



# Comhairle Contae Chill Mhantáin Wicklow County Council

Forbairt Pleanála agus Comhshaol  
Planning Development and Environment

Áras An Chontae / County Buildings  
Cill Mhantáin / Wicklow  
Guthán / Tel: (0404) 20148  
Faics / Fax: (0404) 69462  
Rphost / Email: plandev@wicklowcoco.ie  
Suíomh / Website: www.wicklow.ie

12<sup>th</sup> October 2022

Your Ref: ABP-314374-22

Mary Tucker,  
Executive Officer,  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1  
D01 V902

<b>AN BORD PLEANÁLA</b>	
LDG-	_____
ABP-	_____
14 OCT 2022	
Fee: €	_____ Type: _____
Time: _____	By: <u>post</u>

Re: Quarry  
Ballinabarney North and Bolagh Lower, Redcross, Co. Wicklow

Dear Sir/Madam,

Further to your correspondence dated 22<sup>nd</sup> August 2022 in respect of the above, please find attached S1771 report as requested.

Yours sincerely,

Siobhan O'Brien,  
Administrative Officer,  
Planning Development & Environment.



100



## WICKLOW COUNTY COUNCIL

### **S177I Report for ABP-314374-22**

Application to ABP for substitute consent for development that consists of a sand/gravel extraction pit including extraction areas, processing areas, stockpiling areas & ancillary works (circa 23.7 hectares). The development also includes a sand/gravel washing/screening plant & buildings comprising workshop/machinery shed, tools storage container, pump - house, 2 no. portable office buildings, 1 no. portable office/canteen/WC, Sand processing plant electrical control room, 3 no. storage containers, sand processing plant control cabin, bunded oil storage tanks, diesel generator container & electrical sub station (all totalling circa 376sqm) The application is accompanied by a remedial EIAR and remedial NIS

**Chief Executive  
Wicklow County Council**

**Brian Gleeson**

**S1771 (2) (a) information relating to development etc.**

**21/250:** Retention permission REFUSED to Bolagh Sand & Gravel Ltd for deposition of soil and stone over an area of c.2.0 ha for the purposes of land improvement with an agricultural end use.

**27.QV.0299 (WCC ref. SU121):** application to An Bord Pleanála for substitute consent for (1) Sand and Gravel extraction pit including extraction areas, processing areas, stockpiling areas and ancillary works (20.1584 hectares) and (2) various buildings and plant including workshop/machinery shed, 4 No Storgae containers, tools storage container, 2 No. portable office buildings, 1 no portable office/canteen/WC, pumphouse, 2 No electrical control rooms, diesel generator container, electrical substation (Total 376sqm), bunded oil storage tanks and sand/gravel washing/screening plant. This application is accompanied by a Remedial Environmental Impact Statement.

**ABP PL27.233638 (WCC ref. 08/1153):** Permission refused on appeal for: 1) Retention/continuation of use of existing sand and gravel extraction pit including extraction areas, processing areas, stockpiling areas (21.0711hectares) (2) Retention of various buildings & plant including workshop/machinery shed (159.30sqm) 7 no. storage containers (124.75sqm) tools storage container (27.57sqm) 2 no portable office buildings (total 34.36sqm) 1 no portable office/canteen/W.C. (27.73sqm) pumphouse (14.16sqm) timber shed (32.4sqm) 2 no electrical control rooms (26.04sqm) diesel generator container (13.89sqm) electrical sub-station (3.7sqm) bunded oil storage tanks & sand/gravel/washing/ screening plant together with (3) installation of proposed weighbridge, truck wheelwash bay, septic tank and upgraded percolation area.

**06/4577:** Permission granted for "Erect new entrance and driveway to existing sand and gravel pit and farm".

**S1771, (2) (b) information relating to any warning letter, enforcement notice or proceedings, etc**

All relevant information in this regard has been previously forwarded to the Board on the 30<sup>th</sup> July 2020 as part of the application for leave to apply for substitute consent for the subject development.

**S1771 (2) (c) information regarding the relevant provisions of the development plan, etc**

**Planning Policy:**

**County Development Plan 2016-2022**

**Chapter 5: Economic Development – Extractive Industry**

**Strategic Objective:** To support and facilitate the exploitation of County Wicklow's natural aggregate resources in a manner, which does not unduly impinge on the environmental quality, and the visual and residential amenity of an area.

**EX1** To facilitate and encourage the exploration and exploitation of minerals in the County in a manner, which is consistent with the principle of sustainability and protection of residential, environmental and tourism amenities.

**EX2** To encourage the use, development and diversification of the County's indigenous natural dimensional rock industry, particularly where it can be shown to benefit processing, craft or other related industries.

**EX3** To support and facilitate the development of related and spin-off industries of the extractive industry such as craft and monumental stone industries and the development of the mining and industrial tourism heritage. Consideration will be given to the development of such related industries within or in association with existing operations of worked out mines or quarries, at locations such as the disused granite quarries at Ballyknockan, where this does not conflict with other objectives and objectives of the plan.

**EX4** To have regard to the following guidance documents (as may be amended, replaced or supplemented) in the assessment of planning applications for quarries and ancillary facilities:

- Quarries and Ancillary Activities: Guidelines for Planning Authorities (2004, DoEHLG);
- Environmental Management Guidelines – Environmental Management in the Extractive Industry (Non-Scheduled Minerals), EPA 2006;
- Archaeological Code of Practice between the DoEHLG and the Irish Concrete Federation 2009;
- Geological Heritage Guidelines for the Extractive Industry, 2008; and
- Wildlife, Habitats and the Extractive Industry – Guidelines for the protection of biodiversity within the extractive industry, NPWS 2009.

#### **Chapter 9: Infrastructure**

**WE3** - To facilitate the development of existing and new waste recovery facilities and in particular, the development of 'green waste' recovery sites.

#### **Chapter 10: Heritage:**

Section 10.3.9 - Wicklow's Landscape – South East Mountain Lowlands - AHA

**NH1** To ensure that the impact of new developments on biodiversity is minimised and to require measures for the protection and enhancement of biodiversity in all proposals for large developments.

**NH2** No projects giving rise to significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall be permitted on the basis of this plan (either individually or in combination with other plans or projects).

**NH3** To contribute, as appropriate, towards the protection of designated ecological sites including candidate Special Areas of Conservation (cSACs) and Special Protection Areas (SPAs); Wildlife Sites (including proposed Natural Heritage Areas); Salmonid Waters; Flora Protection Order sites; Wildfowl Sanctuaries (see S.I. 192 of 1979); Freshwater Pearl Mussel catchments; and Tree Preservation Orders (TPOs). To contribute towards compliance with relevant EU Environmental Directives and applicable National Legislation, Policies, Plans and Guidelines, including the following and any updated/superseding documents: • EU Directives, including the Habitats Directive (92/43/EEC, as amended)<sup>7</sup>, the Birds Directive (2009/147/EC)<sup>8</sup>, the Environmental Liability Directive (2004/35/EC), the Environmental Impact Assessment Directive (85/337/EEC, as amended),

the Water Framework Directive (2000/60/EC) and the Strategic Environmental Assessment Directive (2001/42/EC). • National legislation, including the Wildlife Act 1976, the European Communities (Environmental Impact Assessment) Regulations 1989 (SI No. 349 of 1989) (as amended), the Wildlife (Amendment) Act 2000, the European Union (Water Policy) Regulations 2003 (as amended), the Planning and Development Act 2000 (as amended), the European Communities (Birds and Natural Habitats) Regulations 2011 (SI No. 477 of 2011) and the European Communities (Environmental Liability) Regulations 2008. • National policy guidelines (including any clarifying Circulars or superseding versions of same), including the Landscape and Landscape Assessment Draft Guidelines 2000, the Environmental Impact Assessment Sub-Threshold Development Guidelines 2003, Strategic Environmental Assessment Guidelines 2004 and the Appropriate Assessment Guidance 2010. • Catchment and water resource management Plans, including Eastern and South Eastern River Basin Management Plan 2009-2015 (including any superseding versions of same) • Biodiversity Plans and guidelines, including Actions for Biodiversity 2011-2016: Ireland's 2nd National Biodiversity Plan (including any superseding version of same). • Ireland's Environment 2014 (EPA, 2014, including any superseding versions of same), and to make provision where appropriate to address the report's goals and challenges.

**NH12** To support the protection and enhancement of biodiversity and ecological connectivity within the plan area in accordance with Article 10 of the Habitats Directive, including linear landscape features like watercourses (rivers, streams, canals, ponds, drainage channels, etc), woodlands, trees, hedgerows, road and railway margins, semi-natural grasslands, natural springs, wetlands, stonewalls, geological and geo-morphological systems, features which act as stepping stones, such as marshes and woodlands, other landscape features and associated wildlife where these form part of the ecological network and/or may be considered as ecological corridors or stepping stones that taken as a whole help to improve the coherence of the Natura 2000 network in Wicklow.

**NH23** - To minimise alterations or interference with river / stream beds, banks and channels, except for reasons of overriding public health and safety (e.g. to reduce risk of flooding); a buffer of generally 10m along watercourses should be provided (or other width, as determined by the Planning Authority) free from inappropriate development, with undeveloped riparian vegetation strips, wetlands and floodplains generally being retained in as natural a state as possible. In all cases where works are being carried out, to have regard to Regional Fisheries Board "Requirements for the protection of fisheries habitat during the construction and development works at river sites.

**NH49:** All development proposals shall have regard to the County landscape classification hierarchy in particular the key landscape features and characteristics identified in the Wicklow Landscape Assessment (set in Volume 3 of this plan) And the 'Key Development Considerations' set out for each landscape area set out in Section 5 of the Wicklow Landscape Assessment.

**NH51** - To resist development that would significantly or unnecessarily alter the natural landscape and topography, including land infilling / reclamation projects or projects involving significant landscape remodeling, unless it can be demonstrated that the development would enhance the landscape and / or not give rise to adverse impacts.

**Appendix 1** - Development and Design Standards – Section 9 - Facilities for Disposal of Inert Materials

**Wicklow Wetland Survey 2012:** Kilmacrea Transition Mire (see attached details)

## Draft Wicklow County Development Plan 2022-2028

Please note that the new Wicklow County Development Plan 2022-2028 was adopted on 12<sup>th</sup> September 2022 and is due to come into effect on 23<sup>rd</sup> October 2022.

### **S1771 (2) (d) any information that the authority may have concerning current, anticipated or previous significant effects on the environment, etc, and any remedial measures recommended or undertaken.**

- (i) The Planning Authority is not aware of any current, anticipated (other than those possible impacts identified in the remedial NIS for which mitigation measures have been put forward), or previous significant effects on the environment, or on a European site, associated with the proposed development.
- (ii) The Planning Authority is not aware of any remedial measures recommended or undertaken.

### **S1771 (2) (e) (i) the opinion, including reasons therefor, of the chief executive as to whether or not substitute consent should be granted for the development.**

The Chief Executive recommends that substitute consent should be granted, as the proposed development would not result in significant effects on the environment, or a European Site, would not result in adverse impacts on the amenities of the area and adjoining properties, and would therefore be in accordance with the proper planning and sustainable development of the area.

### **SL771 (2) (e) (ii) the conditions that should be attached to any grant of substitute consent.**

1. This grant of substitute consent refers to the development as described in the documents lodged, save as the conditions hereunder require.  
REASON: For clarification.
2. Within 6 months of the date of this permission, the developer shall pay a sum to be agreed in writing with the Planning Authority as a contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority.

The contribution sought is in accordance with Wicklow County Council's Development Contribution Scheme for the area in which the site is located and Section 48(1) of the Planning and Development Act 2000.

Where the contribution remains unpaid the monies payable shall be updated in accordance with the Wholesale Price Index as published by the Central Statistics Office on the 1st January of each year following the date of the Final Grant.

REASON: The public infrastructure and facilities included in the Development Contribution Scheme will facilitate the development and it is considered reasonable that the developer should contribute towards the cost thereof.

3. Within 3 months of receiving the written agreement of the Planning Authority for the proposed Extraction and Restoration schemes, the owner / operator shall provide security for the satisfactory restoration of the quarry in accordance with the agreed restoration scheme.

The form of the security shall be the lodgement with the Planning Authority of the cash sum of < € 50,000 > .

The Planning Authority may allow, at its absolute discretion, a reduction in the amount of the cash security, where the Planning Authority is satisfied that phasing of the Extraction and Restoration schemes is practicable and desirable.

Initially, the reduced cash security will apply to the appropriate phases of the Extraction and Restoration schemes and shall, as a minimum, include the existing extracted area of the quarry and the phase currently being excavated.

The amount of the security shall be reviewed and renewed before each subsequent phase of extraction is commenced.

For future phases, the Planning Authority will calculate the appropriate sum for the financial security, based on the then costs of the restoration works required.

If any phase of the restoration scheme has not been completed within three years of the commencement of that phase, the Planning Authority may, at its discretion, require an increase in the amount of the current financial security amount in line with the Wholesale Price Index – Building and Construction (capital Goods) published by the Central Statistics Office.

REASON: To ensure the satisfactory restoration of the site in the interests of the amenities and the proper planning and development of the area.

4. a) Mitigation and monitoring measures outlined in the Remedial Environmental Impact Assessment Report and the Remedial Stage 2 Natura Impact Statement submitted with this application, shall be compiled into a single Schedule of Monitoring and Mitigation Measures and submitted to the planning authority. These measures shall be carried out in full, except where otherwise required by condition attached to this permission. The Schedule shall be included in an Environmental Management System (EMS) which shall be submitted to and agreed with the Environment Section of Wicklow County Council prior to commencement of the development.

b) The EMS shall include, as a minimum, the following:

- (i) A list of all monitoring locations

- (ii) Description and specification of equipment to be used, proposed frequency of monitoring and reporting. An interpretation of the results shall accompany all monitoring reports.
- (iii) The identity and qualifications of persons responsible for the proposals for the suppression of on site noise (in order to comply with the conditions),
- (iv) Proposals for the on-going monitoring of sound emissions at noise sensitive locations in the vicinity,
- (v) Proposals for the suppression of dust on site, from plant, access roads and wind blown,
- (vi) Proposals for the bunding of fuel and lubrication storage areas, and details of emergency action in the event of accidental spillage,
- (vii) Proposals for monitoring of groundwater levels, Proposals for analysis of water samples from boreholes on site,
- (viii) Details of safety measures for the land around the quarry, to include warning signs and stock proof fencing.

c) The development shall be operated and managed in accordance with the agreed EMS required under a) above.

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

5. The hours of operation shall be from 08:00 -18:00 Monday to Friday, and 08:00 -14:00 on Saturdays, no works shall take place on Sundays or on any public holidays.

REASON: In the interest of residential amenity.

6. Equivalent sound levels attributable to all on-site operations associated with the proposed development shall not exceed 55 dB(A) (Leq) over a continuous one hour period between 0800 hours and 1800 hours on Monday to Friday inclusive, and between 08:00 to 14:00 on Saturday inclusive, when measured at any noise sensitive receptor. Sound levels shall not exceed 45 dB(A) at any other time.

REASON: In interest of residential amenity.

7. Dust emissions from the site shall not exceed 350 milligrams/square metre per day averaged over a continuous period of 30 days, measured as deposition of insoluble particulate matter at any position along the site boundary. Suitable arrangements shall be made to suppress and control dust arising from the open working and the processing and the handling and transportation of materials. The deposition of dust on surrounding lands in excess of allowed limits, or spillage onto public roads shall be prevented at all times. Within two months of the imposition of conditions, details of management and monitoring arrangements to ensure compliance with this requirement shall be submitted to the Environment Section of Wicklow County Council for approval. When approval is granted they shall be included in the Environmental Management System.

REASON: To protect the amenities of properties in the vicinity of the site.

8. (a) Full details of wheel wash facilities shall be submitted for the written approval of the Planning Authority and no development shall commence on site until the wheel wash is operational.

(b) The developer shall be responsible for maintaining the adjoining public roadway in a clean state, free from mud and other debris caused by the haulage of gravel and sand from the site.

REASON: In the interests of traffic safety and amenity.

9. 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 in excess of 1.1 times the capacity of the largest tank.

REASON: In the interest of proper planning and development, public health and the protection of surface and ground water.

10. **Within six months of the date of the final grant** a Restoration Plan shall be submitted to and agreed in writing by the Planning Authority. This restoration plan shall provide for the suitable re-grading of slopes and the placement of any stored stockpiles onto the extracted area, or the provision of a layer of topsoil only on the lands so that it can re-vegetate. **On no account** shall the extracted lands be refilled to previous levels on foot of this permission.

Any plan shall include a detailed landscaping scheme, prepared by a qualified professional with suitable experience, and shall indicate the type, height, location, number and species of all trees and shrubs to be planted. The scheme shall have an emphasis on the use of native and locally common species, and shall indicate where mounds will be provided to provide screening, either for noise mitigation or visual. Existing shrub and tree vegetation on the site boundaries shall be retained. A mixture of deciduous and quick growing evergreen trees shall be used. The plan should show the species and location of the proposed tree planting. Such a scheme, once agreed in writing with the Planning Authority shall be implemented on cessation of extraction on site, and shall be regularly inspected for at least 4 years after planting has been carried out.

Any plants, which become seriously damaged, shall be replaced by others of similar size and species, and all shall be maintained thereafter to the satisfaction of the Planning Authority.

REASON: In the interests of visual amenity, biodiversity enhancement and in order to integrate the development into the surrounding landscape.

11. (a) **No extraction** shall take place on site which would be located within 5m of the underlying groundwater level.

(b) The developer shall record groundwater levels in the boreholes and at the on-Site ponds at least every six months (wet and dry seasons), unless otherwise agreed in writing by the Environment Section of Wicklow County Council. The results of such monitoring shall be submitted within 3 days of records being taken. Where the results indicate that the finished floor level of the quarry should be adjusted to conform with the requirement under Part (a) this should be identified in the monitoring results submitted to the Planning Authority, and at that time a revised finished extraction finished floor level shall also be submitted for the written agreement of the Planning Authority, and the development shall accord with such written agreements.

REASON: To prevent pollution, to ensure protection of the groundwater, in the interest of proper planning and sustainable development.