

Patrick Doyle

Subject: FW: W0272-01 - Notification under Section 42 (11)(e)(i) of the Waste Management Act, 1996,(as amended)

Importance: High

From: Les Doyle
Sent: 28 August 2014 17:19
To: 'Noeleen Keavey'
Subject: W0272-01 - Notification under Section 42 (11)(e)(i) of the Waste Management Act, 1996,(as amended)
Importance: High

For the attention of Noeleen Keavey, Office of Climate, Licensing & Resource Use, Environmental Protection Agency

Re: W0272-01 - Notification under Section 42 (11)(e)(i) of the Waste Management Act, 1996,(as amended)

28/8/14

Good afternoon Ms Keavey,

I refer to your letter of 26th June 2014 in relation to the Environmental Impact Statement relating to proposed Soil Recovery Activity at Milverton, Skerries, Co. Dublin and my subsequent email of 21st July 2014 regarding same. In this connection I wish to inform you that the Planning Officer has reported as follows:-

"I have had the opportunity to review the planning status of the Quarry and the EIS for the Soil Recovery Licence and my comments are as follows:

Planning Status

The quarry was registered under S.261 of the Planning and Development Act 2000 in 2007, and following an appeal to An Bord Pleanala consent was granted with 13 Conditions. (ABP Ref: Q/05/003).

Under Section 261A the quarry was reviewed by the Planning Authority and it determined that Substitute Consent was required. However the Bord subsequently determined that Substitute Consent was not required on the basis that the quarrying operation was a pre 1964 operation and therefore decided to set aside the Councils determination decision made under s.261A2A and a Decision under s.261A3(a) respectively. (Fingal Ref; Q/12/003, An Bord Pleanala Ref: 06F.QV.0192).

Given the Bord's decision to set aside the Council's Decision re Substitute Consent it is considered that the planning status reverts back to the s.261 consent in January 2008 (ABP Ref. No. QC 06F.QC.2119 refers – with 13 conditions imposed). The majority of these conditions related to the operation of the quarry itself; which appears now to have ceased. However condition 12 – phasing of Development and 13 – Landscaping and Restoration/Afteruse remain relevant conditions. The developer submitted compliance details in relation to conditions 12 and 13 and these were deemed to be acceptable by the Planning Authority. In regard to Condition 9 – Water Supply and Drainage and Water Pollution Control, I am not aware that any submission in relation to a report on the water management system in place at the quarry was ever submitted to the Planning Authority for compliance purposes. I refer to this matter again below.

EIS

In relation to the EIS I note you have consulted with other relevant Departments within the Council. From a planning perspective I wish to comment as follows:

It is noted that the amount of inert material to be imported at the facility is approximately 1.900,000 million tonnes and will be sourced from construction and or demolition sites where prior testing has indicated that no soil or material contamination is present; that the area covers approximately 7.9 hectares; and that the duration of backfilling activities is in the order of 7.5 years.

The landscaping and restoration proposal detailed in the EIS are broadly in line with details submitted in compliance with Condition 13. I would however note that the face of the quarry to remain exposed after the restoration has taken place would appear to differ from that previously indicated. As the extent of the exposed face appears larger I would welcome this, particularly given the ecological value of the quarry face and also having regard to the presence of a Peregrine Falcon in the locality. Any restoration of the quarry should take full account of the habitat of this bird and other protected species in the area.

In respect of the Waste Recovery Activities it is noted that any temporary, additional or replacement infrastructure required to facilitate the proposed works will be constructed and or installed at the outset of the first phase of backfilling. In this regard the applicant should be advised that new infrastructure may require a grant of planning permission.

In respect of hydrology and hydrogeology, as previously noted it was a condition that a report on the water management system in place at the quarry be submitted. This has not been complied with. While I note the details submitted in the EIS in this regard I consider a full submission in compliance with Condition 9 should be submitted to the Planning Authority any commencement of back filling. In the meantime I have referred this Section of the EIS to our water services section for review and comment and will forward any response to you at the earliest opportunity. This is considered to be particularly important given the extent of the operations proposed and proximity to the Mill Stream."

Should you require any further details in relation to this response please do not hesitate to contact me.

Kind regards,

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