

Sinead White

From: Appeals2
Sent: Tuesday, February 22, 2022 11:28 AM
To: Mary Tucker; Sinead White
Subject: FW: ABP-311893-21 NPWS
Attachments: ABP-311893-21 NPWS.pdf

From: Bord <bord@pleanala.ie>
Sent: Tuesday 22 February 2022 11:18
To: Appeals2 <appeals@pleanala.ie>
Subject: FW: ABP-311893-21 NPWS

From: Housing Manager DAU <Manager.DAU@housing.gov.ie>
Sent: Monday 21 February 2022 14:35
To: Bord <bord@pleanala.ie>
Subject: ABP-311893-21 NPWS

A Chara,

Please find attached heritage recommendations for the above mentioned planning application.

Kind regards,

Connor Rooney
Executive Officer

—
Aonad na nIarratas ar Fhorbairt
Development Applications Unit
Oifigí an Rialtais
Government Offices
Bóthar an Bhaile Nua, Loch Garman, Contae Loch Garman Y35 AP90
Newtown Road, Wexford, County Wexford Y35 AP90



Your Ref: ABP-311893-21

(Please quote in all related correspondence)

21/02/2022

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902
Via email to bord@pleanala.ie

Re: Notification under the Planning and Development Act, 2000, as amended.

Proposed Development: Substitute Consent Quarry at Maplestown, Co. Carlow.

A chara

I refer to correspondence received in connection with the above.

Outlined below are heritage-related observations/recommendations of the Department under the stated heading(s).

Nature Conservation

Water Quality

The Broadstown stream (EPA code: 14B54) is located on the southern site boundary and is mapped by the EPA as flowing in a westerly direction for approx. 0.6 km before joining the Graney (Lerr) River (EPA code: 14G07), which flows in a south westerly direction for approx. 8.9 km before entering the River Barrow and River Nore Special Area of Conservation (Site Code 002162). The development is located within the Graney (Lerr)_010 river sub basin. This lies within an 'AT RISK' river sub-catchment with moderate ecological status. In addition to nutrients, siltation has also been identified as an issue in this river's sub catchment. It is noted that Lerr_010 is under review due to input from Kildare County Council. The significant pressures throughout the sub catchment are diffuse agriculture, predominantly tillage and arable. Channelisation is also extensive throughout the sub catchment. Kildare County Council highlighted that there is very little topsoil in the area, with sands and gravels dominant, and recurring cattle access a common issue throughout.

The decision to grant planning permission for this quarry by An Bord Pleanála (PL01.221741) included a number of conditions in relation to water quality mitigation measures namely the following:

Condition 10. Prior to commencement of development, details of the settlement ponds and all associated structures shall be submitted to and agreed in writing with the planning authority. Regard shall be had to Appendix D of the Environmental Management Guidelines – Environmental Management in the Extractive Industry (Non-Scheduled Minerals), EPA 2006. Such development shall be carried out in accordance with an appropriate Construction



Quality Assurance (QA) Plan and certification of satisfactory completion of these installations by appropriately qualified experts shall be submitted to the planning authority prior to the commencement of quarrying works on the site.

Reason: In the interest of the protection of water quality.

Condition 20. Within two months of the date of this order, the developer shall submit to and for the written agreement of the planning authority a proposal for an Environmental Management System (EMS). This shall include provisions for the following:

(g) Monitoring of ground and surface water quality, levels and discharges, and measures to be adopted in the event of a water supply being disrupted by the quarry development.

(i) Details of the maintenance and cleaning of settlement lagoons and proposals for the treatment of removed silt to prevent subsequent dispersal.

All actions shall be implemented within six months of the date of agreement with the planning authority. In the event of "Trigger Levels" being reached or exceeded for any of the specified monitoring parameters, including those referred to above and at condition numbers 6 and 11, the developer shall notify the planning authority without delay and shall carry out any remedial measures specified by the planning authority including, if necessary, cessation of works. The determination of appropriate "Trigger Levels" in relation to the conditions of this permission shall form part of the agreed EMS.

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

Condition 21. On an annual basis (by the end of January each year) for the lifetime of the facility, the developer shall submit to the planning authority five copies of an environmental audit. Independent environmental auditors approved by the planning authority shall carry out this audit. The audit shall be carried out at the expense of the developer and made available to the public. This audit shall contain:

- (a) an annual topographical survey carried out by an independent qualified surveyor agreed by the planning authority. This survey shall show all areas excavated and restored. On the basis of this, a full materials balance shall be provided to the planning authority,
- (b) a full record of any breaches over the previous year for noise, dust, and water quality, and
- (c) a written record of all complaints, including actions taken on each complaint. In addition to this annual audit, the developer shall submit quarterly reports with full monitoring records of dust monitoring, noise monitoring, surface water quality monitoring and groundwater monitoring, details of such information to be agreed with the planning authority. Notwithstanding this requirement, all incidents where levels of noise or dust exceed agreed levels shall be notified to the planning authority within two working days. Incidents of surface or groundwater pollution, or incidents that may result in groundwater pollution, shall be notified to the planning authority without delay.



The annual audit and all other agreements to be reached between the developer and the planning authority, as required by way of the conditions in this permission, shall be in writing and copies of the audit and such agreements shall be made available for public inspection during normal office hours at the planning authority's offices, and at another agreed location in the broad vicinity of the site.

Reason: In the interest of residential amenity and to ensure a sustainable use of non-renewable resources.

The Remedial Natura Impact Assessment (rNIS) for Historic Extraction and Infilling Works at Maplestown, Co. Carlow dated November 2021 and prepared by Enviroguide Consulting states that appropriate mitigation measures implemented as part of the original EIS (EssGee Consultants, 2006) to address the potential risks posed by Historic works on the QI/SCIs of the River Barrow and River Nore SAC. It is further stated that these measures are described in section 6.3 of the rNIS and reduced these potential risks to negligible, thus maintaining the integrity of this European Site.

The Department notes that the rNIS does not provide any evidence of compliance with Condition 10, 20 or 21 of the original permission (PL01.221741) including any historic water quality sampling or any evidence of monitoring, inspection and maintenance of water quality mitigation measures which would indicate that they were in good working order during the period that the unauthorised quarry was in operation. The Department advises that effectiveness of water quality mitigation measures must be demonstrated, using evidence of compliance with the above planning conditions. This would be of particular interest after periods of high rainfall and flooding events and would indicate whether mitigation measures were intercepting pollutants and sediment coming from quarry production area.

Restoration

While the application states that the long-term proposal for the Site includes restoration of the proposed quarry that will be subject to a separate planning application, the Department notes that considerable infilling and restoration has taken place within the site already and is the subject of this substitute consent application. Given the 'At Risk' water quality status of the nearby river water body and the lack of topsoil in the area, the Department advises that the rNIS should include an assessment of the impacts of restoration and afteruse for agriculture on water quality. Furthermore, Environmental Assessment should demonstrate that historical restoration has been in accordance with landscaping and ecological enhancement conditions of the original planning permission (PL01.221741).

Infilling

The rNIS states that a total 41,700 m³ of overburden were removed and set aside for reuse in the restoration of the area and that upon completion of the extraction the area of 4.177 ha was restored to previous ground level using overburden removed from this area during quarrying and stockpiles of overburden that had been retained on site from the permitted development. Evidence that infill was solely site won and did not include material from outside the site should be provided.



Groundwater

Evidence should be provided of compliance with original planning permission conditions related to the protection of groundwater namely:

Condition 7. The final extraction depth shall, in no part of the site, be less than one metre above the level of the water table. Prior to commencement of development, detailed site investigations shall be undertaken on the site to determine the depth of the water table and the final extraction depth shall be agreed in writing with the planning authority. A monitoring scheme shall be submitted to and agreed with the planning authority to measure the groundwater levels at the lowest part of the site.

Reason: To prevent pollution of groundwater.

Condition 8. A Groundwater Monitoring Programme shall be implemented for the protection of groundwater. Groundwater monitoring wells shall be installed around the boundary of the site, the number and locations of which shall be agreed in writing with the planning authority prior to commencement of development. Water levels and quality shall be recorded every month and a log of the results shall be submitted to the planning authority for written agreement on a quarterly basis. Where activities on the subject site are found to adversely affect local water supplies, replacement water supplies shall be provided to the written satisfaction of the planning authority.

Reason: In the interest of proper planning and sustainable development and to monitor groundwater in the vicinity of the site.

You are requested to send any further communications to this Department's Development Applications Unit (DAU) at manager.dau@housing.gov.ie, or to the following address:

The Manager
Development Applications Unit (DAU)
Government Offices
Newtown Road
Wexford
Y35 AP90

Is mise, le meas

Connor Rooney (Housing)
Development Applications Unit
Administration