

204-1

Sub (122)

Ann Bosley

From: Noeleen Keavey
Sent: 15 November 2005 15:45
To: Ann Bosley
Subject: FW: Whitestown

Submission for 204-1

From: Wexford Receptionist
Sent: 15 November 2005 15:37
To: Noeleen Keavey
Cc: infomail
Subject: FW: Whitestown

Noeleen,
 is this for Waste Application, is there one in for this???

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From: Emer Bailey [mailto:emerbailey@iol.ie]
Sent: 15 November 2005 15:28
To: Web info mail
Subject: Whitestown

A Chara

I attach for your interest a copy of the decision and report by An Bord Pleanála to refuse planning permission for a quarry opposite the site owned by Brownfield Restoration Ireland Ltd. -your reference no. 204-1.

The reason I am sending this is to underline the fact that An Bord Pleanála considers the the cSAC and the Carrigower River of such importance that they have refused planning permission for a quarrying only operation which is further distant from both than the Brownfield site. The Bord is of course also concerned

15/11/2005

with safety and traffic considerations but the principal reasons for the refusal are environmental and refer to the hydrogeological report undertaken for them (by David Ball) in relation to the Brownfield appeal. I'm sure you must have a copy of that report.

This decision adds further weight to the imperative that a license for a waste management facility at the Brownfield site at Whitestown must not be granted. The site must be cleaned up as a matter of extreme urgency and all illegally deposited waste removed and disposed of in an appropriate manner. It is disgraceful that not one iota of this waste has been removed four years after Wicklow County Council officially discovered its presence. How long must this site continue to suffer as a result of official prevarication?

I urge you in the strongest possible terms to issue your decision as soon as possible to insist that the site be remediated immediately and returned to pastoral use.

Yours sincerely
Emer Bailey

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FILE REFERENCE:

PI 27.211319

DEVELOPMENT :

Extension of existing sand and gravel quarry

LOCATION:

Whitestown Lower, Stratford, Co. Wicklow

APPLICATION

Applicant

Frank O'Neill

Planning authority

Wicklow County Council

P.A. reference

04/2018

P.A. decision

To refuse permission

APPEAL

Appeal type

First party

Appellant

Frank O'Neill

Date of appeal

16/03/2005

INSPECTOR

Öznur Yücel-Finn

Dates of Inspection

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1.0 INTRODUCTION

- 1.1 This is a first party appeal against the decision of Wicklow County Council to refuse permission for the above development for the reasons of traffic hazard, non-compliance with County Development Plan policies requiring details in relation to likely impacts of the proposed development, and insufficient information regarding impact on the stability and safety of N81.
- 1.2 The Board has recently refused permission for an integrated waste facility directly opposite the appeal site (PL 27.211913)

2.0 SITE AND LOCATIONAL CONTEXT

- 2.1 The appeal site is located in Whitestown Lower approximately 12 kilometres south of Blessington and 8 km north of Baltinglass. Stratford Village is 2 approximately 2km south.
- 2.2 The site is located on the western side of N81 with approximately 220 metres frontage onto the same. Carrigower River which is a tributary of the River Slaney moves from the eastern side of N81 to the western side underneath N81 to the south of the appeal site at a distance of approximately 120 metres.
- 2.3 The appeal site forms part of a much larger landholding extending to both sides of the N81. The area to the west is considerably larger, though seems to have been reduced over time. It is divided roughly into two sections by the existing vehicular access.

To the north and on former grounds of Whitestown House are the farmyard and the lands in agricultural use including the applicant's dwelling. At the north-western edge of this section and along the frontage of the county road, there are a number of dwellings sites of which seem to have been severed from the overall landholding. The present holding extends along N81 in both directions.

- 2.4 To the south of the main access road there are three sections. Of these the western most section is approximately 2.9 hectares and is stated to be sold to Dan Morrissey Limited with a right-of-way over the site entrance. This area is indicated as the area where sand and gravel extraction has taken place and where sand washing plant and washing lagoon was permitted development.

The second area stated to be c.5.7 hectares is in the centre, and is stated to have been sold to Higgins Concrete Products Limited. It is stated to have a permission for roof covering for part of existing production area and for concrete block making plant. There is an embankment along the boundary of this area screening the area from the views to N81.

The third is on the eastern most section with frontage along N81. It is low lying and is divided into two almost equal areas with a post and wire fence running in the east-west direction. It is currently in agricultural use.

- 2.5 The appeal site is the southern field of this last section, and is located at the south-eastern end of the lands in the overall ownership of the applicant. It measures approximately 260 metres by 160 metres.
- 2.6 There are two further areas which are also indicated to be in the ownership of the applicant and but are located on the eastern side of the N11. The first consist of a strip (approximately 380 metre long and approximately 60 metres wide) directly opposite the vehicular entrance to the western side. The second is a sand and gravel pit located further north with separate access from N81.
- 2.7 The existing site access is splayed and is quite wide. It leads directly to the farmyard but with three further branches one off which is to the north towards the dwelling.

The access to the former quarry is immediately adjoining. This runs along the boundary (post and wire) of the concrete batching plant for some time. A number of disused machinery is scattered around. (at the time of the inspection a dumper truck associated with the works being carried out at the farm yard was located at the entrance of this section)

The access to the now disused concrete batching area and the sand and gravel extraction area is marked by a single storey structure behind a closed farm gate. It leads to the area with large roof covering for the concrete batching plant. (Higgins concrete products)

The access to the fields where the appeal site is located consists of a path used by agricultural machinery. It is at a lower level than the access road.

3.0 PLANNING HISTORY

- 3.1 While there is very little information in relation to the history of development within the applicant's lands in the planning authority documents, details have since been submitted to the Board in response to the request for further information. These are:

4578/79 Permission granted for concrete block making plant subject to eight conditions. Condition No. 1 required widening of the national secondary route for a distance of 200 feet on each side of the entrance.

PL 27/5/54445

(6240/81) Permission granted (by the Board following a decision to refuse by the Planning Authority) for a development comprising of a sand washing plant and washing lagoon subject to nine conditions. Condition No. 1 required widening of the national secondary route for a distance of 200 feet on each side of the entrance. The site area indicated includes all lands to the south of the farmyard some of which was subsequently disposed to third parties.

PL27/5/54602

(6284/81) Permission granted for roof covering for part of existing production area to existing concrete block making plant subject to nine conditions as before.

6879/81 Permission granted for a new entrance subject to seven conditions. The drawings showed splayed entrance, set back gates, trees on either side of the widened access.

The submission by the first party also includes details of a permission for the existing sand and gravel quarry on the eastern side of N81, under Ref. Nos. 7466/82 (PL27/5/58916)

4.0 THE PROPOSED DEVELOPMENT

4.1 The proposed development is for a sand and gravel pit with 3.1 hectare extraction area within the 4.5 hectares overall application area.

In addition to the rectangular shaped area located at the south-eastern corner of the lands in the ownership of the applicant, site includes a strip of land to provide a new access road into the extraction area within the adjoining field. This access would be approximately 200 metres in length and will run parallel to and to the west of N81 at a distance of approximately 100 metres. It will be completely outside the previous production areas and their accesses.

4.2 It is stated that the topsoil and overburden materials stripped initially will be used in the construction of a screening berm that will run along the inside of the boundary hedgerow to the west of N81. The hedgerow would also be reinforced with further planting where necessary to provide additional screening barrier.

4.3 Extraction of sand and gravel would start at the northern end of the site. It is proposed to work in the southerly and easterly directions. The proposed pit floor level is 139mod. It is stated that no extraction would take place below groundwater level. Topsoil and overburden would be systematically stripped

and stored separately in a landscaped mound for later use for the restoration of the site.

The pit would be worked using dry mechanical excavation techniques (front end loaders). No processing would be carried out on the site.

- 4.4 All sand and gravel materials excavated from the working pit would be transported to the Dublin market. As such traffic will turn only left when exiting onto N81.

The total volume of sand and gravel at this site is approximately 550,000 tonnes and it is proposed to extract this material at the rate of 100,000 tonnes per year (T/Y). This would equate to a pit life of 5-6 years. Allowing for two years to complete final restoration works, permission is sought for an 8 year period.

The hours of operation are intended to be 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays.

Refuelling of the front and loader would take place on site by a local fuel supplier and there would be no fuel storage on the site.

I should note that most of the information I have referred to above, has only been provided following a further information request by the Board, and as part of the Environmental Report.

- 4.5 The initial application to the Planning Authority described the nature and extent of the development as '4.5 hectares extension of existing sand and gravel quarry operating in line with existing practice and for a 10 year period'.

It included a report entitled 'IGSL Limited ground investigation' based on five exploratory boreholes to establish stratification. I understand this is a standard report required for planning applications for mineral extraction developments to provide information regarding the type and distribution of inert sub terrain materials, and water table levels.

5.0 DEVELOPMENT PLAN PROVISIONS

- 5.1 The statutory development plan for the area is Wicklow County Development Plan 2004. The following are relevant policy and objectives in the case of the appeal development.

Landscape zones

The appeal site is located in a rural area, within a landscape zone of 'Access Corridor Zone'. There are two corridor zones in the County. The western Corridor is focused on the N81 from Dublin, through Blessington, on towards Baltinglass.

The policy HL1-

The Council will ensure that the development of Wicklow takes full account of the designated landscape categories and the protection of their amenities and assets.

In particular when considering planning applications the Council will take full account of the objectives set out in relation to residential, tourism, and other rural development set out in chapters 3,11 and 12 of the plan.

I should note that the site is located at the southern end of the corridor zone, and in close proximity of ASA and AONB zones.

Environmental Designations

In Schedule 10.2 Carrigower Bog is designated as a NHA. It is also a cSAC. The Carrigower River cSAC is located to the south of the appeal site at a distance of approximately 120m.

Policy HL3-

The Council will have regard to the designated areas for wildlife that are located in the County including any additional or alterations that occur to these designations throughout life time of this plan. The Council will facilitate the protection of these areas from any development that would adversely affect their conservation value.

Policy HL4-

The Council will ensure that any development proposal in the vicinity of or affecting in a way a designated area, provides sufficient information to show how its proposals will impact upon the designated area, and will include proposals for appropriate amelioration.

Infrastructure

Water quality-it is a stated aim of the Council to protect existing groundwater aquifers, surface waters and coastal waters from pollution, and will implement the Water Framework Directive 2000, which aims to achieve a 'good status' for all water by 2015.

Policy W5 –

The Council would implement the provisions of the River Basin management Plans.

Aquifer Protection

The Council has relatively poor ground water resources with no regionally important aquifers, but a number of small to medium sized water supply sources dependent on groundwater.

The Council's Ground water protection scheme is aimed to prevent ground water pollution. Aquifer and vulnerability maps, integrated into Groundwater Protection Zones Map classify areas according to the protection they required, and would be used in conjunction with Ground water Protection Responses which indicated controls appropriate to each groundwater protection zone for a given type of development.

Locally important Sand and Gravel aquifers are listed in Schedule 9.2, and includes Baltinglass, and Hollywood.

Extractive Industry

The plan includes a specific policy and objectives in relation to extractive industry. Policy EM15 states:

The Council will facilitate the operations of the extractive aggregates industry were they conform to the principles of sustainability and do not significantly affect residential, environmental or tourism amenities.

Section 4.8 of Chapter 6 states:

Permission for mineral extraction will only be granted where the Council can be satisfied that the environmental quality of Wicklow's landscape and amenities are not significantly impacted

The plan provides a number of control criteria in Section 5.4 including requirements for planning applications. (Copy attached) in particular, section 5.4.3 is important as it requires apart from description of the nature of the proposed development and nature of deposit, proposed methods of extraction, environmental effects of the proposal and proposals for restoration, after care and after use.

6.0 PLANNING AUTHORITY'S DECISION

6.1 The planning authority decided to refuse permission for three reasons which related to traffic hazard, failure to provide information regarding likely impacts and measures to manage the impacts as required in the development plan, and insufficient information regarding impact on the stability of N81.

6.2 The report for the Planning Authority stated:

“The wording in the application indicates that the proposal to develop the subject field as a quarry is *‘an extension of existing sand and gravel quarry operated in line with the existing practice’*. This wording is however incorrect as it does not acutely describe the abandoned state of the adjoining former quarry. Thus the application is in effect invalid.

In addition, the site layout plan and the topographical survey (Drawing Ref. JB) and the detail submitted do not actually outline how the proposed new area of quarry will integrate with the former quarry thus not explaining how the new development could be an extension of the existing quarry. The section drawing submitted (No. 04) does not even include any part of the former quarry whilst a separate access is to be provided to the new quarry. This implies that the former office building which is in very sound condition would not be used as part of the operation of this new quarry.”

The wording of the planning application states that the new quarry operation will be operated in line with the existing practice however the obvious question is what existing practice. I am also of the opinion that part of the existing built features especially the exceptionally large shed of the site may not have the benefit of planning permission. No evidence has been submitted that all built features of the former quarry which this application seeks to extend are authorised developments.”

6.3 The report states that

- The application does not provide any information regarding the environmental impacts arising from the proposed development and as such has not complied with the guidance information required in the Section 5.4.2 of the current County Development Plan.
- The access to the site is at a point on N81 where there is a significant bend on the road and that the application has not provided adequate sight lines at the entrance to the proposed development.
- The application should have made reference to the developer's future intentions with regard to the registration of this and the alleged existing

quarry in line with the licensing requirements of Section 261 of the Planning and Development Act 2000.

The final conclusions of the report include:

1. Due to the dearth of information submitted as required in Sections 5.4 and 5.4.3 of the current Wicklow Development Plan regarding the projected impacts of the proposed new quarrying operation on the local environment and community and the operation of the inherent processes. Such information should also include proposed measures to effectively manage such projected impacts.
2. The wording of the description of the proposed development is incorrect and thus misleading as the adjoining quarry on the applicant's land is no longer in use thus implying that the current proposal is a standalone development not associated with the adjoining former quarry.
3. The Planning Authority cannot consider granting this application as it is invalid and may also have the likely effect of consolidating some existing unauthorised development on the adjoining former quarry area.
4. The proposed development taken in conjunction with the existing quarry situated on the opposite side of the N81 would if permitted have cumulative negative impacts on traffic safety on this road and on the quality of the local environment and its landscape. The fact that no site restoration plan was submitted exacerbates the likely negative visual impacts of local landscape as a result of heavy quarries situated on both sides of the N81, one of the principle artery routes through the county which also serves County Kildare.

- 6.4 The report from the roads engineer states that there is insufficient information to make a recommendation. It requires information in relation to volume of material to be extracted, Traffic Impact Assessment, details of how applicant proposed to ensure that no mud/ debris is deposited on the N81, details of suitability of existing entrance for the proposed activity, cross sections through the site showing depth and proximity of excavated areas to N81 and how it is proposed to maintain safety/stability of the N81.

The report for the Planning Authority states that the application was not referred to prescribed bodies.

- 6.5 During the course of the application the Planning Authority received objections from some residents in relation to increased HGV traffic on the N81, impact on the SAC (Slaney River/ Carrigower River), proximity to residents and proliferation of quarries in the area.

7.0 GROUNDS OF APPEAL

7.1 Submitted by the agent for the applicant and enclosing a copy of Part 10 of the Planning and Development Regulations 2001 the main points of the grounds of appeal include

1. Planning permission was not requested for the entrance as a permission exists for a more substantial development in conjunction with the established quarry (Ref. 4578/79). An Bord Pleanála granted permission on the same site following a refusal by Wicklow County Council for the same reason as this application (27/5/54602) (6284/81).
 - Please note that the quarry existed and was to provide the main raw material for the block making plant.
 - Clearly permission is not required because a quarry entrance existed prior to the planning acts and was incorporated into the new wider entrance conditioned in Reference 4578/79 (27/5/54602)
2. There is no problem providing up-to-date wheel washing facilities.
 - With reference to another planning application Ref. No. 00/33434 another quarry in the general area, the applicants were asked to provide wheel washing facility as well as submission of information on trial hole and percolation tests, sight lines, log of trial holes, noise level survey. He questions why the applicants in this case were not given the opportunity to provide any required information.
3. The existing quarry referred to on the opposite side of the road is allegedly involved in illegal dumping (Board ref 27.211913) and it is unreasonable to refuse permission to the applicant who has always run his quarries properly.
4. It is unfortunate that the County Development Plan is not available for purchase yet.
 - Wicklow County Council did not request an E.I.S.
 - Sufficient information was provided under the planning Act clause 103 (Part 10). The applicant is willing to furnish relevant information if requested by the Board.

7.2 The agent states that

- He has examined the available document to planning permission Ref. 4578/79 on microfilm and he is convinced that permission exists for the entrance.

- The site map with the existing quarry outlines the large area which includes the present application area and as such the County Council must have accepted that much of the remaining area would produce the raw material for the approved block making plant.
- While some references on the Planning Report seem to regard the pit as disused this is not the case. Production from this land did reduce since the block making plant has ceased to operate, but Mr O'Neill has been extracting gravel continuously from his land. He notes that there are no time limits of prescribed extraction rates in force relating to the quarry.

7.3 The agent provides following additional information as part of the grounds of appeal:

1. Annual tonnage to be extracted is 150,000 tonnes.
2. The maximum number of track movements per hour would be 3 in and 3 out.
3. Tipper trucks would carry a maximum 20 legal tonnes. Articulated trucks would carry a maximum legal 25 tonnes.
4. Working hours would be 07.30-18.00 Mondays to Fridays 07.30-13.00 Saturdays.
5. All trucks would leave and enter the quarry from and to Dublin side.

7.4 In conclusion the agent states that he believes that a decision of Wicklow County Council to be incorrect and also believes that the applicant has in fact planning permission for this operation and would be pleased if it would be confirmed having examined all the relevant documentations and that the applicant would comply in the reasonable conditions and requests which are considered appropriate.

8.0 THIRD PARTY OBSERVATIONS

8.1 In response to referral by the Board, and drawing attention to Section 35 of the Planning and Development Act 2000 it is submitted in the observations by An Taisce that there is a complete failure by the consultant for the first party to provide any informational documentary evidence to establish that there is an existing compliant development on the site.

It is further submitted that they concur with the concern of the County Council that the information submitted by the applicant with regard to the proposal is entirely substandard and deficient.

8.2 They share the appellant's concern with regard to non-availability of the Wicklow County Development Plan notwithstanding its adoption in November 2004.

8.3 They recommend that the Board uphold the refusal decision by Wicklow County Council on grounds of traffic safety on the N81 and inadequacy of information submitted in conjunction with the application. They suggest alternatively that the Board may request an environmental impact statement.

9.0 FURTHER INFORMATION

9.1 The applicants have been requested to submit detailed information in following areas:

1. Description of existing development,
2. Documentary evidence to support the claim that the previous development has not been abandoned,
3. A detailed study prepared by qualified specialists to provide information on the receiving environment, likely significant impacts arising from the proposed development and proposed mitigation measures,
4. Details of restoration/rehabilitation and aftercare proposals,
5. Indication of whether the existing quarry has been registered in accordance with Section 261 of the Planning and Development of the Act
6. Compliance with the requirements of County Development Plan.

9.2 The submission by a different agent for the first party is structured in the same format as the questions and includes detailed drawings, copies of aerial photos, and copies of previous permissions as appendices. I shall refer to these when necessary.

9.3 In response to the request for **documentary evidence** to support the claim that the previously permitted development has not been abandoned, the applicants have provided two aerial photographs dated 1995 and 2004.

No documentary evidence have been provided as requested in the form of GSI active quarries record, delivery receipts, records of yearly output, truck movements and number of employees.

The aerial photos show areas where the previous sand and gravel extraction, previous processing, previous manufacture of concrete products have taken place.

I note that the areas indicated no longer seem to be in the ownership of the applicant. Indeed the written submission states:

Higgins Concrete Limited purchased the relevant section in 1982 produce concrete products in the 1980s and 1990s, which ceased around 1995/1996. The site was vacant for a number of years except between 1999 and 2004 when the office part of the site was leased to Ellen Construction Limited who used the site to store building materials.

The adjoining lands owned by Dan Morrissey Ireland Limited have been registered in accordance with the requirements of Section 261 of the 2000 Act. Wicklow County Council have indicated that they propose to impose conditions on this sand and gravel pit (Appendix B).

The submission states that

- the existing entrance has been in constant use since at least 1979 by HGVs and as such still has planning permission for HGV type vehicles to access to N81 (6879/81).
- there has been extraction of sand and gravel and manufacturing of concrete products within the historical and current land ownership of the applicant and that land use of sand and gravel extraction and ancillary operations has been established on the applicants lands and adjoining lands.

In conclusion it is stated by the first party consultants:

“While it is recognised that the proposed application is not a direct extension of an existing operating sand and gravel pit, it is considered that the proposed application is consistent with the established land use of sand and gravel extraction on the lands and in the immediate vicinity of the site. It will be a replacement pit for his existing sand and gravel pit located approximately 750 metres north-east of the proposed development (refer to planning permission Ref. No. 7466/82 and PL27/5/58916 and Drawing ABP 01). The applicant is willing to publish revised newspaper and site notices to clarify the description of development should the Board consider it necessary to do so.”

- 9.4 It is proposed to restore the lands to beneficial agricultural afteruse on cessation of sand and gravel extraction. The **restoration** work would be

carried out on a phased basis using the topsoil and overburden arising from soil stripping operations on the site.

- 9.5 Details of the **registration status** are provided in **Appendix B** in item 5 of the response to further information request

It is stated by the agent that the applicant has registered the lands with Wicklow County Council in accordance with the requirements of S. 261, but the Council in their notice published in the newspaper indicated that they are considering removal of the application from the register as the quarry was not in operation on or after 28th April 2004, and being a quarry for which planning permission was not granted under 1963 Act.

The submission states:

“The applicant disputes this assessment and will be making a submission responding to the proposed decision by Wicklow County Council”.

- 9.6 **Appendix A** includes copies of the previous planning permissions on lands within the applicant's historical and current land ownership. I have summarised these in an earlier section.

- 9.7 **Appendix C** of the submission is entitled “**Environmental Assessment Report**” which includes written information as well as maps and photographs.

The first three sections of the report relate to introduction, planning history and proposed development. The main points of the remaining sections include:

Flora and Fauna

The site is a field of improved agricultural grassland which is intensely managed and strip grazed with fertilisation and contains no features of significant ecological value. It is made up of typical habitats and species for farmland in the area. However there is more interest in the adjoining ground particularly the Carrigower River and the disused gravel pit. The former has important fish populations while the pit carries a good diversity of plant species which are generally uncommon.

No part of the site carries an ecological designation, but Carrigower River is part of the River Slaney cSAC (code no 781). This area is listed for multiple habitats and species of concern but the most relevant are the river and brook lampreys, salmon, and otter all included in Annex 2 of the EU Habitats Directive.

The main way for the quarry project to effect the local flora and fauna adversely would be for sediment or other polluting matter to be released into

the Carrigover River which would be damaging to fish spawning areas of which many occur in the downstream section.

Under the proposed mitigation measures it is stated:

The design and operation of the sand and gravel extraction scheme does not include any discharge of waters to the Carrigover River to the south and all surface water drainage will be managed on site by soakways.

Soils, Geology and Hydrology

Soils

The soils, sub-soil geology and bedrock geology at the site has been determined from published information and ground investigation consisting of 4 no. boreholes.

The mitigation measures for soil are described as:

- Soil stripping and storage operations will be carried out in a manner as to minimise soil compaction and topsoil and overburden would be stored separately on site in designated storage areas.
- Slope angles of no greater than 1:1.5 in storage areas and minimisation and double handling of material are further proposed to limit the effects of soil erosion.
- Soils in adjoining lands will not be contaminated as a result of the extraction.

Hydrology

There are no surface water features at the site. Carrigover River which is located approximately 250 metres to the east of this site swings around in a south-westerly direction flowing beneath N81 at a point which is 125 metres from the southern boundary of the site.

Groundwater strikes were encountered in boreholes B1, B2 A and B3 at depths of 4.2 metres 4 metres and 3.1 metres respectively below ground level. Borehole 1 was recorded as being dry at the end of the days drilling indicating that the water is dry in this borehole and 4.2 metre depth was a perched water within the sandy gravel formation. No groundwater was recorded during the boring of DH4. Based on this information it is considered that the groundwater table is below the depth of the borehole drilled on the site.

There will be no surface water discharge from the site. The surface water arising within the site from rainfall will percolate naturally via a sump in the pit floor to the groundwater.

Removal of the protective layer of unsaturated soil and subsoil material across the extraction area will increase the vulnerability of groundwater beneath the

site. Consequently a potential exists to cause a reduction in the groundwater quality arising from operational activity at this site.

Mitigation measures in terms of hydrology are described as:

Although it is considered that development does not pose a significant threat to groundwater or the surface water of the surrounding area mitigation measures proposed to include:

- Dry working of the gravel pit to within 1 metre of the groundwater table.
- Recycling and reusing of the water from the wheelwash facility.
- Provision of a special area with an impermeable surface for filling the trucks and provision of hydrocarbon interceptor for the run off from the refuelling area.
- Managing of all surface water run off on the site using soakways, no discharge of water off site to the Carrigower River.
- No mechanical repairs within the area of the sand and gravel pit.

Air quality

Dust monitoring programme was established and the results were analysed to determine the current air quality conditions.

The amount of dust that may be emitted from any operation is stated to be a function of two main factors: (a) susceptibility of the material involved to erosion (b) the erosion actions to which the material is subjected.

The materials (erodibility) is directly related to the proportion of particles and the presence of larger particles such as coarse sand, gravel or stone would reduce dependency to erosion and by implication dust generation. Mechanical activity is stated to be the most significant factor in material erosion and dust generation.

Dust would emanate from a number of site activities the effect of wind and all prolonged periods of dry weather would also be important factors in dust generation. Three main types of dust source might arise from the operation of a sand and gravel pit:

- Point source – where dust is generated by activities such as loading dozers, earth moving plant processing screens and conveyor transport points.
- Line source where dust is generated by activities identified above along well defined haul roads.
- Dispersed source – where dust is generated by activities such as topsoil stripping, uncontrolled placement of these soils and general

activity on the pit floor. Stock piles are also considered to be dispersed dust source.

The dust monitoring results showed that the base line dust disposition levels were low (8 milligram per metre square per day).

A number of mitigation measures would be put in place to minimise the generation/migration of fugitive dust to comply with the thresholds in accordance with the best practice and mitigation measures described in the Section 3.3. of the DOEHLG (2004) guidelines. These would include:

(a) For sand and gravel extraction.

- All plant and machinery will be regularly maintained.
- Dust separation (water bowser) would be utilised to suppress dust on internal haul road services in dry weather.
- Existing site boundary hedges will be retained and these together with the proposed landscape screening bunds will eliminate/minimise migration of dust beyond the site boundary.
- Topsoil and overburden storage areas and landscape screening berms will be constructed with relatively low slope angles (approximately 35 degrees to horizontal) to reduce wind turbulence along the surface. The mounds will be re-vegetated as quickly as possible.
- Internal haul roads will be maintained to minimise dust generation.
- Vehicle speeds will be controlled on all internal haul roads.

(b) Site entrance/ access

- A wheel wash would be provided at the entrance to the proposed development. All trucks exiting the site would leave via the wheelwash.
- The internal road between the wheel wash and the entrance would be paved.
- Vehicle speeds will be controlled on internal haul roads.

(c) Dust deposition monitoring will be carried out between April and September on a monthly basis and the result of the monitoring would be submitted to the County Council.

It is considered that through the implementation of these mitigation measures the impact of the fugitive dust if any generated by the proposed development beyond the site boundary would be within the recommended guideline thresholds and will not result in any significant impact to neighbouring residents property or livestock adjacent to the site.

Noise

A noise measurement survey was undertaken to obtain noise baseline data. Two monitoring points were used (at the northern end and south-eastern end).

Due to proximity of the N81 and agricultural activity in the area the background noise levels were quite high as shown in figure 12.

Initial site development at the northern/eastern parts of the site (construction of screening berm, and initial topsoils/overburden stripping operations) will require the use of mechanical excavator and a dump truck and during these periods elevated noise levels may be experienced at residential locations near to the site. These would be of temporary nature and will result in long term environmental benefits i.e. provision of screening.

The critical worst-case scenario in terms of noise was at a receptor on the eastern side of the proposed development when the sand and gravel extraction being carried out in the eastern side of the pit. The principle noise source would comprise a front loader for excavating and loading.

Periodic wheeled trucks (transporting the sand and gravel off site) would be 1 to 2 trucks per hour for an annual extraction rate of 100,000 tonnes per year.

The predicted noise levels arising from the sand and gravel extraction activities at the nearest residence would be below the noise threshold limit value of 55dBA. In this regard the main existing noise source is the road traffic on N81. The predicted noise levels based on a worst-case scenario would be below the existing noise levels.

Vibration on all soil stripping and sand and gravel extraction would be carried out using conventional mechanical excavation techniques. No blasting would be carried out on the site and there would be no vibration.

The mitigation measures in relation to noise include:

- provision of a landscape screening berm to provide acoustic as well as visual screening,
- low gradient internal haul roads and paving of the access road from the site entrance to the wheelwash and
- proper maintenance of all plant and machinery.

Noise monitoring will be carried out on a quarterly basis at two locations and the results would be submitted to County Council on a regular basis.

Landscape/Visual Amenity

Views to the land comprising the application area are limited being mainly from minor and county roads located on the eastern side of the N81. Sporadic views into the site may be observed from N81 where the site bounds the road but for the most part of the existing mature hedgerow screens views into the site. There are no views of special amenity or prospect of spatial amenity in the immediate vicinity of the site.

The design objective was to minimise any limited visual and character intrusion the development may have on the rural landscape. This would be

achieved by working through the site in an easterly direction towards the road to prevent if any possible views or working faces. The primary mitigation measures to minimise the visual impact would be

- Establishment of a screening berm along eastern site boundary adjacent to the N81.
- Infilling of existing gaps in hedgerows and reinforcement of the hedgerow were practical.
- Working of the pit in a southerly/easterly direction to further prevent any direct views into the site.
- No processing plant on site so no plant would be protruding above the existing skyline/horizon.

It is concluded that the proposed development would not result in any significant visual impact.

Traffic and structural integrity of the N81 road

N81 is national secondary road with a single carriageway and speed limit of 100kph. The existing access has the benefit of a planning permission, and has been used in association with the extraction of sand and gravel, processing of sand and manufacture of concrete products.

The national roads and traffic flow 2002 estimated annual average daily traffic level for the N81 between Blessington and Ballinglass to be 3,867 to 5,009 with a HGV percentage of 8.1 to 9.75. It is likely that current traffic levels would exceed these estimated 2002 values.

The proposed development with an extraction rate of €100,000 per year based on a 48 week year and a 5.5 day working week and 10 hour working day would generate four HGV moments per hours (2 and 3 and two exiting). These would represent a very small increase in the existing traffic on this section of the N81 national route.

The sand and gravel will be supplied to the Dublin market. Traffic exiting the site will turn left only onto the N81 and traffic entering this site will turn right off the N81.

The potential impacts in relation to traffic would arise from:

- Inadequate sight lines at the existing entrance.
- Possible drag of dirt/mud from the site onto N81.
- Excavation within the sand and gravel pit effecting the structural integrity and stability of the national secondary road.

The mitigation measures proposed to eliminate these potential impacts would include:

- Provide improvements to the existing entrance and to provide minimum visibility of 215 metres in each direction. The applicant owns over 300 metres on either side of the existing entrance.
- Provision of a right turn lane off the N81 (with ghost islands) to the existing entrance. The applicant owns adequate land on either side of the N81.
- Provision of warning signs 200 metres on either side of the existing entrance at locations to be agreed with the County Council.
- Provision of a wheel wash on site and surfacing of the access road from the wheel wash to the N81 to eliminate the risk of drag-out mud/debris onto N81.
- Provision of a buffer zone to the N81 and designing of pit faces to ensure short term and long term stability.

It is concluded that the relatively small volume of HGV traffic to be generated by the proposed development and with the implementation of the mitigation measures, the proposed development would not endanger public safety or cause a serious traffic hazard and the proposed improvements to the visibility over this section of N81 would constitute planning gains associated with the proposed development.

In relation to the **structural integrity of N81**, it is stated that a number of cross sections had been generated through the eastern side of the proposed sand and gravel pit as indicated in Figure 7 to identify the intervening variations in topography and ground level between the edge of the existing road carriageway and the toe of the excavated slope within the proposed sand and gravel pit.

Given that the material to be excavated is predominantly granular, that the soils to be excavated at the application site lie above the regional groundwater table, that the quarry side slopes will generally be dry and with a safe slope angle and that a proposed quarry floor would be located 28 metres to 36 metres from the existing N81 road carriageway and only between 1.5 metres and 6 metres lower within effective slope angle of 3.2 degrees and 9.6 degrees between the two they do not consider that ground instability would arise at the site.

It is maintained that in the unlikely event that this would arise it would be localised and confined to the excavated quarry face within the application site and cannot regress back to the edge of the existing road carriageway and as such would not undermine stability or the in-service performance of the N81.

It is concluded that the proposed development would not have any impact on the structural integrity of the N81.

10.0 FURTHER COMMENTS

10.1 The information submitted by the first party was forwarded to Wicklow County Council, DoEH&LG, National Roads Authority and An Taisce for comments.

Submissions were received from WCC and DoEH&LG within the prescribed date.

10.2 By Wicklow County Council

The submission includes an aerial photo indicating location of the subject site and three other quarries in the immediate vicinity and a report prepared by a SEP for the County Council who states that

- He has been working in the area for the past 4 years and 7 months as a planning official and as such is quite familiar with the area and
- He has checked with the area engineer and roads observer in the Stratford area that the former quarry and associated block making facility have not been operated for 14 years.

The main points of the submission include:

- The wording of the application provides an inaccurate description as it creates the impression that what is proposed is an extension of an existing sand and gravel although in reality so such existing quarry is in operation. The wording of the application is therefore invalid.
- The notice does not refer to the proposed new internal access road, screening berm along the eastern boundary and the wheel wash
- No documentary evidence has been provided by the applicant in the form of written records or invoices or payment of commercial rates to the local authority
- The former quarrying and associated block making manufacturing operations on the adjoining sites to the north west of the subject site have been in a state of cessation/ non usage for a period greater than 10 years. Consequently the use of the existing vehicular access onto N81 (indicated as shared right of way) has been used only as a means of access to the applicant's dwelling and farm. The proposed development implies a significant intensification and change of use of this existing access.
- The submission is weak on the key issue of traffic safety and additional traffic generation onto this section of the N81 where there are already three other quarries in operation. The road is already under pressure from high level of HGVs
- Provision of a ghost island on N81 represents a piece meal approach and does not take cognisance of the other quarries in particular the one directly opposite
- The photos in relation to visual impact are not adequate. The proposed screening along the boundary to N81 will not be adequate to cover new quarry when viewed from Donard –Castleruddery road

- Insufficient details have been provided in relation to the future development of the former quarry and block making plant on the adjoining site, and indeed the use of the remaining section of the agricultural field
- The reasons for refusal given by the Board in the case of the integrated waste management facility across the road are also applicable in this case

10.3 By DoEH&LG

The submission states that the original application was not referred to them by Wicklow County Council, but they concur with their decision to refuse permission for the proposed development.

Noting that the site is within 100m of the Slaney River cSAC site no 000781 (attaching a copy of site synopsis) it is stated that Carrigower River is the best salmon spawning area in the Slaney catchment.

The main points of the submission include:

- No reference is made in the Environmental Assessment Report to the cSAC being so close to the site
- The report does not map the habitats and does not fully assess the likely impact of the development on the cSAC
- Section 3.6 does not provide any mitigation measures for the impact of activities on the designated site
- The development proposes to extract sand and gravel to 1m above ground water level, and in page 14 it is stated that this would increase the vulnerability of the groundwater and that the potential exists to cause a reduction in groundwater quality. This contradicts with the first mitigation measure which states that the proposed sand and gravel will be worked to 1m of the ground water table and there will be no impact on the water quality
- The report does not contain a map showing the hydrology of the area nor the directions of either overland or groundwater flow
- While they appreciate the comments about protection of top soil for the restoration of the site after extraction, the final restoration levels will only be between 2-3m above the ground water level, which means the groundwater will still be vulnerable in the restored site that it currently is. There will not be as much filtering of the surface water as there is at the moment
- In their view protection of the natural environment was not adequately taken into consideration in the preparation of the environmental statement and there is a potential threat to the water quality of Carrigower River

11.0 ASSESSMENT

11.1 The main issues for consideration in this appeal are:

1. Whether the proposed development can be considered as an extension of an existing operation, or as a replacement operation and whether the public notice is adequate
2. Whether the proposed development is in accordance with the County Development Plan policies in relation to extractive industries, and in line with the Planning Guidelines 2004 on Quarries and ancillary activities
3. Whether the proposed development would be acceptable in terms of visual impact
4. Whether the proposed development would be acceptable in terms of impact on the amenities of residential property in the vicinity
5. Whether the proposed development would be acceptable in terms of impact on the nearby European site
6. Whether the proposed development would be acceptable in terms of traffic generation, sightlines and safety on the N81- including stability of the road
7. discuss planning authority refusal reasons- other there are some issues arising from the proposed development of a stand alone sand and gravel quarry within the lands in the ownership of the applicant, in particular the future use of the field immediately north where the access road is proposed.

11.2 The first issue for consideration in this appeal is related to the description of the proposed development, and the **adequacy of the public notice**

11.2.1 In the original application the proposed development is described as an extension of existing quarry for a 10 year period. The application report for the planning authority stated that this wording was incorrect as it did not accurately described the abandoned state of the adjoining former quarry. It also drew attention to provision of a new access road (internal) without using the former (sound) office building. The report concluded that the proposed development is a standalone development not associated with the former quarry area. It also concluded that the application was in effect invalid.

In the grounds of appeal the agent for the first party maintained that having examined the microfilm for the permitted development he is convinced that the proposed development did not require planning permission because the site map outlined a very large area which included the present site area, and because permission was granted for the entrance / access and for a more substantial development. He maintained that while the production from the

land did reduce since the block making plant ceased to operate, the applicant has been extracting gravel continuously from his land.

In their comments on the further information it is again strongly argued in the report for the planning authority that the established quarrying activities and permitted block making operations on the adjoining sites have long ceased and the application is invalid.

- 11.2.2 The item number two of the further information request by the Board required the applicant to provide **documentary evidence** to support the claim that the previously permitted development was not abandoned.

The response by the applicant provides aerial photos for 1995 and 2004, and details of the permissions for quarrying related developments within lands either currently or previously owned by the applicant. It does however provide no documentary evidence as required such as GSI records for active quarries, copies of sale / delivery receipts, copies of records of truck movements, records indicating yearly output, and number of employees. As such it is quite inadequate.

- 11.2.3 As outlined earlier, the overall site formerly within the ownership of the applicants was subject of a number of applications /permissions including a block making plant and widening of the access onto N81.

Examination of the drawings for the said permissions, show that the area subject of the current appeal though included within the overall site area for the block making plant it was clearly separated from the operation area by placement of a high embankment along a continuous contour line running north east south west direction. Based on the plans available, I formed the impression that the embankment was provided to mark the extent of the quarrying / block making operations, as well as providing a visual screen for the operations. Indeed the area to the east of the embankment was continuously used for agricultural purposes. The appeal site is located in this section.

It is stated by the planning authority the permitted development of concrete making plant have long ceased operations, and I have no evidence to indicate that the permitted use was not abandoned.

- 11.2.4 The issue is somewhat complicated by the disposal off substantial parts of the lands subject of these permissions to two further parties. Higgins concrete products and Dan Morrissey Ltd.

Of these, the block making plant and associated extraction (sold to Higgins concrete Products) is clearly abandoned. This is the area immediately adjoining the appeal site and separated from the same by the embankment.

The second area further to the west which was sold to Dan Morrissey Ltd, is included in the Table 2 of the Wicklow County Council registration of Quarries notice, where it is stated that the planning authority is considering imposing conditions on the operation of these quarries. Therefore it is reasonable to conclude that the quarrying use is considered to be current in this section. Indeed the comments by the planning authority on the further submission refers to some remaining reserves in this section.

The site of this latter area is at a considerable distance to the site of the proposed development and the proposed development can not be considered to be a natural extension to the same being separated by the site in the ownership of Higgins concrete products referred to above.

11.2.5 I note that the planning authority has published in the newspaper that they are considering removal of application from the register in the case of the application for registration under s. 261 by the applicant as it was not in operation at the prescribed date. I also note that the applicant is stated to dispute this.

At the time of the inspection I have noted presence of a dumper truck at the access road, but was informed by the workers on the farmyard, that it was used in relation to the works currently being carried out in the farm yard. Indeed I noted that a considerable area directly to the rear of the farm shed was being excavated by a digger around a newly created levelled area.

In the adjoining areas where quarrying and block making operations were stated to be established / permitted there was no activity and I have no documentary evidence to contradict the argument that these uses have been abandoned.

In view of the above and having regard to the inadequate provision of documentary evidence as requested, I am not satisfied that the established / permitted quarrying use in the subject lands have not been abandoned, and that the proposed development can be regarded as an extension to an existing quarry.

I further note that I find that argument put forward by the planning authority that the proposed development is for a stand alone sand and gravel quarry not associated with the previously permitted or established developments to be plausible.

Indeed in response to the further information request by the Board, it is submitted by the new agents for the first party that while it is recognised that the proposed application is not a direct extension of an existing operating sand and gravel pit, it is considered that the proposed application is consistent with the established land use of sand and gravel extraction on the lands and in the immediate vicinity of the site.

11.2.6 The agents for the first party proceed to state that the proposed development would be a replacement pit for the applicant's existing (and permitted under 7466/82, 27/5/58916) sand and gravel pit located approximately 750m north-east. They state that the applicant is willing to publish a revised newspaper notice to clarify the description should the Board considers it necessary.

The applicant's desire to seek new areas for extraction is understandable in view of the stated exhaustion of reserves in his existing quarry on the other side of N81, to the north west of the appeal site. However, such a consideration is an economic one rather than a planning consideration and as such outside the scope of this appeal.

11.2.7 I now draw the Board's attention to the drawings submitted with the further information, where it is indicated that the entrance and the first section of the access is shared (indicated as 'shared right of way) by all three parties (original landowner, as well as the two parties to whom the quarrying / block making operations were subsequently sold). A new access to serve the proposed development is proposed from this shared access and on the outside of the embankment. In the grounds of appeal it is argued that permission for use of this access for quarrying and block making operations is established /permitted.

It is on the other hand strongly argued by the planning authority submission that the existing access is used to serve solely the agricultural lands in the ownership of the applicant (as the quarrying and block making operations have been abandoned) and therefore the proposed development would constitute an intensification and as such change of use of the status of this access.

Based on my observations during the site inspection outlined earlier, and in the absence of documentary evidence to indicate that the access is currently in use for sand and gravel related use, I have no reason to contradict the conclusion reached by the planning authority.

In view of the above I would conclude that the proposed development is for a new sand and gravel quarry rather than an extension to an existing / permitted one and as such the public notice is inaccurate. In the event of a decision to grant permission I would recommend that a revised public notice be required.

11.3. The next issue is related to compliance with the provisions of the **County Development Plan** and relevant Guidelines.

The initial submission to the planning authority did not include any information required under S. 5.4.3 of the County Development Plan 2004. In this regard the refusal reason no 2 of the planning authority is reasonable.

The information submitted as a response to the further information request is more detailed and does provide the basic information required, though it does lack detailing in some areas. I will refer to these where necessary.

Similarly while there is no reference to the DoEH&LG Guidelines on Quarrying and ancillary activities, 2004, initially the further information submitted directly to the Board refers to many sections of the Guidelines. It is however deficient in some areas particularly in terms of impact analysis (impact on natural heritage and traffic impact). I will refer to these in more detail later.

The appeal site is located in a corridor zone, where there is no blanket prohibition on development. It is however in close proximity of an 'Area of Special Amenity' and an Area of Outstanding Natural Beauty.

11.4 I will now examine the **visual impact** arising from the proposed development.

The appeal site is located at the edge of N81 and is separated from the same by a hedge. While the hedge provides some screen, it is visible through the gaps in the hedge. It is also lower lying than the surrounding area, descending towards the floodplain of the river.

Quarries have serious visual impact on the landscape not only because of the scar they create in stark contrast to the surrounding area, but also because of the movement of colourful earth machines. While the proposed development is located in a corridor zone, with the exception of views of some existing quarries, the visual quality of the area is in general quite high as one travels through N81. Location of a quarry in such close proximity of a national route would therefore not be acceptable in principle. Provision of high embankments in the previous quarry developments in the former lands of the applicant are in a way acknowledgement of the necessity to screen such activities from the national road.

A number of mitigation measures are proposed by the first party in an effort to overcome this serious issue. These include reinforcing of the existing roadside hedge, provision of a second embankment and hedge inside the first one, and working of the quarry in the directions of south and east so that the face of the quarry is not visible from the national road. These while helpful would in my view not be adequate to overcome the problem completely. Works to carry out these measures will also pose visual problems.

The site will also be visible from the local road running parallel to N81 and it is argued by the planning authority that this impact would be much more than indicated on the submissions. Based on my observations during site inspections I would agree with this assessment.

I do note that there is presently significant adverse visual impact arising from the existing quarries in the area, particularly when viewed from the county road, including the area which was the subject of an appeal for integrated

waste facility, but in my view their presence need not be used as a precedent for further ones.

- 11.5 The next issue is related to the **impact on the nearby residential properties**. In this regard the closest property is located almost directly opposite on the eastern side of the N81. The applicant's own dwelling in close proximity of the vehicular access would also be effected.

The main problems would arise from noise and dust. Presently there is high level of noise along N81 in particular along this section where there is a concentration of quarries all of which generate HGV traffic. There is also considerable dust from these trucks.

The dwelling located on the eastern side of the N81 is also impacted by the developments on the lands immediately north (subject of integrated waste facility proposal under PL 27.211319).

I should note that I consider the methodology employed in the environmental report for measuring the existing levels of particularly noise to be deficient in terms of sampling points and numbers.

Nevertheless, while I consider that there would be adverse impact on the said residential property, bearing in mind the even closer proximity of the others and its location on the other side of the N81, I am satisfied that the impact arising from noise and dust would not be significantly over and above the existing levels.

- 11.6 One of the most important considerations in this appeal is the **impact of the proposed development on the nearby European Site**.

The appeal site is located in close proximity of Carrigower River an important spawning tributary of the River Slaney, which is a designated cSAC and as such a European Site. The River is also habitat to Annex II species such as Lamprey and otter. The appeal site is located in close proximity (approximately 120m) to the river, and the area adjacent to the river which is subject to flooding.

European sites are protected under the Habitats Directive (Council Directive 92/43/EEC) as transposed into Irish law under Habitats Regulations, 1999, which require consenting authorities to give permission for a development only after ascertaining that a development would not have adverse impact on the integrity of a European site.

Similarly under the Water Framework Directive (Council Directive 2000/60/EC) which aims at maintaining and improving aquatic environment requires member states to prevent deterioration of all water bodies, prevent input of pollutants into ground water and achieve compliance with standards and objectives for protected areas.

The information submitted by the first party initially and in the Environmental Report is deficient as it does not provide adequate and clear information regarding hydrogeology of the area. In view of close proximity of a European Site such information is essential.

Some of the required information is however available to the Board, as during the course of the appeal for the integrated waste facility proposed across the road (PL 27.211319) a detailed hydro-geologist report was provided.

This indicated that the area is underlain by a permeable and extremely vulnerable aquifer. The groundwater running through the aquifer is extremely vulnerable to pollution and has no natural protection. Moving to the nearest receptor Carrigower River, the groundwater provides a direct link between the surrounding areas (including the appeal site) and the river.

As such the European site is highly sensitive to pollution from the site not only through surface water discharge but also and as significantly through ground water. The appeal site containing high levels of sand and gravel deposits has high permeability, where any contamination at the surface level seeps through immediately. This increases the vulnerability of the groundwater.

In response to the further information request it is stated that by the first party that groundwater strikes were encountered in some boreholes at depths of 4.2m, 4m and 3.1m.

As a mitigation measure they state that there would be no surface water discharge from the site and surface water arising from rainfall will percolate naturally via sump to the pit floor to the groundwater.

Other mitigation measures include dry working of the sand and gravel pit to within 1m of the ground water table, recycling of water from the wheel wash filling of trucks in a special area built on an impermeable surface. They further state that run off from refuelling area will pass through a carbon interceptor, and no mechanical repairs would take place on site.

While some of the above measures are reasonable, they do not overcome the basic vulnerability of the site arising from its inherent hydro-geological characteristics. The site itself is quite low lying and as indicated the ground water was struck at levels 3m-4.2m. The proposed excavation to 1m of the groundwater table would increase this vulnerability considerably. Even after the proposed restoration of the site the groundwater will remain vulnerable.

The report also acknowledges that removal of the protective layer of unsaturated soil and subsoil will increase the vulnerability of the ground waters beneath the site.

The site will be frequented by a number of trucks on a daily basis which may or may not have been regularly maintained. Any leak will directly transfer to the groundwater and to the river. Hydrocarbon interceptors are not always effective for these conditions.

Use of soak pits for surface water in this highly permeable land is not adequate to prevent discharge into the river through groundwater. I note there is no information on how the water for the dust suppressing bowsers would be obtained.

The section 3 of the environmental report states that the main way the quarry project will affect the flora and fauna adversely is for sediment and other polluting matters to be released to the Carrigower River, and this would be damaging to fish spawning areas downstream. As such it is very general, and does not give details of what the pollutants would be and how this would occur as a result of the proposed development.

As a mitigation measure it is stated that the scheme does not include any discharge of waters to the Carrigower River and all surface waters will be managed on site by soakways. There is no acknowledgement of the significant correlation with and problems arising from the permeable nature of the ground, vulnerability of the aquifer beneath and discharge to the river through groundwater. I consider the submitted information to be seriously inadequate in terms of impact analysis, and mitigation measures.

Nevertheless and based on the information available to me I am not satisfied that there would be no adverse impact on the integrity of the European site as a result of the proposed development. Accordingly, I recommend a refusal of permission.

- 11.7 Next issue is related to the impact arising from the **traffic** generation of the proposed development.
- 11.7.1 It is submitted by the agents for the first party that at the extraction rate of 100 000 tonnes per year the traffic generation of the proposed development would be equivalent to 4 HGV movements per hour which would represent a very small increase in the existing traffic on this section of N81.

Referring to the issues cited in the refusal no 4 of the planning authority decision (inadequate sightlines, mud and debris on the road and impact on the structural integrity of the road) as potential impacts, it is submitted by the first party that with implementation of the mitigation measures such as provision of ghost island, 300m sightlines, erection of warning signs, provision of wheel wash and provision of puffer zone to N81 the proposed development would not endanger public safety by reason of traffic hazard. They further argue that the improvements to N81 would represent planning gain.

- 11.7.2 The comments by the planning authority states that the submission is weak on the issue of traffic safety and does not take into account of the cumulative impact arising from three other quarries in the immediate vicinity.

They submit that the ADDT figures are for the longer stretch of N81 and is a crude out of date estimate of the levels of traffic generation. In their view the

applicants should have provided up to date surveys within a 1mile stretch between Castelrudderry cross roads and Carrigower Bridge. They state that this narrow, stretch is marked by a number of bends and side roads in close proximity of each other is under pressure from HGVs. They also point out that Rampere landfill is nearby in Baltinglass.

In their view permitting this development would lead to further deterioration of the traffic safety in the area.

Provision of ghost islands as suggested would represent a piecemeal approach in a section where three other quarries are located. In their view HGVs endeavouring to gain access to the site would have consequences for the free flow of traffic on N81. They point out inadequacies of technical details for left only turn, and lack of prior agreement with the planning authority for such provisions. They state that the refusal given in the decision of the Board in relation to the proposal across the road (integrated waste facility) is also applicable in this case.

11.7.3 As can be seen from the photos and there is significant congestion at this stretch of N81. This is partly due to the standard of the road which is narrow, with frequent bends and access points. It is also substandard in terms of vertical alignment affecting visibility seriously. The congestion is also created by the slow moving HGV traffic which seems to be particularly high in this stretch.

I have no documentary evidence before me to indicate how the calculations were made to reach a conclusion that the traffic generation of the proposed development would indeed be 4 movements per hour. (I note in the initial grounds of appeal the stated number was 6 movements per hour).

I also note serious discrepancy in relation to yearly extraction (reference to 150 000 tonnes p/a -grounds of appeal) and 100 000 tonnes extraction - Environmental Report).

Nevertheless and despite the discrepancies in extraction rates and vehicles numbers, I am satisfied that any additional HGV turning movements onto N81 at this location would have adverse impact on the free flow of the traffic.

I do acknowledge that the applicant has a considerable stretch of lands along N81 and may be able to provide widening to achieve adequate sightlines at the access point. In my view this though would not be adequate to overcome the problems arising from the sheer numbers and types of vehicles using this section of the national secondary road.

Similarly provision of a ghost island or left only turning arrangements would not reduce the traffic movements associated with the site. The site is located between two bends. Vehicles emerging from those bends do not have adequate visibility of the access to the appeal site. Accordingly I am not satisfied that

provision of a ghost island at the entrance to the site would overcome the problem.

The existing access serving the larger lands formerly in the ownership of the applicant was permitted in 1981 in relation to the block making plant. However, this use has since been abandoned and it is argued by the planning authority that the use of the access is for agricultural purposes only, and quite modest. As stated earlier I have no documentary evidence before me to contradict this view.

11.7.4 On the issue of impact on the structural integrity of the N81, I am satisfied that the indicated buffer area between the road and the pit of the proposed quarry would be adequate.

12.0 RECOMMENDATION

In view of the above and having reviewed the submissions, relevant documents, and inspected the site and its environs, I consider the proposed development unacceptable in terms of impact on the nearby European Site and traffic safety and accordingly recommend that permission be refused and for the following reasons:

REASONS AND CONSIDERATIONS

1. Having regard to the hydrogeological conditions pertaining at the site, which is underlain by a permeable and extremely vulnerable aquifer, high connectivity between the site and the groundwater which moves through the aquifer and close proximity to the Carrigower River (which is a designated Special Area of Conservation, located directly down gradient of the landfill site), and based on the information submitted with the application and on appeal, the Board is not satisfied that the proposed development would not have a significant adverse impact on the integrity of the European site and would not present an unacceptable risk of water pollution.
2. It is considered that the additional volume of heavy goods vehicle traffic likely to be generated by the proposed development onto, the N81 at a section where the road is substandard in width and alignment would endanger public safety on a national route by reason of traffic hazard, would affect the free flow of traffic and create a traffic hazard.

Öznur Yücel-Finn
Senior Planning Inspector