth (m)	Level (m OD)	Litho	Stratum Description
	Drill Tag	Type	Results					
					11.00	53.34		Sandy gravelly CLAY (BOULDER CLAY)
				2				SAND and GRAVEL (GLACIAL SAND & GRAVEL)
				2.70	51.64			Sandy gravelly CLAY (BOULDER CLAY)
				3				
				4				
				5				
				5.10	49.24			SAND and GRAVEL (GLACIAL SAND & GRAVEL)
				6				
				7				
				8				
				9				
				10				
				10.80	43.54			Limestone (OPEN HOLE)
				11				
				11.50	42.84			Clean well-sorted GRAINSTONE which coarsen up in an erratic manner. Some beds are very coarse sand grain size and have preserved a very mature, well-sorted, well rounded fabric (oolitic?). Most beds are internally laminated - laminae are irregular and up to a few mm thick Rock Condition(11.5-18.75): Good, no clay coatings. Rocks break along pressure solution seams 20-30cm apart, very little clay bound parting surfaces (LIMESTONE BEDROCK)
				12				
				13				
				14				
				15				
				16				
				17				
				17.00	37.34			Intraclastic with 3-5mm rounded clasts of darker limestone Layers of shell hash
				18				Unit of darker muddy looking LIMESTONE. These are laminated with irregular disturbed laminae, predominantly pale with lesser muddy layers with signs of bioturbation (LIMESTONE BEDROCK)
				18.75	35.59			Layers of shell hash Vein breccia
				19				Unit of fine, weakly laminated GRAINSTONE (fine to medium sand)

Continued next sheet

Remarks: Recovery 99.4%. Bedding Dips @ 10 degrees from 11.5-18.75 and 25.0-34.75. The limestones are locally dolomitized. The fabric of the limestones is almost fully preserved and the log descriptions focus on the limestone fabrics as such in order to correlate the individual boreholes as accurately as possible.

Project Name: Clonmelsh Quarry

Project No.
501.0051.00013

Co-ords: 271718E - 169722N

Hole Type
Rotary

Location: Clonmelsh, Co. Carlow

Level: 54.34 m AOD

Scale
1:100

Client: Dan Morrissey (IRL) LTD

Dates: 01/07/2007

Logged By
Dr. P. Strogon

Piezo	Core Geotechnical Data				Depth (m)	Level (m OD)	Litho	Stratum Description
	Drill Tag	Type	Results					
					41			<p>Darker finer (fine to medium) GRAINSTONES. More uniform in appearance than the unit above and a distinctly darker grey colour, but still free of argillaceous matter and shale horizons. Lacks any coarse sand and has few coarse sand intervals. Rock Condition: Good. Pressure solution seams 20-50cm apart, little clay on surfaces. Scarce clean fractures, 50cm or more apart. (LIMESTONE BEDROCK)</p>
					42			
					43			
					44			
					45			
					46			
					47			
					48			
					48.50	5.84		
					48.62	5.72		
					49			<p>Thick vein of white LIMESTONE with scattered small angular clasts of darker limestone. The rock beneath contains the most amount of crinoid debris (BEDROCK)</p>
					50			<p>Finer grained darker more crinoidal LIMESTONE. Distinctly more crinoidal. Crinoids are small 1-2mm, scattered throughout the rock (not stringers), making up to 10% in places, in intervals 5 to 20cm thick. Finer overall than the unit above and has distinct wisps of dark mudstone and in places is distinctly bioturbated. Rock Condition: Sound. Broken up where large vugs occur, but pressure solution seams 40-60cm apart, with thin shale films. (LIMESTONE BEDROCK)</p>
					51			<p>Large vug</p>
					52			<p>Large vug</p>
					53			<p>Vug</p> <p>Large vug</p>
					54			<p>Large vug</p>
					55			<p>Large vug</p> <p>Large vug</p>
					56			<p>Large vug</p>
					57			<p>Large vug</p> <p>Large vug</p>
					58			
					59			

Continued next sheet

Remarks: Recovery 99.4%. Bedding Dips @ 10 degrees from 11.5-18.75 and 25.0-34.75. The limestones are locally dolomitized. The fabric of the limestones is almost fully preserved and the log descriptions focus on the limestone fabrics as such in order to correlate the individual boreholes as accurately as possible.



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Borehole No
BH02
 Sheet 4 of 4

Project Name: Clonmelsh Quarry	Project No. 501.0051.00013	Co-ords: 271718E - 169722N	Hole Type Rotary
Location: Clonmelsh, Co. Carlow		Level: 54.34 m AOD	Scale 1:100
Client: Dan Morrissey (IRL) LTD		Dates: 01/07/2007	Logged By Dr. P. Strogon

Piezo	Core Geotechnical Data				Depth (m)	Level (m OD)	Litho	Stratum Description
	Drill Tag	Type	Results					
					61			Finer grained darker more crinoidal LIMESTONE. Distinctly more crinoidal. Crinoids are small 1-2mm, scattered throughout the rock (not stringers), making up to 10% in places, in intervals 5 to 20cm thick. Finer overall than the unit above and has distinct wisps of dark mudstone and in places is distinctly bioturbated. Rock Condition: Sound. Broken up where large vugs occur, but pressure solution seams 40-60cm apart, with thin shale films. (LIMESTONE BEDROCK)
					61.90	-7.57		
					62			Nodular crinoidal LIMESTONE. Mottled heterogeneous with dark muddy horizons, margins quite irregular in shape and paler crinoidal layers. No chert. Some larger crinoids (3-4cm) and scattered brachiopod debris here and there throughout. Shales (pressure solution seams) @ 65.7 (2cm), 67.3 (1cm), 67.7 (1.5cm), 74.75 (1-2cm), 75.69 (0.5cm), 79.0 (1cm). Undoubted pressure solution seams present also. Vugs: very few and small @ 67.2 (2cm), 69.0 (irregular 2cm), 69.5-69.6 (vertical), 70.68 & 70.88 (2cm), 73.0 (4cm), 73.25 (2cm), 73.8 & 74.12 (both small), 75.75, 75.9 & 76.0 (all small), 79.12 & 79.7 (both small) & 79.8 (4cm, irregular) Rock Condition: Good despite more muddy nature. Pressure solution seams 30-60cm apart. (LIMESTONE BEDROCK)
					63			
					64			
					65			
					66			
					67			
					68			
					69			
					70			
					71			
					72			
					73			
					74			
					75			
					76			
					77			
					78			
					79			
End of Borehole at 80.00 m								

Remarks: Recovery 99.4%. Bedding Dips @ 10 degrees from 11.5-18.75 and 25.0-34.75. The limestones are locally dolomitized. The fabric of the limestones is almost fully preserved and the log descriptions focus on the limestone fabrics as such in order to correlate the individual boreholes as accurately as possible.



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Borehole No
BH03
 Sheet 1 of 2

Project Name: Clonmelsh Quarry	Project No. 501.0051.00013	Co-ords: 271786E - 169243N	Hole Type Rotary
Location: Clonmelsh, Co. Carlow		Level: 63.42 m AOD	Scale 1:100
Client: Dan Morrissey (IRL) LTD		Dates: 01/07/2007	Logged By Dr. P. Strogon

Piezo	Core Geotechnical Data				Depth (m)	Level (m OD)	Litho	Stratum Description
	Drill Tag	Type	Results					
					1			SAND and GRAVEL (GLACIAL SAND & GRAVEL)
					2			
					3			
					4			
					5			
					6			
					7			
					8			
					9			
					10			
					10.60	52.82		
					11			Gravelly CLAY (BOULDER CLAY)
					12			
					13.00	50.42		
					14			SAND and GRAVEL (GLACIAL SAND & GRAVEL)
					14.50	48.92		
					15			GRAVEL (GLACIAL SAND & GRAVEL)
					15.80	47.62		
					16			Uniform fine grained GRAINSTONES (Limestone). Shale free. Slight variation in grain size but no overt banding or sharp contacts (LIMESTONE BEDROCK)
					17			
					18			
					19			

Continued next sheet

Remarks: Excellent rock condition. Pressure solution seam 40-60cm apart, several sticks 60cm long. Recovery 100%. The limestones are locally dolomitized. The fabric of the limestones is almost fully preserved and the log descriptions focus on the limestone fabrics as such in order to correlate the individual boreholes as accurately as possible.



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Borehole No

BH03

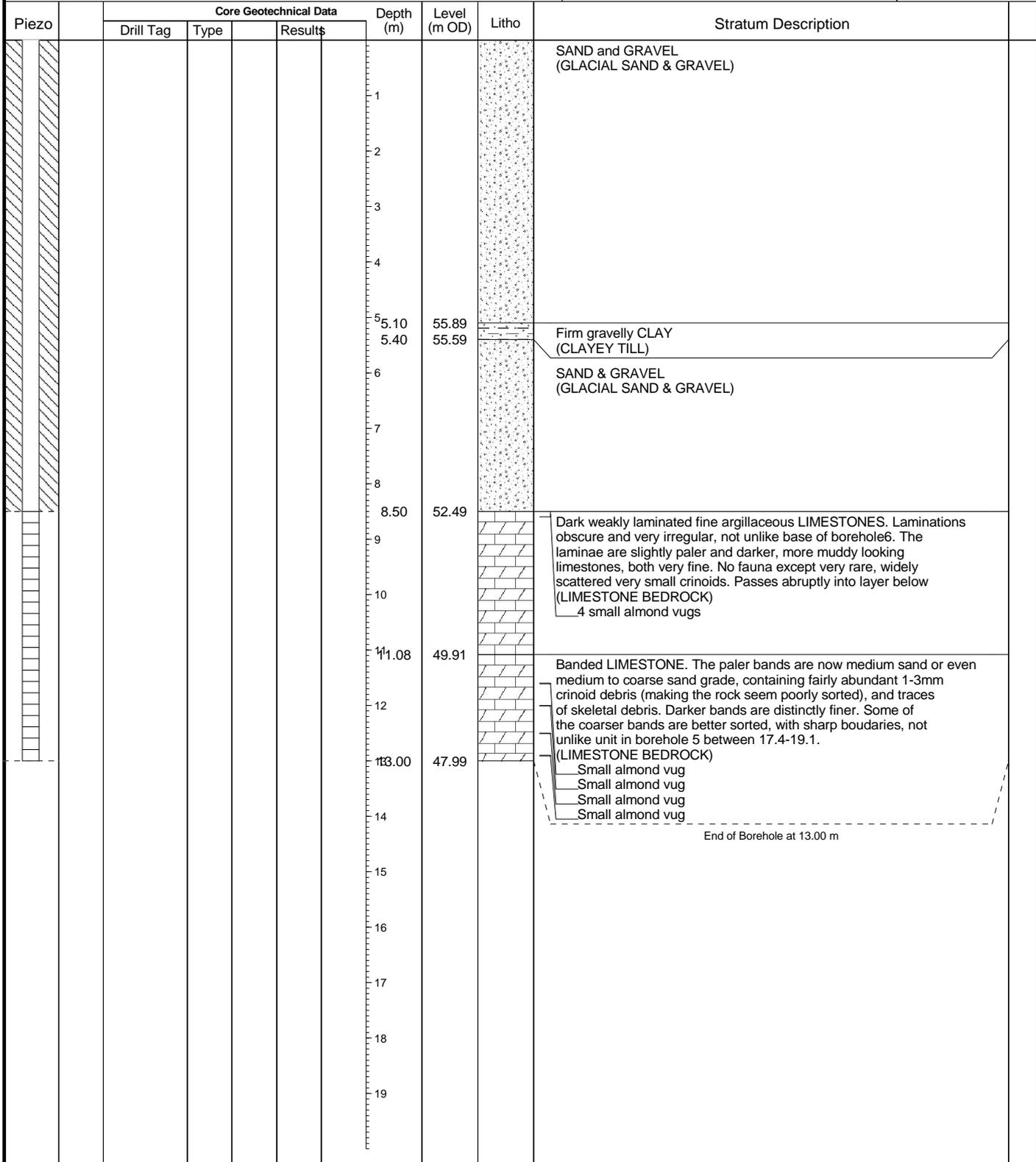
Sheet 2 of 2

Project Name: Clonmelsh Quarry	Project No. 501.0051.00013	Co-ords: 271786E - 169243N	Hole Type Rotary
Location: Clonmelsh, Co. Carlow		Level: 63.42 m AOD	Scale 1:100
Client: Dan Morrissey (IRL) LTD		Dates: 01/07/2007	Logged By Dr. P. Stroger

Piezo	Core Geotechnical Data				Depth (m)	Level (m OD)	Litho	Stratum Description
	Drill Tag	Type	Results					
					20.50	42.92		Remaining Detail : 19.58m - 20.50m : Distinctly coarser (medium sand grade) and streaky rather than laminated. Coarse brachiopod debris from at 20.08m
					21			End of Borehole at 20.50 m
					22			
					23			
					24			
					25			
					26			
					27			
					28			
					29			
					30			
					31			
					32			
					33			
					34			
					35			
					36			
					37			
					38			
					39			

Remarks: Excellent rock condition. Pressure solution seam 40-60cm apart, several sticks 60cm long. Recovery 100%. The limestones are locally dolomitized. The fabric of the limestones is almost fully preserved and the log descriptions focus on the limestone fabrics as such in order to correlate the individual boreholes as accurately as possible.

Project Name: Clonmelsh Quarry	Project No. 501.0051.00013	Co-ords: 272149E - 169521N	Hole Type Rotary
Location: Clonmelsh, Co. Carlow		Level: 60.99 m AOD	Scale 1:100
Client: Dan Morrissey (IRL) LTD		Dates: 01/07/2007	Logged By Dr. P. Strogon



Remarks: Rock condition: very broken to 9.5m, better quality after that with pressure solution seams 25-40cm apart. Recovery 96.2%. Bedding dip <10 degrees. The limestones are locally dolomitized. The fabric of the limestones is almost fully preserved and the log descriptions focus on the limestone fabrics as such in order to correlate the individual boreholes as accurately as possible.

Project Name: Clonmelsh Quarry	Project No. 501.0051.00013	Co-ords: 271964E - 169015N	Hole Type Rotary
Location: Clonmelsh, Co. Carlow		Level: 63.44 m AOD	Scale 1:100
Client: Dan Morrissey (IRL) LTD		Dates: 01/07/2007	Logged By Dr. P. Strogon

Piezo	Core Geotechnical Data				Depth (m)	Level (m OD)	Litho	Stratum Description
	Drill Tag	Type	Results					
					1			SAND and GRAVEL (GLACIAL SAND & GRAVEL)
					2			
					3			
					4			
					5			
					6			
					7	56.34		
					7.10			Gravelly CLAY (BOULDER CLAY)
					8			
					9	54.24		
					9.20			SAND and GRAVEL (GLACIAL SAND & GRAVEL)
					10			
					11			
					12			
					13			
					13.90	49.54		
								Bouldery GRAVEL (BOULDER CLAY)
					14			
					15	48.39		
					15.05			Blank - Open Hole drilling (OPEN HOLE)
					16	47.44		
					16.00			Very fine grained argillaceous LIMESTONE. Very feintly laminated as in borehole1 but less contrast. No fauna except very sparse small crinoids in disuse concentrations between 16.6-17.4 (LIMESTONE BEDROCK)
					17			
					17.40	46.04		
					18			Laminated pale LIMESTONE. Strongly laminated with pale medium sand grade straight edged but lensoid layers from a few mm to c.2cm. Strong contrast between these and darker finer & muddier limestones. Roughly subequal amounts of each overall, (LIMESTONE BEDROCK)
					19	44.43		
					19.01			Small vug
								Very fine grained argillaceous LIMESTONE. Very feintly

Continued next sheet

Remarks: Rock condition: fairly good. Thin clay films on joints and pressure solution seams down to base of hole. Cross fractures are mainly pressure solution seams 10-20cm apart. Probably very nodular, thin bedded in outcrop. Recovery 90.6%. The limestones are locally dolomitized. The fabric of the limestones is almost fully preserved and the log descriptions focus on the limestone fabrics as such in order to correlate the individual boreholes as accurately as possible.



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Borehole No
BH05
 Sheet 2 of 2

Project Name: Clonmelsh Quarry	Project No. 501.0051.00013	Co-ords: 271964E - 169015N	Hole Type Rotary
Location: Clonmelsh, Co. Carlow	Level: 63.44 m AOD		Scale 1:100
Client: Dan Morrissey (IRL) LTD	Dates: 01/07/2007		Logged By Dr. P. Stroger

Piezo	Core Geotechnical Data				Depth (m)	Level (m OD)	Litho	Stratum Description
	Drill Tag	Type	Results					
					21			laminated. No fauna except very sparse small crinoids in disuse concentrations. No sharp boundary to the sequence below. (LIMESTONE BEDROCK)
					22.01	41.43		Very fine grained argillaceous LIMESTONE with diffuse bands with scattered crinoid and brachiopod debris. Like at the base of borehole 2. (LIMESTONE BEDROCK) Small almond vug Small almond vug
					23			
					24			
					24.50	38.94		End of Borehole at 24.50 m
					25			
					26			
					27			
					28			
					29			
					30			
					31			
					32			
					33			
					34			
					35			
					36			
					37			
					38			
					39			

Remarks: Rock condition: fairly good. Thin clay films on joints and pressure solution seams down to base of hole. Cross fractures are mainly pressure solution seams 10-20cm apart. Probably very nodular, thin bedded in outcrop. Recovery 90.6%. The limestones are locally dolomitized. The fabric of the limestones is almost fully preserved and the log descriptions focus on the limestone fabrics as such in order to correlate the individual boreholes as accurately as possible.

Project Name: Clonmelsh Quarry	Project No. 501.0051.00013	Co-ords: 272478E - 169928N	Hole Type Rotary
Location: Clonmelsh, Co. Carlow	Level: 67.30 m AOD		Scale 1:100
Client: Dan Morrissey (IRL) LTD	Dates: 01/07/2007		Logged By Dr. P. Strogon

Piezo	Core Geotechnical Data				Depth (m)	Level (m OD)	Litho	Stratum Description
	Drill Tag	Type	Results					
					0.30	67.00		Gravelly CLAY (BOULDER CLAY)
				1				SAND and GRAVEL (GLACIAL SAND & GRAVEL)
				2				
				3	2.90	64.40		Gravelly CLAY (BOULDER CLAY)
				4				
				5	4.50	62.80		SAND and GRAVEL (GLACIAL SAND & GRAVEL)
				6				
				7				
				8	7.65	59.65		BOULDERS (BOULDER CLAY)
				9	8.10	59.20		CLAY (BOULDER CLAY)
				10	8.50	58.80		SAND and GRAVEL (GLACIAL SAND & GRAVEL)
				11				
				12	11.20	56.10		Blank - Open Hole drilling (OPEN HOLE)
				13	11.50	55.80		Banded grainstone LIMESTONE. Medium to coarse grainstone layers with crinoid debris up to several cm thick and alternate with darker, finer grainstones at the top of interval. Nearer the base the darker layers become even finer and muddy. Passes abruptly into layer below. (LIMESTONE BEDROCK)
				14				
				15	13.60	53.70		Dark argillaceous LIMESTONE. Weakly laminated dark argillaceous limestone not unlike the base of BH07/02. Little fauna except rare small crinoids. Lithostrotron colony 5cm thick at 14.8m. Vugs - generally scarce, a few small ones towards the base of the hole (LIMESTONE BEDROCK)
				16	16.00	51.30		End of Borehole at 16.00 m
				17				
				18				
				19				

Remarks: Rock very broken 11.9-12.4, 16.1-16.7. Clay films down to 16.4. Strong cross fractures at 30-50 degrees to SAOC, and pressure solution seams 20-40cm apart. Despite this the recovery was 98%. Dip 10 degrees. The limestones are locally dolomitized. The fabric of the limestones is almost fully preserved and the log descriptions focus on the limestone fabrics as such in order to correlate the individual boreholes as accurately as possible.



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Borehole No

BH08

Sheet 1 of 1

Project Name: Clonmelsh Quarry	Project No. 501.0051.00013	Co-ords: 272306E - 168793N	Hole Type Rotary
Location: Clonmelsh, Co. Carlow	Level: 57.98 m AOD		Scale 1:100
Client: Dan Morrissey (IRL) LTD	Dates: 01/07/2007		Logged By Dr. P. Strogon

Piezo	Core Geotechnical Data				Depth (m)	Level (m OD)	Litho	Stratum Description
	Drill Tag	Type	Results					
					1			SAND and GRAVEL (GLACIAL SAND & GRAVEL)
					2			
					2.50	55.48		Sandy CLAY (BOULDER CLAY)
					3			
					3.90	54.08		SAND (GLACIAL SAND & GRAVEL)
					4			
					5			
					6			
					7			
					7.90	50.08		SAND and GRAVEL (GLACIAL SAND & GRAVEL)
					8			
					9			
					9.20	48.78		Sandy gravelly CLAY (BOULDER CLAY)
					10			
					10.00	47.98		End of Borehole at 10.00 m
					11			
					12			
					13			
					14			
					15			
					16			
					17			
					18			
					19			

Remarks: Bedrock not encountered



Project Name: Clonmelsh Quarry	Project No. 501.0051.00013	Co-ords: 272343E - 168204N	Hole Type Rotary
Location: Clonmelsh, Co. Carlow		Level: 59.75 m AOD	Scale 1:100
Client: Dan Morrissey (IRL) LTD		Dates: 01/07/2007	Logged By IGSL

Piezo	Core Geotechnical Data				Depth (m)	Level (m OD)	Litho	Stratum Description
	Drill Tag	Type	Results					
					1			SAND and GRAVEL (GLACIAL SAND & GRAVEL)
					2			
					3			
					4			
					5			
					6			
					7			
					8			
					9			
					10			
					11			
					12			
					13.00	46.75		
					14			
					15			
					16			
					17			
					18			
					19			

Continued next sheet

Remarks: The borehole was drilled and logged by IGSL as part of a groundwater well monitoring plan for the site. The limestones are locally dolomitized. The fabric of the limestones is almost fully preserved and the log descriptions focus on the limestone fabrics as such in order to correlate the individual boreholes as accurately as possible.



Project Name: Clonmelsh Quarry	Project No. 501.0051.00013	Co-ords: 272343E - 168204N	Hole Type Rotary
Location: Clonmelsh, Co. Carlow		Level: 59.75 m AOD	Scale 1:100
Client: Dan Morrissey (IRL) LTD		Dates: 01/07/2007	Logged By IGSL

Piezo	Core Geotechnical Data				Depth (m)	Level (m OD)	Litho	Stratum Description
	Drill Tag	Type	Results					
								LIMESTONE (BEDROCK)
				21				
				22				
				23				
				24				
				25				
				26.00	33.75			End of Borehole at 26.00 m
				27				
				28				
				29				
				30				
				31				
				32				
				33				
				34				
				35				
				36				
				37				
				38				
				39				

Remarks: The borehole was drilled and logged by IGSL as part of a groundwater well monitoring plan for the site. The limestones are locally dolomitized. The fabric of the limestones is almost fully preserved and the log descriptions focus on the limestone fabrics as such in order to correlate the individual boreholes as accurately as possible.

APPENDIX 7.1A **CARLOW COUNTY COUNCIL DISCHARGE LICENCE CLONMELSH QUARRY REF. DL7-233**



Carlow County Council

Local Government (Water Pollution) Acts, 1977-1990

Section 4

Licence to Discharge Domestic Effluent to Waters

Per Registered Post

To: Dan Morrissey (IRL) Ltd., Bennekerry, Co. Carlow

Ref: DL7/233

The Carlow County Council in exercise of the powers conferred on it by the Local Government (Water Pollution) Acts, 1977-1990, hereby grants a licence to discharge domestic effluent to waters.

From: Quarry Development
Located at: Clonmelsh, Milford, Co. Carlow

To: A watercourse

Subject to the conditions specified hereunder.

Dated:

25-6-08

Signed:

Robt Connolly

Senior Executive Engineer.

Note: The decision of the Local Authority may be appealed within one month beginning on the date of the grant of the licence. Appeals should be addressed to The Secretary, An Bord Pleanála, Floor 3, Block 7, Irish Life Centre, Lower Abbey Street, Dublin 1 and must be forwarded by prepaid post or by leaving the appeal with an employee of the Board at the office of the Board during office hours.

An appeal to the Board will be invalid unless at the outset it

- **Is made in writing**
- **States the name and address of the appealant**
- **State the subject matter of the appeal,**
- **States in full the grounds of appeal and the reasons, considerations and arguments on which they are based**
- **Is accompanied by the fee of €127 euros, or in the case of bodies prescribed under Article 14 of the Local Government (Water Pollution) Regulations, 1992.**

A person other than a party to an appeal may make submissions or observations in writing to the Board. Any such submissions or observations must be made within the appeal period and be accompanied by a fee of €38.10 euros otherwise they will not be considered by the Board.

Any request for an oral hearing must be made in writing before the expiration of the appeal period and must be accompanied by a fee of €63.50 euros (in addition to the appeal fee).

Condition 1: Scope

- 1.1 The activity (quarry development) shall be controlled, operated and maintained such that the conditions attached to this licence are complied with.
- 1.2 No alterations shall be made to, or reconstruction in respect of the activity or any part thereof which would or is likely to result in material change or increase in:-
 - 1.2.1 The nature or quantity of the effluent.
 - 1.2.2 The effluent treatment system or any changes in.
- 1.3 This licence is for the purpose of licensing discharges to Waters as defined in the Local Government (Water Pollution) Act, 1977 and Local Government (Water Pollution) (Amendment) Act, 1990 and nothing in this licence shall be construed as negating the licences statutory obligations or requirements under any other enactments or regulations.

Reason: To clarify the scope of this licence
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Condition 2: Notification and Record Keeping of Incidents

- 2.1 The licensee shall notify Carlow County Council by both telephone and facsimile immediately after the occurrence of any of the following.
 - 2.1.1 Any unscheduled emissions or any emission which does not comply with terms of this licence.
 - 2.1.2 Any incident with the potential for environmental contamination of surface or groundwater or requiring an emergency response from Carlow County Council.
- 2.2 The licensee shall include as part of the notification, date and time of the incident, details of the occurrence and the steps taken to minimise the emissions and avoid recurrence. The licence shall make a record of any incident as set out in condition 2.1 above.
- 2.3 The licensee shall ensure that an Emergency Response Procedure can and will be implemented at any time to respond to any emergency situation which may arise on site as referred to in 2.1.1 and 2.1.2 above. This procedure shall include an emergency testing regime and shall be capable of minimising the effects of any emergency on the environment.
- 2.4 The licensee shall prepare and implement an environmental management system in regard to the treatment and management of effluent, in accordance with the EPA publication on Environmental Management in the Extractive Industry (Non-Scheduled Minerals) within 12 months of the date of this licence. A copy of this system and subsequent annual reviews shall be submitted to Carlow County Council by 28th February each year.
- 2.5 The licensee shall submit an Annual Environmental Report (AER) to the Director of Services, Infrastructure and the Environment, Carlow County Council for the preceding calendar year by no later than February 28th of each year. The first AER shall be submitted by 28th February 2009 in respect of the period from the date of grant this licence to 31st December 2008. The AER shall include details of:
 - (a) any changes or alteration to the facility which may impact on the emissions from the facility;

- (b) monitoring and analysis undertaken in accordance with Schedule 1 and 2 of this licence;
- (c) details of any unscheduled emissions, non-compliant emissions or trigger level exceedance events;
- (d) reportable incidents
- (e) include total annual load discharged for all parameters
- (f) contain the monthly pollutant load
- (g) outline the intentions of the licensee with regard to the upgrading of and/or alterations to works or operations should these results not fully comply with the terms of this licence.

In addition, the licensee shall include in the report, a written summary of compliance with all of the conditions attached to this licence.

Reason: To provide for the notification and record keeping of incidents and to provide for the requirements of the local authority in accordance with Section 14 of the Local Government (Water Pollution) Act, 1977-1990.

Condition 3: Site Design and Management

- 3.1 There shall be a single discharge outlet from the drainage channel into the watercourse (Powerstown Stream).
- 3.2 The effluent treatment system under the control of the licensee shall be inspected daily, and properly maintained at all times. The volume of water in the settlement lagoons shall normally be maintained at a volume not in excess of 65% of the capacity of the lagoons.
- 3.3 The drainage system shall be designed and maintained to minimise surface water run-off into the quarry workings.
- 3.4 Ensure all surface run-off from hardstanding areas used for refuelling is directed to an appropriately sized hydrocarbon interceptor prior to discharge
- 3.5 Provide bunding to all fuel/chemical storage tank areas: 110% of the capacity of the largest tank within the area or 25% of the total volume of the substance which could be stored within the area, whichever is greater. Conduct regular checks of the bunds to ensure integrity is maintained.
- 3.6 Provide spill pallets to store drums of all chemicals and oils (including waste oils) stored on site.
- 3.7 Provide spillage control equipment on site (booms and suitable absorbent materials, etc.) to contain any accidental spillage.
- 3.8 Ensure blasting practice minimises the risk of occurrence of nitrate/ammonia residues by proper blast design and implementation, appropriate disposal of any excess explosives, and selection of the appropriate type of explosives.
- 3.9

Reason: To make provisions for management of the activity and maintenance of effluent treatment equipment.

Condition 4: Emissions to Waters of Treated Effluent

- 4.1 There shall be a single discharge outlet from the central pump-sump into the watercourse.
- 4.2 No film shall be visible on the effluent being discharged from the oil interceptor or on the receiving water and no odour (hydrocarbon) present.

- 4.3 Provision shall be made at the outfall from the discharge point for an inspection and sampling chamber, prior to discharge to waters. The chamber shall be accessible at all times to authorised persons appointed under and in accordance with the provisions of Section 28 of the Local Government (Water Pollution) Act, 1977, and as amended by Section 19 of the Local Government (Water Pollution) (Amendment) Act, 1990. The licensee shall ensure that this chamber is safely accessible in all weathers and is suitable for the taking of a check sample of effluent. It is the responsibility of the licensee to ensure that all monitoring points are fitted with monitoring chambers to enable collection of a check sample of the discharge. After their installation, samples taken for check monitoring by the licensing authority are deemed to be representative of the discharge based on the provisions of this condition.
- 4.4 A flow meter shall be installed at the final discharge outlet to waters in the facility and cumulative daily readings shall be recorded and available for inspection on request by the licensing authority.
- 4.5 A flow proportional composite sampler shall be located at the discharge point to waters.
- 4.6 A penstock shall be located before the discharge point to prevent discharges from the facility in the event that monitoring and/or a visual inspection should indicate that -
- (a) treated process water is not within its discharge licence limits or is liable to give rise to a breach in licence limits,
 - (b) contamination of water has taken place on site which could adversely affect the quality of the water to be discharged. The outlet penstock shall be closed and the contaminated water if higher than the licence limits shall be treated until such time as it is within its licence limit. If the water is so contaminated that it cannot be treated, it shall be tankered off-site for treatment until such time as the source of contamination has been identified and appropriate measures are introduced to prevent further risk to surface waters in the area.
- 4.7 The sampling inspection point, flow meter, composite sampler and penstock specified in conditions 4.3, 4.4, 4.5, and 4.6, shall be operational within 3 months of the date of issue of this licence.
- 4.8 No specified emissions to the waters shall exceed the emission limit values set out in Schedule 1 - Emissions to Waters. Where flow proportionate samples are used, the results of analysis of this sample shall not exceed the licence limits applied in Schedule 1. Where a grab sample is taken, the results of analysis of this sample shall not exceed 1.2 times the licence limits.
- 4.9 The licensee will install the best available technology (BAT) to ensure that the effluent meets the emission limit values set out in Schedule 1 - Emissions to Waters.
- 4.10 Sampling and analysis of emissions to the Waters shall be carried out as specified in Schedule 1 - Emissions to Waters. The results of all effluent analysis shall be submitted to Carlow County Council in accordance with Schedule 1 - Emissions to Waters.
- 4.11 All sampling and analysis specified in Schedule 1 - Emissions to Waters shall be carried out for the licensee by a laboratory approved by Carlow County Council. The name and address of this laboratory shall be provided by the licensee to Carlow County Council within one month of the date of grant of licence.

- 4.12 The licensee shall maintain historic records of all effluent analysis for a minimum period of three years. These shall be available for inspection upon request by authorised officers of Carlow County Council or its agents, and persons authorised under Section 28 of the Local Government (Water Pollution) Act, 1977-1990.
- 4.13 The licensee shall permit authorised officers of Carlow County Council or its agents, and persons authorised under Section 28 of the Local Government (Water Pollution) Act, 1977-1990 to inspect, examine and test at all reasonable times, any plant and equipment installed in connection with effluent treatment and to take samples as required.
- 4.14 The licensee, at the request of the licensing authority, shall analyse the effluent being discharged for the substances listed in the schedule of the Water Quality (Dangerous Substances) Regulations, 2000.

Reason: By way of control, limitation and monitoring of emissions to provide for the protection of the environment.

Condition 5: Fees/Contribution

- 5.1 All costs incurred in specified sampling and analysis shall be borne by the licensee, as shall all regulatory sampling and analysis carried out by or on behalf of Carlow County Council. The cost of periodic audits carried out by Carlow County Council to ensure compliance with licence conditions shall be borne by the licensee.
- 5.2 The licensee shall pay an annual fee to Carlow County Council, towards the costs of license administration. The amount will be calculated annually and the licensee shall be charged accordingly. (Annual fee in 2008 = €1,500)
- 5.3 Authorised officers of Carlow County Council and persons authorised under Section 28 of the Local Government (Water Pollution) Act, 1977-1990 reserves the right to take whatever additional samples for analysis considered appropriate. The licensee shall reimburse Carlow County Council or its agents, and persons authorised under Section 28 of the Local Government (Water Pollution) Act, 1977 – 1990 on demand for the costs of such sampling and analysis.
- 5.4 Extraordinary site inspections and additional laboratory tests or otherwise as a result of any incident referred to in standard licence conditions 2.1. and 2.2. shall be subject to extra charges.

Reason: In the interests of environmental protection

Schedule 1 - Emissions to Waters

Emission to: Powerstown Stream

Parameter	Emission Limit Value (mg/l)	Monitoring Frequency	Sampling Method	Analysis Technique	**Submission of Results
Colour	No abnormal change	Daily	Grab	Visual inspection	Monthly
Visual inspection	Check for the presence of oils/excess solids	Daily	Grab	Visual inspection	Monthly
pH	6-9	Weekly	Composite	*Standard Method	Monthly
Ammonia	0.3	Weekly	Composite	*Standard Method	Monthly
Total Suspended Solids	10	Weekly***	Composite	*Standard Method	Monthly
B.O.D. ₅	5	Monthly	Composite	*Standard Method	Monthly
C.O.D.	5	Monthly	Composite	*Standard Method	Monthly
Total Phosphorous (as P)	0.1	Monthly	Composite	*Standard Method	Monthly
Ortho-phosphate	0.03	Monthly	Composite	*Standard Method	Monthly
Nitrates	25	Monthly	Composite	*Standard Method	Monthly
Temperature	25°C	Monthly	Composite	*Standard Method	Monthly
Total hydrocarbons	1	Quarterly	Composite	*Standard Method	Quarterly
Parameter	Emission Limit Value	Monitoring Frequency	Sampling Method		*Submission of Results
Flow	2000m ³ per day and 85m ³ per hour	Continuous	On-line flow meter with recorder. Hourly and Daily flows.		Monthly
Turbidity	10 NTU and trigger level****	Continuous	On-line turbidity meter with recorder		Monthly

*Standard Methods: As detailed in "Standard Methods for the Examination of Water and Wastewater", 21st Edition.

** Results shall be submitted to Carlow County Council within one month of samples being taken. **Any non-compliance with the terms of the licence shall be highlighted and the reason why this occurred shall be stated.**

*** Unless otherwise required by condition for investigation of condition number 2.2.

**** Trigger level to be agreed with Carlow County Council in writing within one month of date of this licence.

Schedule 2 - Surface Water Monitoring**Location:** Upstream

Parameter	Monitoring Frequency	Sampling Method	Analysis Technique	Submission of Results
pH	Quarterly	Grab	*Standard Method	Quarterly
B.O.D.₅	Quarterly	Grab	*Standard Method	Quarterly
C.O.D.	Quarterly	Grab	*Standard Method	Quarterly
Ammonia	Quarterly	Grab	*Standard Method	Quarterly
Total Suspended Solids	Quarterly	Grab	*Standard Method	Quarterly
Total Phosphorous (as P)	Quarterly	Grab	*Standard Method	Quarterly
Ortho-phosphate	Quarterly	Grab	*Standard Method	Quarterly
Nitrates	Quarterly	Grab	*Standard Method	Quarterly
Temperature	Quarterly	Grab	*Standard Method	Quarterly

*Standard Methods: As detailed in "Standard Methods for the Examination of Water and Wastewater", 21st Edition.

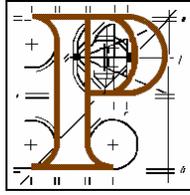
Location: Downstream

Parameter	Monitoring Frequency	Sampling Method	Analysis Technique	Submission of Results
pH	Quarterly	Grab	*Standard Method	Quarterly
B.O.D.₅	Quarterly	Grab	*Standard Method	Quarterly
C.O.D.	Quarterly	Grab	*Standard Method	Quarterly
Ammonia	Quarterly	Grab	*Standard Method	Quarterly
Total Suspended Solids	Quarterly	Grab	*Standard Method	Quarterly
Total Phosphorous (as P)	Quarterly	Grab	*Standard Method	Quarterly
Ortho-phosphate	Quarterly	Grab	*Standard Method	Quarterly
Nitrates	Quarterly	Grab	*Standard Method	Quarterly
Temperature	Quarterly	Grab	*Standard Method	Quarterly

*Standard Methods: As detailed in "Standard Methods for the Examination of Water and Wastewater", 21st Edition.

APPENDIX 7.1B **CARLOW COUNTY COUNCIL DISCHARGE LICENCE CLONMELSH QUARRY REF. DL7-233 APPEAL
OUTCOME REF. 01.WW.0371**

An Bord Pleanála



LOCAL GOVERNMENT (WATER POLLUTION) ACTS 1977 TO 2007

Carlow County

Register Reference Number: DL7/233

APPEAL by Dan Morrissey (Ireland) Limited care of John Barnett and Associates of CSA House, 7 Dundrum Business Park, Windy Arbour, Dublin in relation to the granting, on the 25th day of June, 2008, by Carlow County Council, of a licence under section 4 of the Local Government (Water Pollution) Acts 1977 to 2007 for the discharge of trade effluent from a quarry development to a discharge channel entering Powerstown Stream at Clonmelsh, Milford, County Carlow:

DECISION: In exercise of the powers conferred on it by section 8 of the Local Government (Water Pollution) Act, 1977, as substituted by section 6 of the Local Government (Water Pollution) (Amendment) Act, 1990, and based on the Reasons and Considerations set out below, An Bord Pleanála hereby allows the said appeal and directs the said licensing authority to amend condition number 4.8 so that it shall be as follows and to attach a further condition so that it shall be as follows:

4.8 No specified emissions to the waters shall exceed the emission limit values set out below in Schedule 1 – Emissions to Waters. Where flow proportionate samples are used, the results of analysis of this sample shall not exceed the licence limits applied in Schedule 1. Where a grab sample is taken, the results of analysis of this sample shall not exceed 1.2 times the licence limits.

New Condition

Within three months from the date of this licence, the licensee shall conduct a monitoring programme and assessment report to be agreed with the local authority which shall demonstrate that the system for treating and discharging waters to the Powerstown Stream is capable of complying with the Suspended Solids limit of 25 mg/l SS as set out in Schedule 1 below.

Schedule 1 – Emissions to waters
Emission to: Powerstown Stream

Parameter	Emission Limit Value (mg/l)	Monitoring Frequency	Sampling Method	Analysis Technique	**Submission of Results
Colour	No abnormal change	Daily	Grab	Visual Inspection	Monthly
Visual Inspection	Check for the presence of oils/excess solids	Daily	Grab	Visual Inspection	Monthly
pH	6-9	Weekly ***	Composite	*Standard Method	Monthly
Ammonia	0.3	Weekly ***	Composite	*Standard Method	Monthly
Total Suspended Solids	25	Weekly ***	Composite	*Standard Method	Monthly
B.O.D. ₅	5	Monthly	Composite	*Standard Method	Monthly
C.O.D.	5	Monthly	Composite	*Standard Method	Monthly
Total Phosphorous (as P)	0.1	Monthly	Composite	*Standard Method	Monthly
Ortho-phosphate	0.03	Monthly	Composite	*Standard Method	Monthly
Nitrates	25	Monthly	Composite	*Standard Method	Monthly
Temperature	25 ⁰ C	Monthly	Composite	*Standard Method	Monthly
Total Hydrocarbons	1	Quarterly	Composite	*Standard Method	Quarterly
Parameter	Emission Limit Value	Monitoring Frequency	Sampling Method	**Submission of Results	
Flow	2000m ³ per day and 85m ³ per hour	Continuous	On-line flow metre with recorder. Hourly and Daily flows	Monthly	
Turbidity	10 NTU and trigger level ****	Continuous	On-line turbidity metre with recorder	Monthly	

* Standard Method: As detailed in "Standard Methods for the Examination of Water and Wastewater", 21st Edition.

** Results shall be submitted to Carlow County Council within one month of samples being taken. **Any non-compliance with the terms of the licence shall be highlighted and the reason why this occurred shall be stated.**

*** Unless otherwise agreed with Carlow County Council, following a prolonged period (minimum three months) of full compliance with emission limit values.

**** Trigger level shall be agreed with Carlow County Council in writing with three months from the date of this licence.

REASONS AND CONSIDERATIONS

Having regard to the characteristics of the Powerstown Stream into which the discharge is made and the nature and volume of the discharge, it is considered that, subject to compliance with the emission limit values set out in the licence, a suspended solids limit of 25 mg/l is sufficient to protect the water quality of the receiving waters. It is further considered that an assessment to ensure the ability of the current settlement and discharge system of the quarry to meet the revised discharge limit is necessary in order to ensure that long term water quality protection is achieved.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2009.

APPENDIX 7.2 **GSI WELL SEARCH**

Appendix 6.F GSI Well Search Results

GSIName	OrigName	SrcName	Type	Depth_m	Dpth_Rck_m	DTRConfid	DrillDate	Easting	Northing	Loc_Acc	Townland	County	SkinShitNo	SourceUse	YldClass	ProdClass	Yield_m3d	SC_m3d	casidia_mm	Wtrstrk1_m	Wtrstrk2_m	DrillComms	CasingComs
2615NWW152	BWP.1		Borehole	23	12.1		19801101	270720	168850	to 10m	POWERSTOWN	Carlow		Industrial 12 use			0	0	203	0	0	Powerstown Landfill Site	see report
2615NWW153	BHM.1		Borehole	7	7	Bedrock Met	19801101	270770	168970	to 10m	POWERSTOWN	Carlow		Industrial 12 use			0	0	152	0	0	Powerstown Landfill Site	No.1 casing
2615NWW154	BHM 2, ERA report		Borehole	9	9	Bedrock Met	19801101	270700	168770	to 10m	POWERSTOWN	Carlow		Industrial 12 use			0	0	152	0	0	Powerstown Landfill Site	
2615NWW155	BHM 3, ERA report		Borehole	8	8	Bedrock Met	19801101	270890	168830	to 10m	POWERSTOWN	Carlow		Industrial 12 use			0	0	152	0	0	POWERTOWN N LANDFILL SITE	No. 1: casing No. 2: steel
2615NWW156	BHM 4		Borehole	15.8	15.8	Bedrock Met	19801101	270580	168880	to 10m	POWERSTOWN	Carlow		Industrial 12 use			0	0	152	0	0	Powerstown Landfill Site	
2615NWW420	Co. Council Pump No.44	Carlow Drift Survey, 1962	Borehole	11	0	Not:Met	19811112	270840	170670	to 10m	CLOGHRISTICK	Carlow		Public supply (Co Co)	Poor		26.2	0	152	0	0		Runs low in summer, water turns rusty after a couple of buckets have been drawn off.
2615NWW424		Carlow Drift Survey, 1962	Dug well	11.9	0	DTB Unknown	272340	170040	170040	to 10m	CLOMELSH	Carlow		Agri & domestic 12 use			0	0	0	0	0	Clonmelsh House	Runs short in dry weather Good Domestic yield
2615NWW172	Carlow Drift Survey, 1962		Borehole	6.7	0	DTB Unknown	270870	169650	170850	to 20m	CLOGHRISTICK	Carlow		Domestic 12 use only			0	0	0	0	0		
2615NWW242	WG 335		Borehole	36.6	8.2	Bedrock Met	19890301	273040	169740	to 20m	GARRYHUNDON	Carlow		Agri & domestic 12 use	Poor	II	32.7	109	152	12.2	29		
2615NWW256	M1	Carlow Co Council	Borehole	6.2	0	Not:Met	19801201	270710	168980	to 20m	POWERSTOWN	Carlow		Industrial 12 use			0	0	0	0	0	Powerstown Landfill Site	
2615NWW257	M2	Carlow Co Council	Borehole	25	21	Bedrock Met	19890401	270740	168730	to 20m	POWERSTOWN	Carlow		Industrial 12 use	Good		175	0	114	0	0	Powerstown Landfill Site	
2615NWW258	M3	Carlow co. Council	Borehole	8.9	0	Not:Met	19801201	270890	168840	to 20m	POWERSTOWN	Carlow		Industrial 12 use			0	0	0	0	0	Powerstown Landfill Site	
2615NWW259	M4	Carlow Co. Council	Borehole	8.9	0	Not:Met	19801201	270580	168900	to 20m	POWERSTOWN	Carlow		Industrial 12 use			0	0	0	0	0	Powerstown Landfill Site	
2615NWW260	M5	Carlow Co. Council	Borehole	25	16	Bedrock Met	19890401	270630	168820	to 20m	POWERSTOWN	Carlow		Industrial 12 use	Poor		36	0	0	0	0		
2615NWW263	R2	Carlow Co. Council	Borehole	0	0		19801201	270590	168730	to 20m	POWERSTOWN	Carlow		Industrial 12 use			0	0	0	0	0	Powerstown Landfill Site	
2615NWW264	P 1	Carlow Co Council	Borehole	13.1	13.1	Presumed	19801201	270700	168870	to 20m	POWERSTOWN	Carlow		Industrial 12 use			0	0	0	0	0	Powerstown Landfill Site	Powerstown Date 1/2/1966
2615NWW265	M3 A	Carlow Co. Council	Borehole	25	15	Bedrock Met	20020101	270880	168940	to 20m	POWERSTOWN	Carlow		Industrial 12 use	Good		360	0	114	5	0	Powerstown Landfill Site	

GSIName	OrigName	SrcName	Type	Depth_m	Dpth_Rck_m	DTRConf	DrillDate	Eastng	Northng	Loc_Acc	Townland	County	SixInSht No	SourceUse	YidClass	Prod Class	Yield_m3d	SC_m3d	Wtrstrk1_m	Wtrstrk2_m	DrillComms	CasingComs
2615NWW266	M 8	Carlow Co. Council	Borehole	26	22	Met	20020101	270720	168630	to 20m	POWERSTOWN	Carlow	12	Industrial use	Good		192	0	0	0	Powerstown Landfill Site	
2615NWW267	M9	Carlow Co. Council	Borehole	28	18	Met	20020101	270670	168570	to 20m	POWERSTOWN	Carlow	12	Industrial use	Good		288	0	0	0	Powerstown Landfill Site	
2615NWW268	TP 13	Carlow Co. Council	Borehole	15	15	Met	20020101	270550	168980	to 20m	POWERSTOWN	Carlow	12	Industrial use	Good		192	0	0	0	Powerstown Landfill Site	
2615NWW269	TPM	Carlow Co. Council	Borehole	17	15	Met	20020101	270620	169110	to 20m	POWERSTOWN	Carlow	12	Industrial use			0	0	0	0	Powerstown Landfill Site	
2615NWW270			Borehole	0	0			270490	169080	to 20m	POWERSTOWN	Carlow	12	Agri & domestic use			0	0	0	0	Powerstown Landfill Site	
2615NWW271	RCA 1	Carlow Co. Council	Borehole	29	22.9	Met	20011211	271070	168870	to 20m	POWERSTOWN	Carlow	12	Industrial use			0	0	0	0	Powerstown Landfill Site	
2615NWW272	RCA 2	Carlow Co. Council	Borehole	18	18	Met	20011212	271080	168860	to 20m	POWERSTOWN	Carlow	12	Industrial use			0	0	0	0	Powerstown Landfill Site	
2615NWW273	RCB 1	Carlow Co. Council	Borehole	17.2	12.9		20011202	270930	168940	to 20m	POWERSTOWN	Carlow	12	Industrial use			0	0	0	0	Powerstown Landfill Site	
2615NWW274	RCB 2	Carlow Co. Council	Borehole	12	12	Met	20011203	270930	168940	to 20m	POWERSTOWN	Carlow	12	Industrial use			0	0	0	0	Powerstown Landfill Site	
2615NWW275	RCC 1	Carlow Co. Council	Borehole	8.5	3.6	Met	20011205	270920	169050	to 20m	POWERSTOWN	Carlow	12	Industrial use			0	0	0	0	Powerstown Landfill Site	
2615NWW428	ILC.1297	Bennett Estate	Borehole	20.7	0	Not Met	19680118	270620	170270	to 20m	CLOGHRISTICK	Carlow	12	Agri & domestic use	Poor	III	25.6	41.97	152	0		well abandoned
2615NWW426	WG.108		Borehole	25.9	0	Not Met	19980301	270660	170020	to 100m	CLOGHRISTICK	Carlow	12	Agri & domestic use	Good	I	218	72.7	152	12.2		Max safe yield=163.7m ³ /day
2615NWW427	ILC.1297 A		Borehole	20.7	0	Not Met	19700805	270620	170120	to 100m	CLOGHRISTICK	Carlow	12	Agri & domestic use	Poor	III	21.4	70.2	127	0		
2615NWW056	WTB/CLW 1045		Borehole	17.4	17.4	Met	19721201	270720	168610	to 500m	POWERSTOWN	Carlow	12	Agri & domestic use	Poor		27.3	0	0	0		strike no.2= water rising to SWL / 1.5m FILLED WITH GRAVEL
2615NWW057	Carlow Co. Council Pump No. 141	Carlow Co. Council	Borehole	13.7	0	Not Met	270720	168560	to 500m	POWERSTOWN	Carlow	12	Agri & domestic use	Moderate			87.3	0	152	9.1	12.2	
2615NWW117	Carlow County Council Pump No.206	Carlow County Council	Borehole	15.2	4.9	Met	272780	170130	to 500m	SESKINRYAN	Carlow	16		Good			131	0	0	9.1	0	
2615NWW118	WTB/CLW 12		Borehole	31.1	0	Unknown	19740201	272780	170090	to 500m	SESKINRYAN	Carlow	16		Poor		27.3	0	0	0		

GSIName	OrigName	SrcName	Type	Depth_m	Dpth_Rck_m	DTRConfid	DrillDate	Easting	Northing	Loc_Acc	Townland	County	SkinshtNo	SourceUse	YldClass	ProdClass	Yield_fm3d_m	SC_m3d_m	casidia_mm	Wtrstrk1_m	Wtrstrk2_m	DrillComms	CasingComs
2615NWW250	ILC 1299	Bennett Estate	Borehole	17.4		DTB 0 Unknown	19680130	270500	169500	to 500m	CLOGHRISTICK	Carlow	12	Agri & domestic use	Poor	ll	42.5	69.67	152	0	0		
2617SWW384	CW 12/9		Borehole	61	4.3	Bedrock Met		272950	170100	to 500m	BALLYBAR UPPER	Carlow	12	Domestic use only	Good		109	0	0	61	0		
2615NWW053	WTB/CLW 970		Borehole	13.1	13.1	Bedrock Met	19720401	272510	168850	to 1km	GARRYHUNDON	Carlow	12		Poor		32.7	0	0	0	0		
2615NWW054	WRB/CLW 964		Borehole	12.5	12.5	Bedrock Met	19720601	272510	168810	to 1km	GARRYHUNDON	Carlow	12		Poor		30.5	0	0	0	0		
2615NWW055	WTB/CLW 1099		Borehole	36.6		DTB 0 Unknown	19720501	272510	168770	to 1km	GARRYHUNDON	Carlow	12		Moderate		43.6	0	0	0	0		
2617SWW343			Borehole	24.4	9.1	Bedrock Met	19731010	272650	170460	to 1km	CLONMELSH	Carlow	12		Poor		38.2	0	0	0	0		

THE FOLLOWING ELEMENTS OF THE DATABASE WERE OMITTED BECAUSE THEY RETURNED NULL VALUES:

- Town
- ABSTR_M3D
- OVRELW_M3D
- AbstrDD_m
- Wtrstrk3
- Wtrstrk4
- Wtrloss
- Gencomms

APPENDIX 7.3 LOCAL WELL SURVEY 2010

Appendix 6.E Well Survey Results

Well Survey

Client:	DMIL	Well No.:	PW01
Project No.:	3524_07	Dist. to Footprint:	
Project Name:		Water Use:	Domestic
Surveyed by:	ac/lh		
Date:	26/07/2007		



EUGENE DALY ASSOCIATES

Groundwater, Hydrological & Environmental Consultants

e-mail: abinchy@csa.ie

7 Dundrum Business Park, Windy Arbour, Dublin 14

WELL OWNER DETAILS:

Name:	Noel Farrell	Mobile No.:	
Address:	Clonmelsh, Co Carlow	Phone No.:	

LOCATION:

Townland:	Clonmelsh	O.S. Map:	
County:	Carlow	Design Map:	
Nat. Grid. Ref.:	IS 72952 ITM 70102	Well Head Elev.:	

WELL DETAILS:

Drilled by:		Well Head:		Casing Length:	
Drilling Method:		Well Construction:		Casing Diameter:	
Date completed:	Approx 1987	Well Depth:	200ft +	Screen Length:	
Well Type:	Borehole <input checked="" type="checkbox"/> Dug Well <input type="checkbox"/> Spring <input type="checkbox"/>			Screen Diameter:	

WATER:

Depth to Water:		Yield:		W.H. > G.L.:	
Water Level:		Well Test:	<input type="checkbox"/> Yes <input type="checkbox"/> No (if yes, please give details below).		
Water Quality:	N/A				
Copy of Analysis:	<input type="checkbox"/> Yes <input type="checkbox"/> No		Date of Analysis:		

WELL HEAD COMPLETION, PROTECTION & CONDITION AROUND THE WELL:

Well in pumphouse, not possible to reach	
General Land Use:	Drainage:

GEOLOGICAL LOG:

Soil Type:	Bedrock:
Overburden:	Depth to bedrock:

POTENTIAL SOURCES OF POLLUTION:

Septic Tank Location:	Well Distance:
Effluent Disposal System:	
Other Sources:	Well Distance:
Nat. Grid. Ref.:	

ROAD CONSTRUCTION DETAILS:

Road Type: New road improvement in	Distance to Footprint:	
	Cut / Fill:	

OTHER INFORMATION:

--

Not to Scale

Location of well marked with an "x".

Well Survey

Client:	DMIL	Well No.:	PW02
Project No.:	3524_07	Dist. to Footprint:	
Project Name:		Water Use:	Domestic
Surveyed by:	ac/lh		
Date:	26/07/2007		



EUGENE DALY ASSOCIATES

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e-mail: abinchy@csa.ie

7 Dundrum Business Park, Windy Arbour, Dublin 14

WELL OWNER DETAILS:

Name:	O'Neill	Mobile No.:	
Address:	Garryhundon, Co Carlow	Phone No.:	

LOCATION:

Townland:	Garryhundon	O.S. Map:	
County:	Carlow	Design Map:	
Nat. Grid. Ref.:	IS 73241 ITM 69710	Well Head Elev:	

WELL DETAILS:

Drilled by:		Well Head:		Casing Length:	
Drilling Method:		Well Construction:		Casing Diameter:	
Completed:	2000	Well Depth:	200FT	Screen Length:	
Well Type:	Borehole <input checked="" type="checkbox"/> Dug Well <input type="checkbox"/> Spring <input type="checkbox"/>			Screen Diameter:	

WATER:

Depth to Water:	4.92M	Yield:		W.H. > G.L.:	
Water Level:		Well Test:	<input type="checkbox"/> Yes <input type="checkbox"/> No (if yes, please give details below).		
Water Quality:	N/A				
Copy of Analysis:	<input type="checkbox"/> Yes <input type="checkbox"/> No		Date of Analysis:		

WELL HEAD COMPLETION, PROTECTION & CONDITION AROUND THE WELL:

Well in pumphouse	
General Land Use:	Drainage:

GEOLOGICAL LOG:

Soil Type:	Bedrock:
Substratum:	Depth to bedrock:

POTENTIAL SOURCES OF POLLUTION:

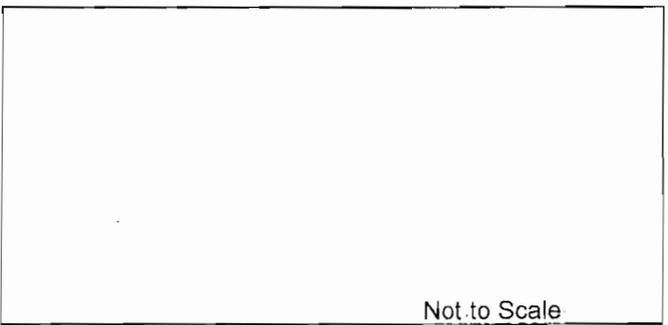
Septic Tank Location:	Well Distance:
Effluent Disposal System:	
Other Sources:	Well Distance:
Nat. Grid. Ref.:	

ROAD CONSTRUCTION DETAILS:

Road Type: New road improvement in	Distance to Footprint:	
	Cut / Fill:	

OTHER INFORMATION:

Problem with rust



Location of well marked with an "x".

Not to Scale

Well Survey



EUGENE DALY ASSOCIATES

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e-mail: abinchy@csa.ie

7 Dundrum Business Park, Windy Arbour, Dublin 14

Client:	DMIL	Well No.:	PW03
Project No.:	3524_07	Dist. to Footprint:	
Project Name:		Water Use:	Domestic
Surveyed by:	ac/lh		
Date:	26/07/2007		

WELL OWNER DETAILS:

Name:	Adrian Walsh owner - rents out	Mobile No.:	
Address:	Garryhundon, Co Carlow	Phone No.:	

LOCATION:

Townland:	Garryhundon	O.S. Map:	
County:	Carlow	Design Map:	
Nat. Grid. Ref.:	IS73229 ITM 69684	Well Head Elev:	

WELL DETAILS:

Drilled by:		Well Head:		Casing Length:	
Drilling Method:		Well Construction:		Casing Diameter:	
Date completed:		Well Depth:	200FT	Screen Length:	
Well Type:	Borehole <input checked="" type="checkbox"/> Dug Well <input type="checkbox"/> Spring <input type="checkbox"/>			Screen Diameter:	

WATER:

Depth to Water:	4.68M	Yield:		W.H. > G.L.:	
Water Level:		Well Test:	<input type="checkbox"/> Yes <input type="checkbox"/> No (if yes, please give details below).		
Water Quality:	N/A				
Copy of Analysis:	<input type="checkbox"/> Yes <input type="checkbox"/> No		Date of Analysis:		

WELL HEAD COMPLETION, PROTECTION & CONDITION AROUND THE WELL:

Well in pumphouse	
General Land Use:	Drainage:

GEOLOGICAL LOG:

Soil Type:	Bedrock:
Overburden:	Depth to bedrock:

POTENTIAL SOURCES OF POLLUTION:

Septic Tank Location:	Well Distance:
Effluent Disposal System:	
Other Sources:	Well Distance:
Nat. Grid. Ref.:	

ROAD CONSTRUCTION DETAILS:

Road Type: New road improvement in	Distance to Footprint:	
	Cut / Fill:	

OTHER INFORMATION:

--

Not to Scale
Location of well marked with an "x".

Well Survey



EUGENE DALY ASSOCIATES

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e-mail: abinchy@csa.ie

7 Dundrum Business Park, Windy Arbour, Dublin 14

Client:	DMIL	Well No.:	PW04
Project No.:	3524_07	Dist. to Footprint:	
Project Name:		Water Use:	Domestic
Surveyed by:	ac/lh		
Date:	26/07/2007		

WELL OWNER DETAILS:

Name:	Phil Morrissey's house - rented out	Mobile No.:	
Address:	Clonmelsh, Co Carlow	Phone No.:	

LOCATION:

Townland:	Clonmelsh	O.S. Map:	
County:	Carlow	Design Map:	
Nat. Grid. Ref.:		Well Head Elev:	

WELL DETAILS:

Drilled by:		Well Head:		Casing Length:	
Drilling Method:		Well Construction:		Casing Diameter:	
Completed:		Well Depth:		Screen Length:	
Well Type:	Borehole <input checked="" type="checkbox"/> Dug Well <input type="checkbox"/> Spring <input type="checkbox"/>	Screen Diameter:			

WATER:

Depth to Water:		Yield:		W.H. > G.L.:	
Water Level:		Well Test:	<input type="checkbox"/> Yes <input type="checkbox"/> No (if yes, please give details below).		
Water Quality:		N/A			
Copy of Analysis:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date of Analysis:			

WELL HEAD COMPLETION, PROTECTION & CONDITION AROUND THE WELL:

General Land Use:	Drainage:

GEOLOGICAL LOG:

Soil Type:	Bedrock:
Substratum:	Depth to bedrock:

POTENTIAL SOURCES OF POLLUTION:

Septic Tank Location:	IS 71829 ITM 69600	Well Distance:	
Effluent Disposal System:			
Other Sources:		Well Distance:	
Nat. Grid. Ref.:			

ROAD CONSTRUCTION DETAILS:

Road Type:	Distance to Footprint:	
	Cut / Fill:	

OTHER INFORMATION:

Could not find the well and current occupier was unaware of its location

Not to Scale
Location of well marked with an "x".

Well Survey

Client:	DMIL	Well No.:	PW05
Project No.:	3524 07	Dist. to Footprint:	
Project Name:		Water Use:	Domestic
Surveyed by:	ac/lh		
Date:	26/07/2007		



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7 Dundrum Business Park, Windy Arbour, Dublin 14

WELL OWNER DETAILS:

Name:	Deacon (mothers house)	Mobile No.:	
Address:	Garryhundon, Co. Carlow	Phone No.:	

LOCATION:

Townland:	Garryhundon	O.S. Map:	
County:	Carlow	Design Map:	
Nat. Grid. Ref.:	IS 71807 ITM 68695	Well Head Elev:	

WELL DETAILS:

Drilled by:		Well Head:		Casing Length:	
Drilling Method:		Well Construction:		Casing Diameter:	
Date completed:	Approx 1977	Well Depth:	40ft	Screen Length:	
Well Type:	Borehole <input checked="" type="checkbox"/> Dug Well <input type="checkbox"/> Spring <input type="checkbox"/>			Screen Diameter:	

WATER:

Depth to Water:		Yield:		W.H. > G.L.:	
Water Level:		Well Test:	<input type="checkbox"/> Yes <input type="checkbox"/> No (if yes, please give details below).		
Water Quality:	N/A				
Copy of Analysis:	<input type="checkbox"/> Yes <input type="checkbox"/> No		Date of Analysis:		

WELL HEAD COMPLETION, PROTECTION & CONDITION AROUND THE WELL:

Concrete cover over well, would need tractor to lift	
General Land Use:	Domestic and Agricultural
Drainage:	

GEOLOGICAL LOG:

Soil Type:	Bedrock:
Overburden:	Depth to bedrock:

POTENTIAL SOURCES OF POLLUTION:

Septic Tank Location:	Well Distance:
Effluent Disposal System:	
Other Sources:	Well Distance:
Nat. Grid. Ref.:	

ROAD CONSTRUCTION DETAILS:

Road Type:	Distance to Footprint:	
	Cut / Fill:	

OTHER INFORMATION:

--

Not to Scale
Location of well marked with an "x".

Well Survey



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7 Dundrum Business Park, Windy Arbour, Dublin 14

Client:	DMIL	Well No.:	PW06
Project No.:	3524_07	Dist. to Footprint:	
Project Name:		Water Use:	Domestic
Surveyed by:	ac/lh		
Date:	26/07/2007		

WELL OWNER DETAILS:

Name:	Derek Deacon	Mobile No.:	
Address:	Garryhondon, Co. Carlow	Phone No.:	

LOCATION:

Townland:	Garryhondon	O.S. Map:	
County:	Carlow	Design Map:	
Nat. Grid. Ref.:	IS 71849 ITM 68823	Well Head Elev:	

WELL DETAILS:

Drilled by:	Well Head:	Casing Length:	
Drilling Method:	Well Construction:	Casing Diameter:	
completed:	1996	Well Depth:	160-180ft
Well Type:	Borehole <input checked="" type="checkbox"/> Dug Well <input type="checkbox"/> Spring <input type="checkbox"/>	Screen Length:	
		Screen Diameter:	

WATER:

Yield:		W.H. > G.L.	
Depth to Water:	Well Test:	<input type="checkbox"/> Yes <input type="checkbox"/> No (if yes, please give details below).	
Water Level:	N/A		
Water Quality:	N/A		
Copy of Analysis:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date of Analysis:	

WELL HEAD COMPLETION, PROTECTION & CONDITION AROUND THE WELL:

Concrete cover over well, would need tractor to lift	
General Land Use:	Domestic and Agricultural
Drainage:	

GEOLOGICAL LOG:

Soil Type:	Bedrock:
burden:	Depth to bedrock:

POTENTIAL SOURCES OF POLLUTION:

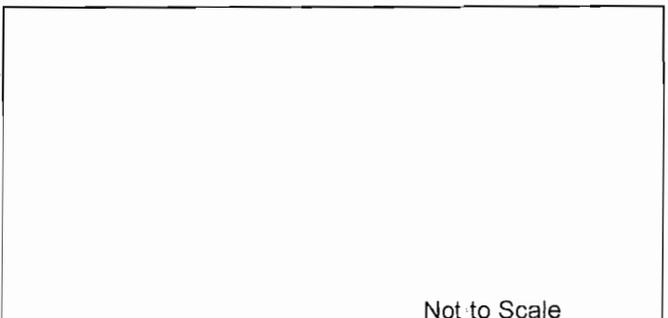
Septic Tank Location:	Well Distance:
Effluent Disposal System:	
Other Sources:	Well Distance:
Nat. Grid. Ref.:	

ROAD CONSTRUCTION DETAILS:

Road Type:	Distance to Footprint:	
	Cut / Fill:	

OTHER INFORMATION:

--



Location of well marked with an "x".

Not to Scale

Well Survey

Client:	DMIL	Well No.:	PW07
Project No.:	3524_07	Dist. to Footprint:	
Project Name:		Water Use:	Domestic
Surveyed by:	ac/lh		
Date:	26/07/2007		



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7 Dundrum Business Park, Windy Arbour, Dublin 14

WELL OWNER DETAILS:

Name:	Powerstown landfill	Mobile No.:	
Address:	Powerstown Co Carlow	Phone No.:	

LOCATION:

Townland:	Powerstown	O.S. Map:	
County:	Carlow	Design Map:	
Nat. Grid. Ref.:	IS 71125 ITM 68630	Well Head Elev:	

WELL DETAILS:

Drilled by:		Well Head:		Casing Length:	
Drilling Method:		Well Construction:		Casing Diameter:	8 inch
Date completed:		Well Depth:	25.30M	Screen Length:	
Well Type:	Borehole <input checked="" type="checkbox"/> Dug Well <input type="checkbox"/> Spring <input type="checkbox"/>			Screen Diameter:	

WATER:

Yield:		W.H. > G.L.	
Depth to Water:	11.32M	Well Test:	<input type="checkbox"/> Yes <input type="checkbox"/> No (if yes, please give details below).
Water Level:			N/A
Water Quality:	N/A		
Copy of Analysis:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date of Analysis:	

WELL HEAD COMPLETION, PROTECTION & CONDITION AROUND THE WELL:

Good cover, metal cover over concrete casing	
General Land Use:	Landfill, well not used
Drainage:	

GEOLOGICAL LOG:

Soil Type:	Bedrock:
Overburden:	Depth to bedrock:

POTENTIAL SOURCES OF POLLUTION:

Septic Tank Location:	Well Distance:
Effluent Disposal System:	
Other Sources:	Well Distance:
Nat. Grid. Ref.:	

ROAD CONSTRUCTION DETAILS:

Road Type: New road improvement in	Distance to Footprint:	
	Cut / Fill:	

OTHER INFORMATION:

Water now comes from mains supply

Not to Scale
Location of well marked with an "x".

Well Survey

Client:	DMIL	Well No.:	PW08
Project No.:	3524 07	Dist. to Footprint:	
Project Name:		Water Use:	Domestic
Surveyed by:	ac/lh		
Date:	26/07/2007		



EUGENE DALY ASSOCIATES

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e-mail: abinchy@csa.ie

7 Dundrum Business Park, Windy Arbour, Dublin 14

WELL OWNER DETAILS:

Name:	Derek Deacon (farmhouse)	Mobile No.:	
Address:	Garryhundon, Co. Carlow	Phone No.:	

LOCATION:

Townland:	Garryhundon	O.S. Map:	
County:	Carlow	Design Map:	
Nat. Grid. Ref.:	IS 71723 ITM 68485	Well Head Elev:	

WELL DETAILS:

Drilled by:		Well Head:		Casing Length:	
Drilling Method:		Well Construction:		Casing Diameter:	
Completed:	1960'S	Well Depth:	40FT	Screen Length:	
Well Type:	Borehole <input checked="" type="checkbox"/> Dug Well <input type="checkbox"/> Spring <input type="checkbox"/>			Screen Diameter:	

WATER:

Depth to Water:	9.29 M	Yield:		W.H. > G.L.:	
Water Level:		Well Test:	<input type="checkbox"/> Yes <input type="checkbox"/> No (if yes, please give details below).		
Water Quality:	N/A				
Copy of Analysis:	<input type="checkbox"/> Yes <input type="checkbox"/> No		Date of Analysis:		

WELL HEAD COMPLETION, PROTECTION & CONDITION AROUND THE WELL:

Good well cover	
General Land Use:	Agricultural
Drainage:	

GEOLOGICAL LOG:

Soil Type:	Bedrock:
Substratum:	Depth to bedrock:

POTENTIAL SOURCES OF POLLUTION:

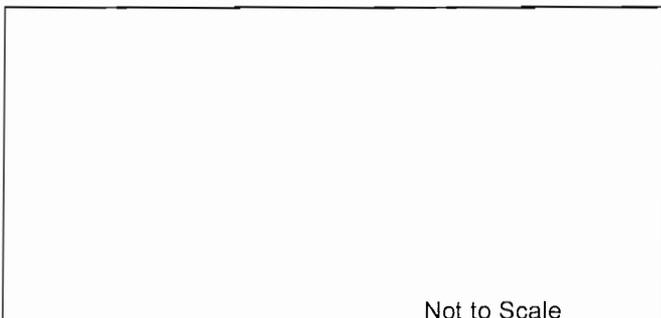
Septic Tank Location:	Not used	Well Distance:
Effluent Disposal System:		
Other Sources:		Well Distance:
Nat. Grid. Ref.:		

ROAD CONSTRUCTION DETAILS:

Road Type:	Distance to Footprint:	
	Cut / Fill:	

OTHER INFORMATION:

--



Not to Scale

Location of well marked with an "x".

Well Survey



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7 Dundrum Business Park, Windy Arbour, Dublin 14

Client:	DMIL	Well No.:	PW09
Project No.:	3524 07	Dist. to Footprint:	
Project Name:		Water Use:	Domestic
Surveyed by:	ac/lh		
Date:	26/07/2007		

WELL OWNER DETAILS:

Name:	William Abbey	Mobile No.:	
Address:	Garryhudson, Co. Carlow	Phone No.:	

LOCATION:

Townland:	Garryhudson	O.S. Map:	
County:	Carlow	Design Map:	
Nat. Grid. Ref.:	IS 71887 ITM 68549	Well Head Elev.:	

WELL DETAILS:

Drilled by:		Well Head:	
Drilling Method:		Well Construction:	
Date completed:	Approx 1967	Well Depth:	
Well Type:	Borehole <input checked="" type="checkbox"/> Dug Well <input type="checkbox"/> Spring <input type="checkbox"/>	Casing Length:	
		Casing Diameter:	
		Screen Length:	
		Screen Diameter:	

WATER:

Depth to Water:		Yield:	
Water Level:		W.H. > G.L.:	
Water Quality:		Well Test:	<input type="checkbox"/> Yes <input type="checkbox"/> No (if yes, please give details below).
			N/A
Copy of Analysis:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date of Analysis:	

WELL HEAD COMPLETION, PROTECTION & CONDITION AROUND THE WELL:

Concrete cover level with the ground, not possible to take depth	
General Land Use:	Domestic and Agricultural
Drainage:	

GEOLOGICAL LOG:

Soil Type:	Bedrock:
Overburden:	Depth to bedrock:

POTENTIAL SOURCES OF POLLUTION:

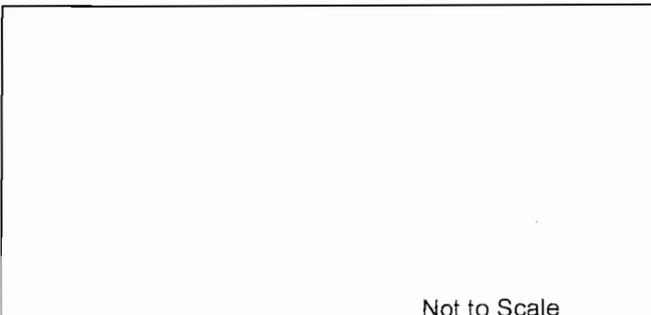
Septic Tank Location:	100m away in garden
Well Distance:	
Effluent Disposal System:	
Other Sources:	Well Distance:
Nat. Grid. Ref.:	

ROAD CONSTRUCTION DETAILS:

Road Type:	Distance to Footprint:
	Cut / Fill:

OTHER INFORMATION:

--



Location of well marked with an "x".

Well Survey



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7 Dundrum Business Park, Windy Arbour, Dublin 14

Client:	DMIL	Well No.:	PW10
Project No.:	3524 07	Dist. to Footprint:	
Project Name:		Water Use:	Domestic
Surveyed by:	ac/lh		
Date:	26/07/2007		

WELL OWNER DETAILS:

Name:	Salmon	Mobile No.:	
Address:	Garryhondon, Co. Carlow	Phone No.:	

LOCATION:

Townland:	Garryhondon	O.S. Map:	
County:	Carlow	Design Map:	
Nat. Grid. Ref.:	IS 72074 ITM 68351	Well Head Elev.:	

WELL DETAILS:

Drilled by:	Well Head:	Casing Length:	
Drilling Method:	Well Construction:	Casing Diameter:	
Completed:	Approx 1947	Well Depth:	
Well Type:	Borehole <input checked="" type="checkbox"/> Dug Well <input type="checkbox"/> Spring <input type="checkbox"/>	Screen Length:	
		Screen Diameter:	

WATER:

Yield:		W.H. > G.L.	
Depth to Water:	4.63M	Well Test:	<input type="checkbox"/> Yes <input type="checkbox"/> No (if yes, please give details below).
Water Level:			N/A
Water Quality:			N/A
Copy of Analysis:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date of Analysis:	

WELL HEAD COMPLETION, PROTECTION & CONDITION AROUND THE WELL:

Well in pumphouse, wasn't possible to reach to dip	
General Land Use:	Agricultural
Drainage:	

GEOLOGICAL LOG:

Soil Type:	Bedrock:
Overburden:	Depth to bedrock:

POTENTIAL SOURCES OF POLLUTION:

Septic Tank Location:	To be moved	Well Distance:	
Effluent Disposal System:			
Other Sources:		Well Distance:	
Nat. Grid. Ref.:			

ROAD CONSTRUCTION DETAILS:

Road Type:	Distance to Footprint:	
	Cut / Fill:	

OTHER INFORMATION:

	Not to Scale
--	--------------

Location of well marked with an "x".

Well Survey



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7 Dundrum Business Park, Windy Arbour, Dublin 14

Client:	DMIL	Well No.:	PW11
Project No.:	3524 07	Dist. to Footprint:	
Project Name:		Water Use:	Domestic & Agricultural
Surveyed by:	ac/lh		
Date:	26/07/2007		

WELL OWNER DETAILS:

Name:	Arnold Watchorn	Mobile No.:	
Address:	Garryhundan, Co. Carlow	Phone No.:	

LOCATION:

Townland:	Garryhundan	O.S. Map:	
County:	Carlow	Design Map:	
Nat. Grid. Ref.:	IS 71944 ITM 68045	Well Head Elev.:	

WELL DETAILS:

Drilled by:	Doran Bros	Well Head:		Casing Length:	
Drilling Method:		Well Construction:		Casing Diameter:	
Date completed:	Jun-05	Well Depth:	123 ft	Screen Length:	
Well Type:	Borehole <input checked="" type="checkbox"/> Dug Well <input type="checkbox"/> Spring <input type="checkbox"/>			Screen Diameter:	

WATER:

Depth to Water:	4.63M	Yield:		W.H. > G.L.:	
Water Level:		Well Test:	<input type="checkbox"/> Yes <input type="checkbox"/> No (if yes, please give details below). N/A		
Water Quality:	N/A				
Copy of Analysis:	<input type="checkbox"/> Yes <input type="checkbox"/> No		Date of Analysis:		

WELL HEAD COMPLETION, PROTECTION & CONDITION AROUND THE WELL:

Concrete cover			
General Land Use:	Agricultural	Drainage:	

GEOLOGICAL LOG:

Soil Type:		Bedrock:	
Overburden:		Depth to bedrock:	

POTENTIAL SOURCES OF POLLUTION:

Septic Tank Location:		Well Distance:	
Effluent Disposal System:			
Other Sources:		Well Distance:	
Nat. Grid. Ref.:			

ROAD CONSTRUCTION DETAILS:

Road Type:	Distance to Footprint:	
	Cut / Fill:	

OTHER INFORMATION:

Farm supplies to Avonmore so well /water quality is regularly checked by avonmore. Have another well on the land but it is not used

Not to Scale

Location of well marked with an "x".

Well Survey

Client:	DMIL	Well No.:	PW12
Project No.:	3524_07	Dist. to Footprint:	
Project Name:		Water Use:	Domestic
Surveyed by:	ac/lh		
Date:	26/07/2007		



EUGENE DALY ASSOCIATES

Groundwater, Hydrological &
Environmental Consultants
e-mail: abinchy@csa.ie

7 Dundrum Business Park, Windy Arbour, Dublin 14

WELL OWNER DETAILS:

Name:	Patrick Cody	Mobile No.:	
Address:	Oldtown, Nurney, Co. Carlow	Phone No.:	

LOCATION:

Townland:	Oltown	O.S. Map:	
County:	Carlow	Design Map:	
Nat. Grid. Ref.:	IS 71836 ITM 67558	Well Head Elev:	

WELL DETAILS:

Drilled by:	Co. Co.	Well Head:		Casing Length:	
Drilling Method:		Well Construction:		Casing Diameter:	8 inch
Completed:	Approx 1992	Well Depth:	Approx 54.50M	Screen Length:	
Well Type:	Borehole <input checked="" type="checkbox"/> Dug Well <input type="checkbox"/> Spring <input type="checkbox"/>			Screen Diameter:	

WATER:

Depth to Water:	6.48M	Yield:		W.H. > G.L.:	
Water Level:		Well Test:	<input type="checkbox"/> Yes <input type="checkbox"/> No (if yes, please give details below).		
Water Quality:	N/A				
Copy of Analysis:	<input type="checkbox"/> Yes <input type="checkbox"/> No		Date of Analysis:		

WELL HEAD COMPLETION, PROTECTION & CONDITION AROUND THE WELL:

Good protective cover, well on the road side of house boundary wall	
General Land Use:	Drainage:

GEOLOGICAL LOG:

Soil Type:	Bedrock:
Overburden:	Depth to bedrock:

POTENTIAL SOURCES OF POLLUTION:

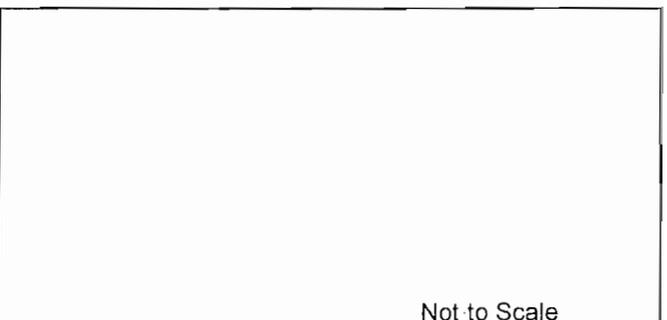
Septic Tank Location:	back garden	Well Distance:	
Effluent Disposal System:			
Other Sources:			
Nat. Grid. Ref.:			

ROAD CONSTRUCTION DETAILS:

Road Type:	Distance to Footprint:
	Cut / Fill:

OTHER INFORMATION:

Well was build by Co Co for houses along road but then was never I for them. When council built this house they then utilised the well for this house only
--



Not to Scale

Location of well marked with an "x".

Well Survey



EUGENE DALY ASSOCIATES

Groundwater, Hydrological &
Environmental Consultants
e-mail: abinchy@csa.ie

7 Dundrum Business Park, Windy Arbour, Dublin 14

Client:	DMIL	Well No.:	PW13
Project No.:	3524_07	Dist. to Footprint:	
Project Name:		Water Use:	Domestic
Surveyed by:	ac/lh		
Date:	26/07/2007		

WELL OWNER DETAILS:

Name:	Cody	Mobile No.:	
Address:	Oldtown, Nurney, Co. Carlow	Phone No.:	

LOCATION:

Townland:	Oldtown	O.S. Map:	
County:	Carlow	Design Map:	
Nat. Grid. Ref.:	IS 71809 ITM 67497	Well Head Elev:	

WELL DETAILS:

Drilled by:	Co. Co	Well Head:		Casing Length:	
Drilling Method:		Well Construction:		Casing Diameter:	
Date completed:	Jan-04	Well Depth:	71M	Screen Length:	
Well Type:	Borehole <input checked="" type="checkbox"/> Dug Well <input type="checkbox"/> Spring <input type="checkbox"/>			Screen Diameter:	

WATER:

Depth to Water:	7.09M	Yield:		W.H. > G.L.:	
Water Level:		Well Test:	<input type="checkbox"/> Yes <input type="checkbox"/> No (if yes, please give details below). N/A		
Water Quality:	N/A				
Copy of Analysis:	<input type="checkbox"/> Yes <input type="checkbox"/> No		Date of Analysis:		

WELL HEAD COMPLETION, PROTECTION & CONDITION AROUND THE WELL:

Good well cover	
General Land Use:	Drainage:

GEOLOGICAL LOG:

Soil Type:	Bedrock:
Overburden:	Depth to bedrock:

POTENTIAL SOURCES OF POLLUTION:

Septic Tank Location:	Well Distance:
Effluent Disposal System:	
Other Sources:	Well Distance:
Nat. Grid. Ref.:	

ROAD CONSTRUCTION DETAILS:

Road Type:	Distance to Footprint:	
	Cut / Fill:	

OTHER INFORMATION:

Some trouble with lime the water

Not to Scale
Location of well marked with an "x".

APPENDIX 7.4 **WATER QUALITY (SURFACE AND GROUND WATERS)**

Appendix 6.B Water Quality Results

	Unit	BH01		BH02		BH03	
		06/07/2007	08/05/2008	17/01/2008	08/05/2008	17/01/2008	08/05/2008
Temperature	°C	11.8	10.1	11.3	11	10.7	11.1
pHmV		-	-17.3	-	-21.4	-	-26.7
ORP		-	-43	-	-98	-	-86
Field Conductivity	µS/cm	780	846	779	886	732	804
Conductivity	µS/cm	756	657	770	807	717	567
Dissolved Oxygen	%		33.7	35	31.4	66	89.1
Dissolved Oxygen	mg/l	-	3.78	-	3.44	-	9.79
pH	pH Units	-	7.08	-	7.13	-	7.23
Lab pH		7.69	7.48	7.3	7.71	7.41	7.72
Calcium	mg/l	137.9	130.6	151	131.9	141	64.5
Magnesium	mg/l	15.09	14.44	18.9	16.33	17	9.38
Sodium	mg/l	9	9.4	16	17.3	10.4	10.7
Potassium	mg/l	0.8	0.9	1.3	0.5	1.56	1.9
Alkalinity	mg/l	250	250	317	230	294	220
Hardness	mg/l	-	386	455	397	423	200
Chloride	mg/l	21	23	28.3	24	30.6	26
Sulphate	mg/l	55	62	66	64	10.4	29
Ammonium	mg/l	<0.01	<0.2	<0.04	<0.2	<0.04	<0.2
Nitrite (as NO2)	mg/l	<0.05	-	<0.01	-	<0.01	-
Nitrate (as NO3)	mg/l	19.2	27.3	37.7	38.2	60.3	53
Iron	µg/l	<2	<2	<25	<2	<25	40
Manganese	µg/l	11	2	298	116	4	20
Orthophosphate (as PO4)	mg/l	<0.03	-	<0.03	-	0.03	-
Total Organic Carbon	mg/l	3	<2	1.55	<2	1.3	<2
Tot. Pet. Hydrocarbons	µg/l	<10	<10	-	<10	-	<10
Mineral Oil	µg/l	<10	-	-	-	-	-

	Unit	BH04			BH05		
		06/07/2007	17/01/2008	08/05/2008	06/07/2007	17/01/2008	08/05/2008
Temperature	°C	13.4	9.7	11.9	11.8	10.7	11
pHmV		-	-	-19	-	-	-31.5
ORP		-	-	-48	-	-	-54
Field Conductivity	µS/cm	790	682	873	754	707	778
Conductivity	µS/cm	787	653	810	759	692	692
Dissolved Oxygen	%	120	71	91.1	74.5	52.3	66.1
Dissolved Oxygen	mg/l	-	-	-	-	-	7.29
pH	pH Units	-	-	7.09	-	-	7.32
Lab pH		7.69	7.68	7.29	7.58	7.39	7.72
Calcium	mg/l	130	134	129.9	131	136	113.8
Magnesium	mg/l	16.3	15.6	14.05	14.6	16.8	15.03
Sodium	mg/l	11.5	8.1	11.2	10.5	10.9	10
Potassium	mg/l	4.4	7.91	10	1.7	2.2	1.5
Alkalinity	mg/l	160	278	220	200	292	180
Hardness	mg/l	-	399	382	244	409	346
Chloride	mg/l	25	23	27	27	23.8	29
Sulphate	mg/l	40	24.9	27	27	33.1	36
Ammonium	mg/l	0.41	<0.04	<0.04	<0.01	<0.04	<0.2
Nitrite (as NO2)	mg/l	0.11	0.03	-	<0.05	0.05	-
Nitrate (as NO3)	mg/l	101	55.4	78	81.1	62.9	54.5
Iron	µg/l	6	668	<2	21	124	<2
Manganese	µg/l	50	29	4	6	6	3
Orthophosphate (as PO4)	mg/l	0.11	0.06	-	0.32	0.11	-
Total Organic Carbon	mg/l	3	1.92	<2	3	1.9	<2
Tot. Pet. Hydrocarbons	µg/l	<10	-	<10	<10	-	<10
Mineral Oil	µg/l	<10	-	-	<10	-	-

	Unit	BH06			BH08			BH09
		06/07/2007	17/01/2008	08/05/2008	06/07/2007	17/01/2008	08/05/2008	08/05/2008
Temperature	°C	13	11	-	13.5	10.9	12.1	10.7
pHmV		-	-	-19.9	-	-	-53.2	-23.2
ORP		-	-	-54	-	-	-18	-71
Field Conductivity	µS/cm	779	740	805	475	448	255	810
Conductivity	µS/cm	760	726	740	421	453	390	732
Dissolved Oxygen	%	90	81.7	97.9	70	72	83.1	92
Dissolved Oxygen	mg/l	-	-	10.7	-	-	8.92	10.2
pH	pH Units	-	-	7.1	-	-	7.72	7.17
Lab pH		7.57	7.46	7.48	8.06	7.77	7.99	7.52
Calcium	mg/l	112	144	116.9	70.75	83.3	63.86	113
Magnesium	mg/l	28.1	17.9	14.1	9.81	11	8.5	14.54
Sodium	mg/l	13	13.9	13.5	7.5	6.9	6.6	10.1
Potassium	mg/l	2.7	2.07	2.8	1	0.74	0.7	12.7
Alkalinity	mg/l	190	296	200	167	191	150	200
Hardness	mg/l	-	434	350	-	233	194	342
Chloride	mg/l	37	39.7	40	7	15.5	14	40
Sulphate	mg/l	35	34.8	32	38	27	21	15
Ammonium	mg/l	0.38	0.37	<0.2	0.02	0.31	0.4	<0.2
Nitrite (as NO2)	mg/l	0.13	0.3	-	0.08	0.42	-	-
Nitrate (as NO3)	mg/l	71.3	62.9	65.3	6.7	25.6	19.6	69.2
Iron	µg/l	9	99	<2	12	113	<2	<2
Manganese	µg/l	2	4	2	<1	<3	3	1
Orthophosphate (as PO4)	mg/l	<0.03	0.39	-	0.26	0.5	-	-
Total Organic Carbon	mg/l	3	1.68	<2	3	1.03	<0.2	<2
Tot. Pet. Hydrocarbons	µg/l	<10	-	<10	<10	-	<10	<10
Mineral Oil	µg/l	<10	-	-	<10	-	-	-

Parameter	Licence Limit (from)	Unit	05/07/2007	08/08/2007	16/01/2008	08/05/2008	11/03/2009	06/05/2009	05/08/2009	22/09/2009
Lab pH	6-9	pH units	7.81	7.51	8.15	7.99	7.66	7.98	8.21	7.48
Ammoniacal Nitrogen	0.3	mg/l NH3	<0.01	<0.2	<0.04		<0.2	<0.2	<0.2	<0.2
Total Suspended Solids	25	mg/l	23	<10	39	21	49	2	7	4
BOD	5	mg/l	<2	<2		<2	3		<1	1.53
COD	5	mg/l					<15	<7	<7	<7
Total Phosphorus	0.1	mg/l					<0.05	<0.018	<0.018	<0.018
Orthophosphate	0.08	mg/l PO4	0.13	<0.08	<0.08		<0.08	<0.08	<0.08	<0.08
Nitrate	25	mg/l NO3	25.2	25.2	30.1		29.1	21.1	13.3	11.5
Temperature	25	°C	14.7		8.5	16.62	10.47	13.12	17.45	13.93
Total Petroleum Hydrocarbons	1000	µg/l	<10	<10		<10	<10	<10	<10	-
Mineral Oil		µg/l	<10	<10		<10				
Dissolved Oxygen		% Sat.	88.8		92.8	104				
Conductivity		µS/cm	872	698	859	758				
Field Conductivity		µS/cm	914		908	889				
Calcium		mg/l	124.6	101	149					
Magnesium		mg/l	32.69	35.61	42.2					
Potassium		mg/l	2.8	3.4	3.16					
Sodium		mg/l	15.5	11	12.2					
Chloride		mg/l	27	24	26					
Sulphate		mg/l	191	252	255					
Nitrite		mg/l NO2	0.07	0.14	0.07					
Dissolved Iron		mg/l		0.069	<0.025					
Manganese		mg/l		0.003	0.004					
Alkalinity		mg/l CaCO3	189	220	222					
Hardness		mg/l			546					
Total Organic Carbon		mg/l		1	1.63					

Parameter	Licence Limit (from)	Unit	20/10/2009	26/11/2009	16/12/2009	22/01/2010	#####	#####
Lab pH	6-9	pH units	7.96	8.17	8.19	8.14	8.32	8.13
Ammoniacal Nitrogen	0.3	mg/l NH3	<0.2	0.0811	0.0291	<0.2	<0.2	0.148
Total Suspended Solids	25	mg/l	111	28.5	9	39	8.9	77
BOD	5	mg/l	1.14	<1		<1	<1	<1
COD	5	mg/l	30	10	<7	7.71	<7	14
Total Phosphorus	0.1	mg/l	0.0594	0.0229	<0.08	0.021	<0.018	0.008
Orthophosphate	0.08	mg/l PO4	<0.08	<0.08	<0.08	<0.08	<0.08	<0.08
Nitrate	25	mg/l NO3	16.8	24.4	26.8	24.4	27.5	25.1
Temperature	25	°C		9.3	8.11	-	6.65	-
Total Petroleum Hydrocarbons	1000	µg/l	-	-	<10	-	-	513

Parameter	Unit	SW03	SW04
Lab pH	pH units	08/08/2007	08/08/2007
Ammoniacal Nitrogen	mg/l NH3	7.51	7.84
Total Suspended Solids	mg/l	<0.2	<0.2
BOD	mg/l	<10	<10
COD	mg/l	<2	<2
Total Phosphorus	mg/l		
Orthophosphate	mg/l PO4		
Nitrate	mg/l NO3	<0.03	0.03
Temperature	°C	81.9	32.2
Total Petroleum Hydrocarbons	µg/l		
Conductivity	µg/l	<10	<10
Field Conductivity	% Sat.	793	639
Calcium	µS/cm		
Magnesium	µS/cm	89.85	97.42
Potassium	mg/l	10.91	9.15
Sodium	mg/l	4.1	1.6
Chloride	mg/l	11.5	11
Sulphate	mg/l	19	14
Nitrite	mg/l	33	19
Dissolved Iron	mg/l	0.25	0.1
Manganese	mg/l NO2	0.219	0.046
Alkalinity	mg/l	0.011	0.006
Hardness	mg/l	290	310
Total Organic Carbon	mg/l CaCO3		
Mineral Oil	mg/l	5	5
Dissolved Oxygen	mg/l	<10	<10

APPENDIX 7.5 **CLONMELSH SITE CHARACTERISTICS (SEPTIC TANK)**

CONTENTS

Site Characterisation Form

Site Characterisation Test Photos

Drawing 01 – Percolation Trench Area

APPENDIX B: SITE CHARACTERISATION FORM

File Reference:

1.0 GENERAL DETAILS (From planning application)

Prefix: First Name: Surname:

Address: Site Location and Townland:

Telephone No: Fax No:

E-Mail:

Maximum no. of Residents: No. of Double Bedrooms: No. of Single Bedrooms:

Proposed Water Supply: Mains Private Well/Borehole Group Well/Borehole

2.0 GENERAL DETAILS (From planning application)

Soil Type, (Specify Type):

Aquifer Category: Regionally Important Locally Important Poor

Vulnerability: Extreme High Moderate Low High to Low Unknown

Bedrock Type:

Name of Public/Group Scheme Water Supply within 1 km:

Groundwater Protection Scheme (Y/N): Source Protection Area: SI SO

Groundwater Protection Response:

Presence of Significant Sites (Archaeological, Natural & Historical):

Past experience in the area:

Comments:

(Integrate the information above in order to comment on: the potential suitability of the site, potential targets at risk, and/or any potential site restrictions).

20 FULL TIME STAFF. Site potentially suitable. No site restrictions present. The private well borehole should be located a minimum of 25m. (if no gradient) from the percolation area/polished filter of the proposed site to satisfy EPA minimum separation requirements. The main targets at risk are ground water and surface water.

Note: Only information available at the desk study stage should be used in this section.

3.0 ON-SITE ASSESSMENT

3.1 Visual Assessment

Landscape Position:

Slope: Steep (>1:5) Shallow (1:5-1:20) Relatively Flat (<1:20)

Surface Features within a minimum of 250m (Distance To Features Should Be Noted In Metres)

Houses:

Existing Land Use:

Vegetation Indicators:

Groundwater Flow Direction:

Ground Condition:

Site Boundaries:

Roads:

Outcrops (Bedrock And/Or Subsoil):

Surface Water Ponding: Lakes:

Beaches/Shellfish: Areas/Wetlands:

Karst Features:

Watercourse/Stream*:

Drainage Ditches*:

Springs / Wells*:

Comments:

(Integrate the information above in order to comment on: the potential suitability of the site, potential targets at risk, the suitability of the site to treat the wastewater and the location of the proposed system within the site).

Site potentially suitable. The site appears to be suitable for the disposal and treatment of effluent. The main targets at risk are ground water and surface water.

*Note and record water level

3.2 Trial Hole (should be a minimum of 2.1m deep (3m for regionally important aquifers))

To avoid any accidental damage, a trial hole assessment or percolation tests should not be undertaken in areas, which are at or adjacent to significant sites (e.g. NHAs, SACs, SPAs, and/or Archaeological etc.), without prior advice from National Parks and Wildlife Service or the Heritage Service.

Depth of trial hole (m):

Depth from ground surface to bedrock (m) (if present):

Depth from ground surface to water table (m) (if present):

Depth of water ingress:

Rock type (if present):

Date and time of excavation:

Date and time of examination:

Depth of P/T Test*	Soil/Subsoil Texture & Classification**	Plasticity and dilatancy***	Soil Structure	Density/ Compactness	Colour****	Preferential flowpaths
0.1 m <input type="text"/>	sand GRAVEL (artificial)	Threads, ribbons, dilatency not necessary	Granular	Firm	Grey brown	None
0.2 m <input type="text"/>						
0.3 m <input type="text"/>						
0.4 m <input type="text"/>						
0.5 m <input type="text" value="1"/>						
0.6 m <input type="text"/>	sand SILT	Threads: 4,2,2 Ribbons: 60,60,30 Dilatent: Y	Granular	Firm	Dark brown	None
0.7 m <input type="text"/>						
0.8 m <input type="text"/>						
0.9 m <input type="text"/>						
1.0 m <input type="text"/>						
1.1 m <input type="text"/>						
1.2 m <input type="text"/>						
1.3 m <input type="text"/>						
1.4 m <input type="text"/>						
1.5 m <input type="text"/>						
1.6 m <input type="text"/>						
1.7 m <input type="text"/>						
1.8 m <input type="text"/>						
1.9 m <input type="text"/>						
2.0 m <input type="text"/>						
2.1 m <input type="text"/>						
2.2 m <input type="text"/>						
2.3 m <input type="text"/>						
2.4 m <input type="text"/>						
2.5 m <input type="text"/>						
2.6 m <input type="text"/>						
2.7 m <input type="text"/>						
2.8 m <input type="text"/>						
2.9 m <input type="text"/>						
3.0 m <input type="text"/>						

Likely T value:

Note: *Depth of percolation test holes should be indicated on log above. (Enter P or T at depths as appropriate).

** See Appendix E for BS 5930 classification.

*** 3 samples to be tested for each horizon and results should be entered above for each horizon.

**** All signs of mottling should be recorded.

3.2 Trial Hole (contd.) Evaluation:

Invert T1 & T2 at 1.5m. No Mottling present. From Trial Hole Assessment: Site appears to be suitable for the disposal and treatment of wastewater effluent. However, ground water and surface water are the targets most at risk.

3.3(a) Percolation (“T”) Test for Deep Subsoils and/or Water Table

Step 1: Test Hole Preparation

Percolation Test Hole

	1		2		3	
Depth from ground surface to top of hole (mm) (A)	1,100		1,100		1,100	
Depth from ground surface to base of hole (mm) (B)	1,500		1,500		1,500	
Depth of hole (mm) [B - A]	400		400		400	
Dimensions of hole [length x breadth (mm)]	360 x	300	320 x	300	340 x	300

Step 2: Pre-Soaking Test Holes

Date and Time pre-soaking started	27/05/2011	13:02	27/05/2011	13:05	27/05/2011	13:08
-----------------------------------	------------	-------	------------	-------	------------	-------

Each hole should be pre-soaked twice before the test is carried out. Each hole should be empty before refilling.

Step 3: Measuring T_{100}

Percolation Test Hole No.

	1		2		3	
Date of test	28/05/2011		28/05/2011		28/05/2011	
Time filled to 400 mm	10:04		10:07		10:09	
Time water level at 300 mm	10:20		11:33		11:06	
Time to drop 100 mm (T_{100})	16.00		86.00		57.00	
Average T_{100}						53.00

If $T_{100} > 300$ minutes then T-value >90 – site unsuitable for discharge to ground

If $T_{100} \leq 210$ minutes then go to Step 4;

If $T_{100} > 210$ minutes then go to Step 5;

Step 4: Standard Method (where $T_{100} \leq 210$ minutes)

Percolation Test Hole	1			2			3		
Fill no.	Start Time (at 300 mm)	Finish Time (at 200 mm)	Δt (min)	Start Time (at 300 mm)	Finish Time (at 200 mm)	Δt (min)	Start Time (at 300 mm)	Finish Time (at 200 mm)	Δt (min)
1	10:20	10:45	25.00	11:33	13:12	99.00	11:06	12:11	65.00
2	10:46	11:17	31.00	13:13	15:06	113.00	12:12	13:29	77.00
3	11:18	11:58	40.00	15:07	17:22	135.00	13:30	14:51	81.00
Average Δt Value	32.00			115.67			74.33		
	Average $\Delta t/4 =$ [Hole No.1] <input type="text" value="8.00"/> (t_1)			Average $\Delta t/4 =$ [Hole No.2] <input type="text" value="28.92"/> (t_2)			Average $\Delta t/4 =$ [Hole No.3] <input type="text" value="18.58"/> (t_3)		

Result of Test: $T =$ (min/25 mm)

Comments:

T-Value is in expected range for this type of subsoil for the proposed invert level of the trenches.

Step 5: Modified Method (where $T_{100} > 210$ minutes)

Percolation Test Hole No.	1				2				3			
Fall of water in hole (mm)	Time Factor $= T_f$	Time of fall (mins) $= T_m$	$K_{fs} = T_f / T_m$	T-Value $= 4.45 / K_{fs}$	Time Factor $= T_f$	Time of fall (mins) $= T_m$	$K_{fs} = T_f / T_m$	T-Value $= 4.45 / K_{fs}$	Time Factor $= T_f$	Time of fall (mins) $= T_m$	$K_{fs} = T_f / T_m$	T-Value $= 4.45 / K_{fs}$
300 - 250	8.1				8.1				8.1			
250 - 200	9.7				9.7				9.7			
200 - 150	11.9				11.9				11.9			
150 - 100	14.1				14.1				14.1			
Average T- Value	T- Value Hole 1= (t_1) <input type="text" value="0.00"/>				T- Value Hole 1= (t_2) <input type="text" value="0.00"/>				T- Value Hole 1= (t_3) <input type="text" value="0.00"/>			

Result of Test: $T =$ (min/25 mm)

Comments:

3.3(b) Percolation (“P”) Test for Shallow Soil / Subsoils and/or Water Table

Step 1: Test Hole Preparation

Percolation Test Hole	1	2	3
Depth from ground surface to top of hole (mm)	0	0	0
Depth from ground surface to base of hole (mm)			
Depth of hole (mm)	0	0	0
Dimensions of hole [length x breadth (mm)]	x	x	x

Step 2: Pre-Soaking Test Holes

Date and Time pre-soaking started						
-----------------------------------	--	--	--	--	--	--

Each hole should be pre-soaked twice before the test is carried out. Each hole should be empty before refilling.

Step 3: Measuring P_{100}

Percolation Test Hole No.	1	2	3
Date of test			
Time filled to 400 mm			
Time water level at 300 mm			
Time to drop 100 mm (P_{100})	0.00	0.00	0.00
Average P_{100}			0.00

If $P_{100} > 300$ minutes then P-value >90 – site unsuitable for discharge to ground

If $P_{100} \leq 210$ minutes then go to Step 4;

If $P_{100} > 210$ minutes then go to Step 5;

Step 4: Standard Method (where $P_{100} \leq 210$ minutes)

Percolation Test Hole	1			2			3		
Fill no.	Start Time (at 300 mm)	Finish Time (at 200 mm)	Δp (min)	Start Time (at 300 mm)	Finish Time (at 200 mm)	Δp (min)	Start Time (at 300 mm)	Finish Time (at 200 mm)	Δp (min)
1			0.00			0.00			0.00
2			0.00			0.00			0.00
3			0.00			0.00			0.00
Average Δp Value	0.00			0.00			0.00		
	Average $\Delta p/4 =$ [Hole No.1] <input type="text" value="0.00"/> (p_1)			Average $\Delta p/4 =$ [Hole No.2] <input type="text" value="0.00"/> (p_2)			Average $\Delta p/4 =$ [Hole No.3] <input type="text" value="0.00"/> (p_3)		

Result of Test: $P =$ (min/25 mm)

Comments:

P-Value WAS NOT CARRIED OUT BECAUSE A) T-VALUE PASSED, B) IT IS ARTIFICIAL.

Step 5: Modified Method (where $P_{100} > 210$ minutes)

Percolation Test Hole No.	1				2				3			
Fall of water in hole (mm)	Time Factor = T_f	Time of fall (mins) = T_m	$K_{fs} = T_f / T_m$	P-Value = $4.45 / K_{fs}$	Time Factor = T_f	Time of fall (mins) = T_m	$K_{fs} = T_f / T_m$	P-Value = $4.45 / K_{fs}$	Time Factor = T_f	Time of fall (mins) = T_m	$K_{fs} = T_f / T_m$	P-Value = $4.45 / K_{fs}$
300 - 250	8.1				8.1				8.1			
250 - 200	9.7				9.7				9.7			
200 - 150	11.9				11.9				11.9			
150 - 100	14.1				14.1				14.1			
Average P- Value	P- Value Hole 1= (p_1) <input type="text" value="0.00"/>				P- Value Hole 1= (p_2) <input type="text" value="0.00"/>				P- Value Hole 1= (p_3) <input type="text" value="0.00"/>			

Result of Test: $P =$ (min/25 mm)

Comments:

3.4 The following associated Maps, Drawings and Photographs should be appended to this site characterisation form.

1. Discovery Series 1:50,000 Map indicating overall drainage, groundwater flow direction and housing density in the area.
2. Supporting maps for vulnerability, aquifer classification, soil, bedrock.
3. North point should always be included.
4. (a) Sketch of site showing measurements to Trial Hole location and
 - (b) Percolation Test Hole locations,
 - (c) wells and
 - (d) direction of groundwater flow (if known),
 - (e) proposed house (incl. distances from boundaries)
 - (f) adjacent houses,
 - (g) watercourses,
 - (h) significant sites
 - (i) and other relevant features.
5. Cross sectional drawing of the site and the proposed layout¹ should be submitted.
6. Photographs of the trial hole, test holes and site (date and time referenced).

¹ The calculated percolation area or polishing filter area should be set out accurately on the site layout drawing in accordance with the code of practice's requirements.

4.0 CONCLUSION of SITE CHARACTERISATION

Integrate the information from the desk study and on-site assessment (i.e. visual assessment, trial hole and percolation tests) above and conclude the type of system(s) that is (are) appropriate. This information is also used to choose the optimum final disposal route of the treated wastewater.

Not Suitable for Development

Suitable for ¹

- | | |
|---|--------------------------|
| 1. Septic tank system (septic tank and percolation area) | <input type="checkbox"/> |
| 2. Secondary Treatment System | |
| a. septic tank and filter system constructed on-site and polishing filter; or | <input type="checkbox"/> |
| b. packaged wastewater treatment system and polishing filter | <input type="checkbox"/> |

Discharge Route

5.0 RECOMMENDATION

Propose to install:

and discharge to:

Trench Invert level (m):

Site Specific Conditions (e.g. special works, site improvement works testing etc.)

54 LINEAR METERS OF PERCOLATION PIPING FOR 20 PE-PLEASE NOTE MAX. 20 FULL TIME EMPLOYEES, NO PART TIME.

R2 (1) Acceptable subject to normal good practice. Where domestic water supplies are located nearby, particular attention should be given to the depth of subsoil over bedrock such that the minimum depths required in Section 6 are met and that the likelihood of microbial pollution is minimised.

¹ note: more than one option may be suitable for a site and this should be recorded

² A discharge of sewage effluent to "waters" (definition includes any or any part of any river, stream, lake, canal, reservoir, aquifer, pond, watercourse or other inland waters, whether natural or artificial) will require a licence under the Water Pollution Acts 1977-90. Refer to Section 2.6.2.

6.0 TREATMENT SYSTEM DETAILS

SYSTEM TYPE: Septic Tank System

Tank Capacity (m ³)	<input type="text"/>	Percolation Area		Mounded Percolation Area	
		No. of Trenches	<input type="text"/>	No. of Trenches	<input type="text"/>
		Length of Trenches (m)	<input type="text"/>	Length of Trenches (m)	<input type="text"/>
		Invert Level (m)	<input type="text"/>	Invert Level (m)	<input type="text"/>

SYSTEM TYPE: Secondary Treatment System

Filter Systems

Media Type	Area (m ²)*	Depth of Filter	Invert Level
Sand/Soil	<input type="text"/>	<input type="text"/>	<input type="text"/>
Soil	<input type="text"/>	<input type="text"/>	<input type="text"/>
Constructed Wetland	<input type="text"/>	<input type="text"/>	<input type="text"/>
Other	<input type="text"/>	<input type="text"/>	<input type="text"/>

Package Treatment Systems

Type	<input type="text" value="Biocrete"/>
Capacity PE	<input type="text" value="10.00"/>
Sizing of Primary Compartment	<input type="text" value="4.50"/> m ³

SYSTEM TYPE: Tertiary Treatment System

Polishing Filter: Surface Area (m ² *) <input type="text"/> or Gravity Fed: No. of Trenches <input type="text" value="6"/> Length of Trenches (m) <input type="text" value="9.00"/> Invert Level (m) <input type="text" value="1.50"/>	Package Treatment System: Capacity (pe) <input type="text" value="4.00"/> Constructed Wetland: Surface Area (m ² *) <input type="text"/>
---	--

DISCHARGE ROUTE:

Groundwater <input checked="" type="checkbox"/>	Hydraulic Loading Rate * (l/m ² .d)	<input type="text"/>
Surface Water ** <input type="checkbox"/>	Discharge Rate (m ³ /hr)	<input type="text"/>

TREATMENT STANDARDS:

Treatment System Performance Standard (mg/l)	BOD	SS	NH ₄ - N	Total N	Total P
<input type="text"/>	< 10.00	< 10.00	< 4.00	< 10.00	< 4.50

QUALITY ASSURANCE:

Installation & Commissioning

By Biocrete, or equivalent

On-going Maintenance

By Biocrete, or equivalent

* Hydraulic loading rate is determined by the percolation rate of subsoil

** Water Pollution Act discharge licence required

7.0 SITE ASSESSOR DETAILS

Company:

Prefix: First Name: Surname:

Address:

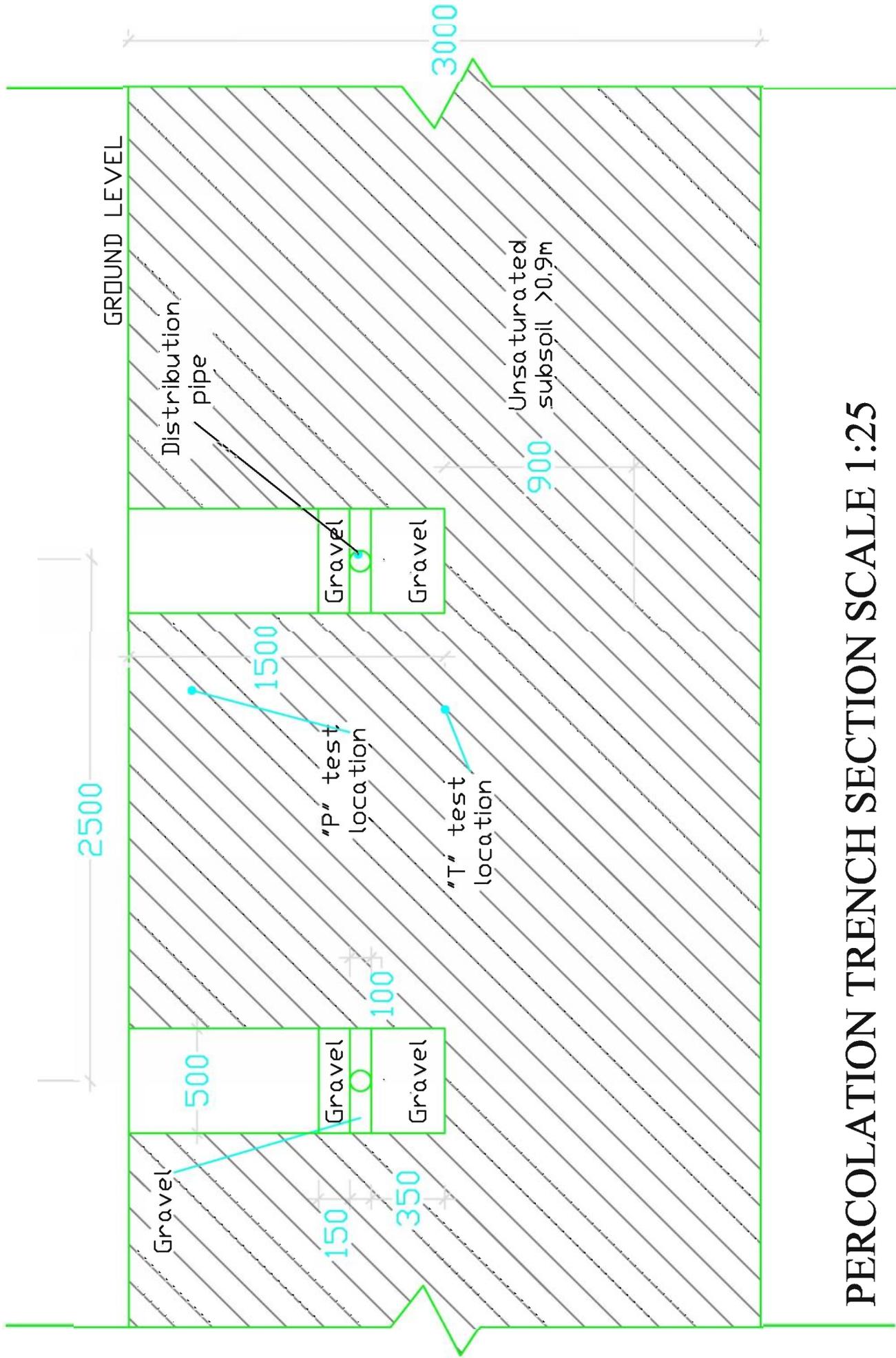
Qualifications/Experience:

Date of Report:

Phone: Fax: e-mail:

Indemnity Insurance Number:

Signature: 



PERCOLATION TRENCH SECTION SCALE 1:25

Site Characterisation Report - Effluent Treatment







APPENDIX 7.6 **CLONMELSH WATER CALCULATIONS**

	Clonmelsh Quarry, Co. Carlow					
	SUBJECT Water Balance Clonmelsh Quarry - Met Eireann Data					
	Proj. No.	1784075	Made by	KMcG	Date	Aug-17
	Ref.		Checked	BB	Sheet	B-1
			Reviewed	BB		

Data	Met Eireann 22/04/2013
Location :	Clonmelsh, Co. Carlow
	E 272053, N 170191 ING

Duration (min)	(hr)	Design Rainfalls for Average Recurrence Intervals						
		1 Year (mm/hr)	2 Years (mm/hr)	5 Years (mm/hr)	10 Years (mm/hr)	20 Years (mm/hr)	50 Years (mm/hr)	100 Years (mm/hr)
5	0	3.7	4.3	6.1	7.6	9.2	11.8	14.2
10	0	5.1	5.9	8.5	10.5	12.8	16.4	19.7
15	0	6.0	7.0	10.0	12.4	15.1	19.3	23.2
30	0	7.9	9.0	12.7	15.5	18.6	23.5	28.0
60	1	10.3	11.7	16.1	19.4	23.1	28.7	33.7
120	2	13.5	15.2	20.5	24.3	28.5	35.0	40.6
180	3	15.8	17.7	23.5	27.8	32.3	39.3	45.3
240	4	17.7	19.7	25.9	30.5	35.3	42.6	49.0
360	6	20.7	23.0	29.8	34.7	40.0	47.8	54.6
540	9	24.2	26.7	34.3	39.6	45.3	53.7	60.9
720	12	27.1	29.8	37.8	43.5	49.5	58.3	65.9
1080	18	31.7	34.7	43.5	49.6	56.1	65.5	73.4
1440	24	35.4	38.6	48.0	54.5	61.3	71.1	79.4
2880	48	43.5	47.2	57.9	65.3	72.9	83.9	93.1
3240	72	50.3	54.3	66.2	74.3	82.7	94.7	104.6

	Clonmelsh Quarry, Co. Carlow											
	SUBJECT Water Balance Clonmelsh Quarry - Met Eireann Data											
	Proj. No.	1784075			Made by	KMcG			Date	Aug-17		
	Ref.				Checked	BB			Sheet	B-2		
					Reviewed	BB						

Monthly values for Oak_Park up to 08-aug-2017

Total rainfall in millimetres for Oak_Park

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
2017	36.3	57.8	66.6	15.8	81.8	91	52.7	8.9					410.9
2016	110.9	95.7	40.6	64.3	61.6	61.7	29.6	46	97.4	32.3	26.3	80.2	746.6
2015	66	36.3	53.5	26.3	89.4	29.7	79.4	83	27.6	56.8	110	270.9	928.9
2014	147.2	176.7	65	52.6	78.6	61.9	24.6	122.1	18.2	138.2	165.6	47.7	1098.4
mean	80.4	57.3	63.4	55.9	59.8	60.8	58.7	71.9	69.6	92.9	85.9	83.6	840.2

Potential Evapotranspiration (mm) for Oak_Park

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
2017	11.5	17.9	35.4	50	80.7	86.5	87.7	19.8					389.5
2016	10.9	16.6	33.9	52	79.4	78.4	79.7	70.5	47.3	26.7	9.9	8.3	513.6
2015	14.9	15.8	37.3	61.6	70.9	92.9	77.7	71.3	46.5	24.5	18.3	13.1	544.8
2014	12	18.4	31.6	57.9	65.8	87.5	93	74.4	51.5	29.4	10.6	10.1	542.2
av	12.3	17.2	34.6	55.4	74.2	86.3	84.5	59.0	48.4	26.9	12.9	10.5	
mean	n/a												

Evaporation (mm) for Oak_Park

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
2017	15.3	25.4	51.7	71	114	121.5	120.1	27.1					546.1
2016	14.8	24	49.5	76	111.6	108.4	110.1	96.6	65.4	36.6	13.9	10.8	717.7
2015	19.3	23	56.1	89.3	105.6	132.2	109	98.7	63.6	33.3	23.4	17	770.5
2014	16.1	27.1	46.1	83.3	93.3	120	124.3	102.5	69.5	40.2	14.7	12.7	749.8
mean	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	#	n/a	n/a	n/a

Mean temperature in degrees Celsius for Oak_Park

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
2017	6	6.5	8.3	9	12.4	15	15.7	15					10.6
2016	5.9	4.9	6.1	7.5	12.3	15.1	16	16	14.6	10.6	5.2	6.3	10.1
2015	5	4.3	6.2	8.7	10.2	13.4	14.6	14.6	12.4	10.2	9.2	8.6	9.8
2014	5.5	5.7	7	10.1	11.9	14.5	16.9	14.5	14.3	11.4	7.2	5.6	10.4
mean	5.1	5.6	6.9	8.4	11	13.7	15.6	15.3	13.2	10.1	7.2	5.5	9.8

Mean 10cm soil temperature for Oak_Park at 0900 UTC

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
2017	4.9	5.1	7	9.7	13.8	16.4	16.7	n/a					10.6

	Clonmelsh Quarry, Co. Carlow					
	SUBJECT					
	Water Balance Clonmelsh Quarry - Met Eireann Data					
	Proj. No.	1784075	Made by	KMcG	Date	Aug-17
	Ref.		Checked	BB	Sheet	B-3
		Reviewed	BB			

Rainfall data from	Oak Park, Carlow	From Met Eirean	Up to 8 Aug 2017
Evapotranspiration from	Oak Park, Carlow	From Met Eirean	All means for period 1981 - 2010

Rainfall	840.2	mm
Evapotranspiration	522.2	
Evapo (90%)	470.0	mm
Net	370.2	mm
Net per month	31	mm/month

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Mean monthly
Mean monthly rainfall	80.4	57.3	63.4	55.9	59.8	60.8	58.7	71.9	69.6	92.9	85.9	83.6	840.2	70.0
Evapotranspiration	12.3	17.2	34.6	55.4	74.2	86.3	84.5	59.0	48.4	26.9	12.9	10.5	522.2	43.5

Winter	Winter months Rainfall	80.4	57.3							92.9	85.9	83.6	400.1	
	Winter months Evapotranspiration	12.3	17.2							26.9	12.9	10.5	79.8	

Winter Rainfall	400.1	mm
Evapotranspiration	79.8	mm
90 % Evapo'	71.8	mm
Rainfall Total	328.3	mm
Net Winter rainfall per month	65.7	mm

Summer	Rainfall	440.1	mm
	Evapotranspiration	442.4	mm
	90 % Evapo'	398.2	mm
	Rainfall Total	41.9	mm
	Net Summer rainfall per month	6.0	mm

	Clonmelsh Quarry, Co. Carlow					
	SUBJECT Water Balance Clonmelsh Quarry - Met Eireann Data					
	Proj. No.	1784075	Made by	KMcG	Date	Aug-17
	Ref.		Checked	BB	Sheet	B-4
			Reviewed	BB		

Wallingford	Q=A i Cr Cv	
A	Km ²	
i	mm/hr	
Rainfall data from	Oak Park Carlow	From Met Eirean
Evapotranspiration from	Oak Park Carlow	From Met Eirean
MEAN		
Rainfall	840.2	mm
Evapotranspiration	522.2	mm
Evapo (90%)	470.0	mm
R-E	370.2	mm
Net	30.9	mm/month
	0.04	mm/hr
WINTER		
Rainfall	400.1	mm
Evapotranspiration	79.8	mm
Evapo (90%)	71.8	mm
R-E	328.3	mm
Net	65.7	mm/month
	0.09	mm/hr

All means are for the period 1981-2010.

<i>100 year 60 min event from IFD curve</i>	
33.7	mm/hr

SUMMER		
Rainfall	440.1	mm
Evapotranspiration	442.4	mm
Evapo (90%)	398.2	mm
R-E	41.9	mm
Net	6.0	mm/month
	0.01	mm/hr

Storm Water Calculations: Processing Area	Catchment Area	Rainfall Intensity	Routing coefficient	Volumetric run off coefficient	Run-off rate	Storm water Volume
20 year event	A	i	C _r	C _v		
	m ²	mm/hr			m ³ /s	m ³
Buildings	3,000	33.7	1.3	1	0.037	131.4
Impervious	47,000	33.7	1.3	0.85	0.486	1750.2
Total	50,000				0.523	1881.6

Storm Water Calculations	Catchment Area	Rainfall Intensity	Routing coefficient	Volumetric run off coefficient	Run-off rate	Storm water Volume
20 year event	A	i	C _r	C _v		
	m ²	mm/hr			m ³ /s	m ³
Quarry	490,000	33.7	1	0.4	1.835	6605.2

Total					2.357	8486.8
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Stormwater Pond Volume for Attenuation of 1 in 100 year storm	8486.8 m ³
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APPENDIX 8.1 **ASPHALT PLANT (AMMAN) AIR POLLUTION LICENSE MONITORING REPORT SEPT. 2017**

APPENDIX 11.1 CULTURAL HERITAGE PHOTOGRAPHIC RECORD



Plate 11.1 Looking south at the location of the enclosure (RMP CW 012 136)



Plate 11.2 Looking north over the excavated area



Plate 11.3 Looking east at the location of archaeological enclosure (RMP CW 012 026)



Plate 11.4 Looking southeast at the location of archaeological enclosure (RMP CW 012 027)



Plate 11.5 Excavated area looking north



Plate 11.6 **Excavated area looking northwest**

APPENDIX 12A LANDSCAPE AND VISUAL IMPACT ASSESSMENT METHODOLOGY

Introduction

"Landscape and Visual Impact Assessment is a tool used to identify and assess the significance of and the effects of change resulting from development on both the landscape as an environmental resource in its own right and people's views and visual amenity." (GLVIA3, paragraph 1.1). Wherever possible, identified effects are quantified, but the nature of landscape and visual assessment requires interpretation by professional judgement. In order to provide a level of consistency to the assessment, the prediction of magnitude and assessment of significance of the residual landscape and visual effects have been based on pre-defined criteria.

The Guidelines for Landscape and Visual Assessment (Third Edition) (GLVIA3) states that "professional judgement is a very important part of the LVIA" (paragraph 2.23) and that "in all cases there is a need for the judgements that are made to be reasonable and based on clear and transparent methods so that the reasoning applied at different stages can be traced and examined by others." (paragraph 2.24). It goes on at paragraph 3.32 to state that "there are no hard and fast rules about what effects should be deemed 'significant' but LVIA's should always distinguish clearly between what are considered to be the significant and non-significant effects."

Landscape and Visual Assessments are separate, though linked procedures. The assessment of the potential effect on the landscape is carried out as an effect on the environmental resource (i.e. the landscape). Visual effects are assessed as an inter-related effect on population.

Landscape effects derive from changes in the physical landscape elements which may give rise to changes in its distinctive character and how this is experienced, including consideration of aesthetic and perceptual aspects.

Visual effects relate to changes that arise in the composition of available views as a result of changes to the landscape, to people's responses to the changes and to the overall effects with respect to visual amenity.

Landscape Effects

The starting point for any assessment is a desk based assessment of published landscape assessments. These documents are listed in the Guidance section of this assessment and mapped in figures supporting the assessment.

The landscape effects of the proposed development are considered against the key characteristics of the receiving landscape. The degree to which the proposed development changes '*the distinct and recognisable pattern that makes one landscape different from another, rather than better or worse*' (Countryside Agency and SNH, 2002), enables a judgement to be made as to the significance of the effect in landscape character terms.

Direct and indirect landscape effects are defined in GLVIA3. Direct effects may be defined as resulting "*directly from the development itself*" (paragraph 3.22). An indirect (or secondary) effect is one that results "*from consequential change resulting from the development*" (paragraph 3.22) and is often produced away from the site of the proposed development or as a result of a complex pathway or secondary association.

The direct or physical landscape effects of the proposed development would generally be limited to within the planning application boundary. The indirect landscape effects are concerned with the visual effects and relate to effects associated with the introduction of the development seen in the context of the existing landscape and visual character of the view.

In order to reach an understanding of the effects of development upon the landscape resource it is necessary to consider different aspects of the landscape baseline including:

- **Landscape Fabric/Elements:** The individual features of the landscape, such as hills, valleys, woods, hedges, tree cover, vegetation, buildings and roads for example which can usually be described and quantified.
- **Landscape key characteristics:** The particularly notable elements or combinations of elements which make a particular contribution to defining or describing the character of an area, which may include experiential characteristics such as wildness and tranquillity.
- **Landscape value:** The importance attached to a landscape, often used as a basis for designation or recognition which expresses national or regional consensus, because of its special qualities/attributes including aesthetic or perceptual aspects such as scenic beauty, tranquillity or wildness, cultural associations or nature conservation interest. The absence of landscape planning designation should not assume an area of 'low' landscape value. Other factors which influence the value of a landscape include its quality/condition, the presence of any rare elements or rarity of the landscape type itself, whether it is a particularly representative example of landscape type and if there is any evidence that the landscape is valued for recreation where the landscape experience is important or for any specific cultural associations.

The sensitivity of the landscape to a particular development considers the susceptibility of the landscape and its value. The overall sensitivity is described as high, medium or low. This is assessed by taking into account the existing landscape value, and susceptibility to change, which often vary depending on the type of development proposed and the particular site location, such that sensitivity needs to be considered on a case by case basis. This should not be confused with 'inherent sensitivity' where areas of the landscape may be referred to as inherently of 'high' or 'low sensitivity. For example a National Park may be described as inherently of high sensitivity on account of its designation, but it may prove to be less sensitive to particular development and/or the design of that development. Alternatively an undesignated landscape may be of high sensitivity to a particular development and/or the design of that development regardless of the lack of local or national designation.

Landscape susceptibility according to GLVIA3 means "the ability of the landscape to accommodate the proposed Development without undue consequences for maintenance of the baseline situation and/or the achievement of landscape planning policies and strategies". Judgements on landscape susceptibility include references to both the physical and aesthetic characteristics and the potential scope for mitigation that would be in character with the landscape. Landscape susceptibility varies according to different areas of landscape character and to different forms of development. As a result the susceptibility to any particular type of development has been adjusted to suit the nature of the development. Even for minerals development the susceptibility of the landscape to different types of minerals development is variable (surface mining, hard rock, sand and gravel extraction etc.) and has been considered separately. Generally speaking lower landscape susceptibility together with lower landscape value tends to indicate lower

landscape sensitivity to development. Conversely higher landscape susceptibility and value tends to indicate a higher landscape sensitivity to development.

The judgements regarding susceptibility and value of the landscape receptor are identified within the sensitivity tables included within Appendix B to this assessment. These relationships can be complex and value alone does not automatically or by definition have high susceptibility to all types of change. Examples and further guidance on the evaluation of landscape sensitivity are provided below:

High: Landscape character, characteristics and elements which would generally be of higher susceptibility to change to accommodate the proposed type of development and higher landscape value. These are landscapes that may be considered to be of particular importance to conserve and which may be particularly sensitive to change if inappropriately dealt with.

Medium: Landscape character, characteristics and elements where there would be a medium susceptibility and be valued at a regional or community level. These might include landscapes which may be or may not be locally designated.

Low: Landscape Character, characteristics and elements where there would be of lower susceptibility to change to accommodate the proposed type of development. Usually applies to landscapes which are unlikely to be designated by the local authority.

Where, taking into account the component judgments about the value and susceptibility of the landscape receptor, sensitivity is judged to lie between levels, an intermediate assessment will be adopted.

The **magnitude of landscape change** arising from the proposed development at any particular location is assessed in terms of its size or scale, geographical extent of the area influenced and its duration and reversibility. With regard to the size or scale of the change, these are largely quantifiable parameters, as follows:

- degree of loss or alteration to key landscape features/elements or characteristics;
- distance from the development;
- landscape backdrop to the development;
- landscape context of other built development, particularly vertical elements.

Having established the size/scale of change to the landscape baseline, the geographical extent of the change can be identified and a judgement made as to what extent the change would occur in landscape character terms at varying scales.

Finally the duration and reversibility of the landscape change is considered. Duration can be judged on a time basis appropriate to the nature of the assessment. Reversibility is a judgement about the ability and practicality of the proposed development to be fully reversible (such as wind farms), partially reversible to something similar (such as mineral extraction) or a permanent change in the landscape (such as housing). These can be linked or not according to the nature of the development and how long the change will last.

Minerals workings are typically regarded as partially reversible where the landscape would be restored to something similar to, but not the same as, the original¹.

In order to differentiate between different levels of magnitude the following definitions are provided:

Table 1: Magnitude of Change – The Landscape Resource

Substantial	A prominent change that may be large in scale and/or extent and include the loss of key landscape elements/features/characteristics of the baseline or introduction of uncharacteristic elements which would give rise to a fresh characterising effect. The effects could be long term and/or irreversible.
Moderate	A noticeable change of more limited scale and extent including the loss of some key landscape elements/features/characteristics and/or the addition of some new uncharacteristic features or elements that would lead to the potential for change in landscape character in a localised area or part of a landscape character area. The effects could be long to medium term and/or partially reversible.
Slight	A change affecting a small area of landscape character including the loss of lower value landscape elements or the addition of new features or elements of limited characterising influence. The effects could potentially be medium to short term and/or reversible
Negligible	A change affecting smaller areas of landscape character including the loss of some landscape elements or the addition of features or elements which are either of low value or hardly noticeable. The effects could be short term and/or reversible.

The significance of the effect on the landscape resource may be determined by correlating the magnitude of the landscape effect (substantial, moderate, low or negligible) with the sensitivity of the landscape resource (high, medium or low). The following table sets out the main correlations between magnitude and sensitivity.

Table 2: Levels of Landscape Effects

Landscape Sensitivity	Magnitude of Change				
		Substantial	Moderate	Slight	Negligible
High		Major	Major/ Moderate	Moderate	Minor
Medium		Major/ Moderate	Moderate	Moderate/ Minor	Minor/ negligible
Low		Moderate	Moderate/ Minor	Minor	Negligible

¹ GLVIA3 page 91, paragraph 5.52

Levels of Landscape Effects

The significance of any identified landscape or visual effect has been assessed in terms of major, moderate, minor or negligible. These categories are based on the juxtaposition of landscape sensitivity with the predicted magnitude of change. This matrix should not be used as a prescriptive tool but must allow for the exercise of professional judgement. Thus in some instances a particular parameter may be considered as having a determining effect on the analysis.

The approach to assessing effects on landscape character is to consider the key characteristics for the Landscape Character Type (LCT) within which the proposed development is located (host) or the adjacent LCT's (non-host) and identify which of these the proposed development would affect. For the host LCTs, where the proposal is located, a significant change in landscape character is likely to occur where valued elements or key characteristics would be lost, superseded or substantially changed. Where particular views are an essential characteristic of a landscape type, significant landscape character effects may occur where the proposed development becomes a defining characteristic of those views. This will depend on the key characteristics of the landscape and nature, extent and duration of the effects that would be brought about by the proposed development.

Where the landscape effect has been classified as Major or Major/Moderate this is considered to be equivalent to likely significant effects. In some circumstances where 'Moderate' effects are predicted, professional judgement will be applied to ensure that the potential for significant effects arising has been thoroughly considered.

In this way, the assessment is carried out transparently and systematically. It establishes at what level in the assessor's opinion 'significant effects' arise. It also permits the reader to follow the approach and determine whether or not there is agreement with the judgements made.

Visual Effects

In order to identify the significance of a visual effect it is necessary to establish the relative sensitivity of the viewers and the magnitude of the change they experience. In this case sensitivity is a combination of both susceptibility of the viewer to the proposed development and the value of the views obtained.

Those living within view of the scheme are usually regarded as the highest susceptibility group as well as those engaged in outdoor pursuits for whom landscape experience is the primary objective. The susceptibility of potential visual receptors will also vary depending on the activity of the receptor.

The value of public views, which is the focus of GLVIA3, will vary depending on the nature, location and context of the view and the recognised importance of the view. Typically, those views of nationally valued landscapes or nationally important viewpoints will likely be of the highest value. Generally, those views of regionally important landscapes or viewpoints would likely be considered of medium value. Whilst those views of landscapes important to local communities, but have no formal planning status would tend to be of lower value, depending on their scenic quality.

Judgements made with regard to the value of views experienced by private residents is considered separately. Views in a rural context where properties are positioned to take advantage of the views would generally be considered to be of higher value. Views in a semi-rural context or where properties are positioned to take some but not full advantage of views would be considered of medium value. Views in

an urban or industrial context or where properties are not positioned to take advantage of views would be considered of lower value.

Visual receptor sensitivity is defined as high, medium, or low in accordance with the criteria in Table 3. Where, taking into account the component judgments about the value and susceptibility of the visual receptor, sensitivity is judged to lie between levels, an intermediate assessment will be adopted.

Table 3: Visual Sensitivity Criteria

High sensitivity	Residents in rural context; users of outdoor recreation focussed on the appreciation of views including footpaths, and national cycleways; people experiencing views from important landscape features of physical, cultural or historic interest, beauty spots and picnic areas of high value landscapes.
Medium sensitivity	Local road users and travellers on trains experiencing views of high or medium value landscapes. People engaged in outdoor recreation with some appreciation of the landscape e.g. road cycling, nature conservation, golf and water based recreation.
Low sensitivity	Workers, users of facilities and commercial buildings (indoors) experiencing views from buildings. Road and rail users on fast moving commuting or trunk routes. Visual receptors where views are incidental and tend to be of lower value.

The magnitude of change arising from the proposed development at any particular viewpoint is described as substantial, moderate, slight or negligible based on a number of interrelated and largely quantifiable parameters, including:

- distance of the viewpoint from the development;
- extent of the development in the view;
- angle of view in relation to main receptor activity;
- proportion of the field of view occupied by the development;
- height of development relative to the receptor with reference to the scale of other features in the view;
- extent of other built development visible, particularly vertical elements background to the development; and
- duration of view or visual effect.

It is assumed that the change would be seen in clear visibility and the assessment is carried out on that basis. Where there are operational developments considered as part of the baseline, the visual effects within the main LVA consider the additional effects of the proposed development only. Where there are other consented developments considered as part of the future baseline, the visual effects within the main LVA consider the additional effects of the proposed development only. Where appropriate, comment may be made on lighting and weather conditions. In order to differentiate between different levels of magnitude the following definitions are provided in Table 4.

Table 4: Magnitude of Change – Visual Receptors

Substantial	Substantial change, where the proposals would be prominent or very prominent, leading to substantial obstruction of existing view or complete change in character and composition of the baseline through removal of key elements or addition of uncharacteristic elements which may or may not be visually discordant. This change could be long term or of a long duration.
Moderate	Moderate change in the view may involve partial obstruction of existing view or partial change in character and composition of the baseline through the introduction of new elements or removal of existing elements. Change may be readily noticeable but not substantially different in scale and character from the surroundings and wider setting. It may involve partial change in character and composition of the baseline existing view. This change could be medium term or of a medium duration.
Slight	The proposals would be partially visible or visible at sufficient distance to be perceptible and result in limited or minor changes to the view. The character and composition, although altered, will be similar to the baseline existing situation. This change could be short term or of a short duration.
Negligible	Change would be barely distinguishable from the surroundings. The composition and character of the view would be substantially unaltered, approximating to little or no change.

The threshold for significance of visual effects relies to a great extent on professional judgement. Criteria and local circumstances require close study and careful judgement.

The following table sets out the main correlations between magnitude and sensitivity.

Table 5: Levels of Visual Effects – Matrix

	Magnitude of Change				
		Substantial	Moderate	Slight	Negligible
Visual Receptor Sensitivity	High	Major	Major/ Moderate	Moderate	Minor
	Medium	Major/ Moderate	Moderate	Moderate/ Minor	Minor/ negligible
	Low	Moderate	Moderate/ Minor	Minor	Negligible

Levels of Visual Effects

The significance of any identified visual effect has been assessed in terms of major, moderate, minor or negligible. These categories are based on the juxtaposition of viewpoint or landscape sensitivity with the predicted magnitude of change. This matrix should not be used as a prescriptive tool but must allow for the exercise of professional judgement. Thus in some instances a particular parameter may be considered as having a determining effect on the analysis.

Where the visual effect has been classified as Major or Major/Moderate this is considered to be equivalent to likely significant effects. In some circumstances where 'Moderate' effects are predicted professional judgement will be applied to ensure that the potential for significant effects arising has been thoroughly considered.

In this way, the assessment is carried out transparently and systematically. It establishes at what level in the assessor's opinion 'significant effects' arise. It also permits the reader to follow the approach and determine whether or not there is agreement with the judgements made.

The conclusion that some effects are 'significant' must not be taken to imply that they should warrant refusal in any decision making process which relies on the EIS.

Beneficial/Adverse

Landscape and visual effects can be beneficial or adverse and in some instances may be considered neutral. Beneficial effects upon landscape receptors may result from changes to the landscape involving positive enhancement measures, or through the addition of well-designed elements, which add to the landscape experience or sense of place in a complementary manner. The landscape impacts are considered against the landscape baseline, taking account of landscape strategies or objectives, where such they exist. Taking a precautionary stance changes to rural landscapes involving construction of man-made objects of a large scale are generally considered to be negative, as they are not usually actively promoted as part of a district wide landscape strategy and therefore the assessment of landscape effects are assumed to be adverse, unless specified otherwise in the text.

Assessment Photographs

The assessment of landscape and visual effects are supported by a selection of representative photographs. The photograph locations are selected through professional judgement and verification on site.

The selected photographs are representative of the views experienced at different distances and directions from the development, as well as from the various landscape character types identified in the study area, from which the proposed quarry development would be visible.

The viewpoints form a photographic reference to assist the landscape and visual assessment. All photographs included in the assessment were taken with a digital SLR camera with full size (35mm) sensor, using a 50mm focal length lens. The viewpoints are presented at approximate 120 degree and 40 degree included angles.

APPENDIX 12B LANDSCAPE SENSITIVITY ASSESSMENT

The sensitivity of the landscape character types/areas which may receive significant landscape effects are assessed below. Landscape sensitivity is not absolute and can only be defined in relation to each development and its location. To assess the sensitivity of a particular landscape it is good practice to consider the value attached to the landscape and its susceptibility to the particular form of change likely to result from the proposed development. Assessment text relates to sensitivity of the landscape receptor as a whole to the proposed development, with additional comments regarding the Site where relevant.

Central Lowlands LCA				
Factors affecting sensitivity	Lower Sensitivity to Hard Rock Quarry	Higher Sensitivity Hard Rock Quarry	Explanation	Rating
Value attached to Landscapes				
Designated scenic quality	No specific designation	National or regional designation	No specific designation. Protected Viewpoints 27 and 33 are the closest to the site but do not focus on the area of the site. Scenic Route 5 and 9 overlook the site at distance.	Medium
Landscape condition/quality	Landscape in a poor state of repair with incongruous elements	Landscape fully intact in good condition with limited incongruous elements	The landscape is generally in good condition, with some detractors in the wider area including the M9, other minerals and waste sites.	Medium
Perception of Change	Dynamic or modern landscapes	Ancient landscapes, designed landscapes or with obvious historical continuity	The landscape is generally modern with multiple modern influences	Medium
Rarity and/or Representativeness	Commonplace elements, features, or the landscape itself. Not a good example of the landscape type	Presence of rare elements or features or rarity of the landscape itself. Very representative landscape.	The landscape is typical of the wider Central Lowlands LCA	Medium/Low

Central Lowlands LCA				
Factors affecting sensitivity	Lower Sensitivity to Hard Rock Quarry	Higher Sensitivity Hard Rock Quarry	Explanation	Rating
Conservation Interests	Low presence of wildlife, earth, archaeology or historical interests	High presence of wildlife, earth, archaeology or historical interests	<i>'The character area contains most of the County's designated habitats and listed buildings'</i>	Medium/High
Cultural associations	No specific cultural associations	Strong cultural associations which contribute to perceptions of natural beauty.	No specific cultural associations	Low
Amenity and recreation	Limited amenity/recreational function where experience of the landscape is important	Well used for recreation where experience of the landscape is important. May contain National Trails or other long distance routes.	The Barrow Way runs along the River Barrow	Medium/Low
Overall Judgement of Value				Medium/Low
Susceptibility				
Scale	Landscapes where scale of development is similar to or smaller than scale of receiving landscape	Landscapes where scale of development is larger than scale of receiving landscape	<i>'Predominantly fertile agricultural lands with medium to large fields defined by low trimmed hedgerows and occasional to frequent mature hedgerow trees'</i>	Medium/High
Landform	Landscapes with similar existing landform features to integrate working but allow for restoration	Landscapes where restoration would be challenging / difficult to integrate	<i>'Landscape is level to gently rolling'</i>	Medium

Central Lowlands LCA				
Factors affecting sensitivity	Lower Sensitivity to Hard Rock Quarry	Higher Sensitivity Hard Rock Quarry	Explanation	Rating
Openness/enclosure	Enclosed and sheltered landscapes	Open and exposed landscapes with little enclosure	<i>'Open views and vistas, notably on ridge farmland', 'Low vegetation – grassland - and long distant views with a limited capacity to absorb developments unobtrusively'</i> However, visibility from the lower lying land is often curtailed by hedgerows and tree cover	Medium
Land cover, complexity and patterns	Complex, intimate or mosaic cover or irregular patterns which would disguise working and allow for a variable restoration	Extensive areas of simple or regular landcover or landscapes with sweeping lines or linear features/patterns which would be interrupted by workings and restoration	<i>'Predominantly fertile agricultural lands with medium to large fields defined by low trimmed hedgerows and occasional to frequent mature hedgerow trees'</i>	Medium/High
Built Environment	Contemporary masts, pylons, industrial elements, buildings infrastructure, settlements	Established, traditional or historic built character	<i>Extensive road network penetrating the character area.</i> There are some detractors in the wider area including the M9, other minerals and waste sites.	Medium/Low
Key Views and intervisibility	Visually contained and have limited inward or outward views	Extensive views within or of the area from key views	<i>'Open views and vistas, notably on ridge farmland. Low vegetation – grassland - and long distant views'</i>	Medium/High
Landscapes that form skylines, backdrops, focal points	Landscapes which may be low lying or more elevated but do not form the skyline or are not backdrops or focal points	Landscapes which form the skyline or are backdrops or focal points that define the setting	The study areas forms low lying land between 2 hill ranges	Low

Central Lowlands LCA				
Factors affecting sensitivity	Lower Sensitivity to Hard Rock Quarry	Higher Sensitivity Hard Rock Quarry	Explanation	Rating
Wildness/ Sense of Remoteness/ Tranquility	Busy evidence of human activity	Remote, peaceful or sense and tranquility, solitude and emptiness	There is little sense of tranquility in the study area	Medium/Low
Overall Judgement of Susceptibility				Medium
Overall Judgement of Sensitivity				Medium

