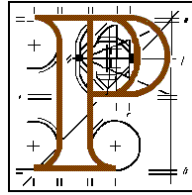


An Bord Pleanála



Inspector's Supplemental Report

Development: Extraction of sand and gravel over an area of 7.8 hectares and all associated development on an overall site of 13.9 hectares at Ballinderry, Carbury, Co. Kildare.

Planning Application

Planning Authority: Kildare County Council
Planning Authority Reg. Ref.: 02/1475
Applicant: Goode Concrete Ltd.
Type of Application: Permission
Planning Authority Decision: To refuse permission

Planning Appeal

Appellant: Goode Concrete Ltd.
Type of Appeal: First party against refusal of permission.
Observer: Jerry Walshe et al
David and Margaret Miller
Alan and Eleanor Cox
Dates of Site Inspection: 3rd March, 23rd March and 28th June, 2004

Inspector: Andrew Boyle.

INTRODUCTION

My report of 25th March 2004, in which I recommended the seeking of clarification on certain matters, pursuant to Section 132 of the Planning and Development Act, 2000, refers. The Board directed the issuing of a 10 point letter of clarification to the appellants. The appellants have now responded to this letter. Their response, was, in turn, circulated to the parties to the appeal under Section 131 of the Act. This has elicited further submissions from David and Margaret Miller and from Alan and Eleanor Cox. There have been no further submissions from Julie and Jerry Walshe, or from the Planning Authority. A submission has been received from the Heritage Council. In addition to the matters directly in relation to the appeal, the Quarries and Ancillary Activities Guidelines for Planning Authorities was issued by the Department of the Environment, Heritage and Local Government in April 2004, subsequent to my original report.

QUARRIES AND ANCILLARY ACTIVITIES – GUIDELINES FOR PLANNING AUTHORITIES

This document provides guidance on Development Plan policies in relation to quarries, the environmental implications of quarries, the assessment of planning applications and Environmental Impact Statements and the implementation of Section 261 of the Planning and Development Act, 2000 which took effect on the 28th April 2004.

The guidelines require that the Board have regard to them in the performance of its functions.

The environmental implications of quarries are discussed under the headings noise and vibration, dust deposition/air quality, water supplies and groundwater, natural heritage, landscape, traffic impact, cultural heritage and waste management. Under each heading, best practice/possible mitigation measures are suggested.

Possible planning conditions are proposed.

On the implementation of mitigation measures, it is recommended that development be required to be carried out in accordance with the lodged documentation and, in particular, that proposed environmental mitigation measures are implemented.

It is suggested that the times of operation should be limited to between 0700 and 1800 Mondays to Fridays and 0700 to 1400 on Saturdays.

On the control of noise, the guidelines recommend that particular regard should be had to quarries located in quiet rural areas and that complaints can be expected where noise exceeds 5 to 10 dB above the background noise levels. Recommendations are made on the control of blasting (not relevant in the present instance).

A total dust deposition level of 350 milligrams sq. metre per day is recommended.

Among the recommendations in relation to the control of water pollution is the installation of adequately sized and located oil/petrol interceptors and the bunding of oil or other chemical storage tanks within bunds of at least 110% of the capacity of the largest tank.

On existing underground water, wells and water supply, monitoring of surface water and groundwater in the vicinity of the site is recommended.

An agreed monitoring programme is recommended specifying the environmental standards to be monitored, the monitoring procedures and the frequency of monitoring and the making available of monitoring results on a regular basis to the Planning Authority.

On landscaping and the restoration of the site, it is recommended that the developer should confirm in writing the details of and the programme for implementation of the operational landscaping scheme and the restoration scheme. A bond should be lodged to secure satisfactory completion and aftercare of the site. It is suggested that special contributions may be required to cater for additional traffic which may be generated.

On waste management, it is recommended that all waste material should be stored, collected, recycled or disposed of in accordance with the requirements of the Planning Authority. A record of waste oils, used batteries, used tyres, disused plant and machinery and scrap metal arising within the site should be kept by the developer.

It is recommended that conditions limiting the quantity of material which may be extracted annually should be avoided, unless this has been linked to traffic movements which have been critical to the acceptability of the development.

APPELLANTS' RESPONSE TO THE BOARD

The appellants indicate that the remaining reserve at the Kilglass pit was estimated at 2.5 million tonnes in 2003. Assuming that the appeal site becomes operational in early 2005, the recoverable reserve at Kilglass would be 1.9 million tonnes at that time. The Kilglass pit could thus continue until 2010 at an extraction rate of 0.4 million tonnes per annum. At 0.2 million tonnes per annum, the appeal site would be exhausted by 2013, but it is possible that its output would be increased, following the closure of the Kilglass pit, up to 0.6 million tonnes per annum, thereby shortening its life expectancy to six years and bringing its closure date to 2011.

The appeal site would supply the concrete and block plant at Kilglass on cessation of extractive operations at the latter. It is anticipated that this concrete and block plant would cease upon exhaustion of the reserves at the appeal site, unless further reserves and appropriate permissions were secured in advance.

The response corrects the traffic impact assessment, based on the revised periods of operation of the two pits. The 600,000 tonnes per annum output from the Kilglass pit generates approximately 210 movements per day, most of which turn left out of the site for the N4, passing the appeal site. Assuming the same maximum output for one year from the appeal site with 50% of the loads travelling to Kilglass, there would be

104 movements between the two sites. With an average of 0.9 tonnes of aggregate per tonne of concrete or blocks, approximately 114 movements per day would be generated by the concrete and block plant, accordingly there would be 218 (104 plus 114) movements per day between the two sites, representing an increase of 10 or 4.7% over current levels for just one year. The same net increase would apply for one year between the appeal site and the N4. A map has been submitted showing 14 existing or permitted road frontage houses plus Ballinderry House, set back from the road, between the entrance to the Kilglass pit and the proposed entrance to the appeal site.

In relation to the implications of restricting quarrying to 1 metre above the winter water table level, it is pointed out that the water table level ranged from 84.41 metres down to 75.27 metres O.D. in April 2002. Limiting quarrying to 1 metre above the higher of these two levels would result in the loss of about 611,000 cubic metres or 985,400 tonnes. Assigning 20% of this total to soils and overburden, would result in a loss of 788,300 tonnes, or about 4 years production at 200,000 tonnes per annum. Restricting extraction to over 1 metre above the lowest level recorded in bore hole MW3 would lead to the loss of about 200,000 cubic metres of sand and gravel or 320,000 tonnes or 1.6 years production at the initial rate. Setting an excavation limit above a pre-excitation water level is therefore likely to lead to an inefficient working of the mineral resource. The lost aggregate would have to be supplied from other sources to meet the needs of the area, possibly involving longer distance road transport. With the base of the excavation at 1 metre above an assumed or actual water table level, it is submitted that the bottom of the void would be likely to be very poorly drained, especially in winter and of limited use for grazing. Once soils had been replaced, and with some compaction by stock, it could turn into a marsh or even hold water. In order to use the mineral resource efficiently and to avoid a long-term restoration of doubtful value for agricultural after use, the scheme has been designed as submitted. If the proposed development was restricted in the manner suggested, no permanent lake would form and the opportunity to design a restored landscape with waterside trees and marginal planting, with resulting bio-diversity and scenic variety, would be lost. There would be no opportunity to fund the diversion of the county road around Kilcandrick House and Clonuff Bridge.

The response explains the phasing of the proposed development with the aid of diagrams. It is pointed out that the phasing would, in fact, be a continuum, rather than a series of discreet operations. Initially the site would be excavated at its south-eastern corner, in association with the road diversion and site entrance construction, and the material would be taken to Kilglass for processing. The soil and overburden would be used to form bunds along the western boundary of the site, part of the northern boundary of the site and part of the southern boundary of the site. The plant area would be placed at a level of 84 metres O.D. The successive phases would extend the pit from the south-west, initially in a northerly direction and then in an easterly direction. Excavation would take place down to a level of 84 metres O.D., with normal excavation machinery, after which excavation would proceed down to 70.5 metres O.D., most of it below water table, by drag line. In phases 4 and 5, the area around the processing plant would be left, with extraction continuing eastwards to the limit of the site. Finally, the grading plant would be dismantled and removed. The drag line would be used to excavate the remaining mineral from the eastern part of Phase 2 (i.e. the site of the grading plant) down to a level of 70.5 metres O.D.

In relation to Ballinderry House, photographs from a selection of viewpoints with photomontages illustrating the effect of the proposed development, have been submitted. The response cautions that while topographic data on the appeal site is of good quality, it was found difficult to accurately represent the relationship between the appeal site and its surroundings. The submitted photomontages should, therefore, be considered as a guide to likely visual impacts. The sensitivity of the four viewpoints close to Ballinderry House is assessed as high, being close to a protected structure, the pleasant rural setting and the fact that Ballinderry House is a residence. A table has been included which suggests that there would be a medium to high adverse visual impact during the extraction phases from viewpoint A, the field gate north of Ballinderry House, but that at the other locations there would be a lesser impact. A second table shows that, as shown by the photomontages, there would be only small differences in the views out from Ballinderry House after completion of restoration. The views would be of the restored back face of the quarry, some 300 metres further away than the existing landform slope. It is claimed that the impact would be neutral, as the existing and restored situations both give views of a grassed slope, and of small magnitude.

In response to the request for a representative visual assessment of the mobile wash plant as it is relocated within the site, it is pointed out that plant described as “mobile” is that which is not permanently fixed to the ground, in the manner of a building, but is delivered to the site in sections, assembled and used for the period of operations. While it is capable of being relocated within a large mineral site, in the present instance, it would remain in the position shown on drawing 1424/001/A. The plant includes stockpile conveyors to a maximum height of between 6.225 metres and 6.46 metres and a silt press to a maximum height of 6.4 metres. The construction of 3 metre high screen bunds along the perimeter of the site would significantly reduce the visibility of the structures. The plant would be removed to allow the excavation of the final volume of material and would be in a position for a period of about six years. The location of the plant was arrived at following an assessment of its likely visibility from off site viewpoints.

A manufacturers’ specification of the drag line excavator has been submitted. The model chosen is a Kobelco BME 750 HD. Assuming the 24.4 metre boom length option is adopted, it appears that this would have a maximum height (at a 50 degree boom angle) of about 20.5 metres above ground level.

The response includes a map to a scale of 1:2500 showing the location of the 20 private wells located in the survey and reported at Section 6.3.4 of the Environmental Impact Statement. A table giving details of the well survey (22 wells, in fact) is also included. A comment on the well at Kilcandrick House states that it is approximately 23 metres deep and supplies the house and paddocks. Only its approximate location is known.

COMMENTS FROM THE THIRD PARTY OBSERVERS

Two letters have been received from the third party observers, commenting on the applicant's response to the Board. They are from the local residents – Gerry Walshe et al and from David Miller and Margaret Miller of Kilcandrick House.

Comments from Jerry Walshe et al

The local residents refer to the permission for a concrete block batching plant and readymix plant on the applicants' other site at Kilglass under the Planning Authority's Reg. Ref. 95/1236, in which, at Condition 14, it is required that material from outside the application site and outside the area delineated by the limit of excavation up to August 1995, should not be used in the batching plant. The reason for the imposition of this requirement was to prevent the uncontrolled intensification of use of the site, in the interest of the proper planning and development of the area and to prevent the creation of an industrial site. However, it has now been indicated that the appeal site would be used to supply the Kilglass site.

The observers note that there are 210 movements per day, but, rather than the majority turning left to the N4, it is claimed that 100% of the lorries turn left travelling directly past the observers' houses. There will now be a further 10% additional movements between Ballinderry and Kilglass. It is pointed out that in the five houses immediately opposite the entrance to the Kilglass site, there are 11 children ranging in age from 15 months to 11 years.

The observers allege that unauthorised development has taken place at the Kilglass pit, with the applicants already excavating lands purchased since the previous permission and that hedgerows which were supposed to be protected and left in place under the Planning Authority's Reg. Ref. 95/1236 (Condition 12) have now disappeared. It is alleged that extraction is occurring way below the water table level. It is alleged that waste material is being brought back into the Kilglass site from Dublin plants, without the benefit of planning permission.

The observers claim that there are eight operational quarries within a 3 mile radius of Ballinderry. A further quarry would go against the values and attractions of what is supposed to be a peaceful rural setting.

Comments From David and Margaret Miller

The observers hold to their view that the rerouting of the road away from their house would, not alone deny them access to the road itself, but would also create a cul-de-sac which would be likely to become a halting site and a dumping ground. It would render the observers more vulnerable to trespass and break-ins as they are the only house on this part of the road. The observers reiterate the concerns expressed in their earlier correspondence to the Board. They claim that the proposed development would dramatically lower the water table. Their well is situated approximately 20 feet from the front of their house. They claim there is a great danger that if the water table drops, they would be left without water. They doubt that the appellants would help them in such an eventuality.

The observers conclude that the proposed development would severely damage the value and quality of their property, as well as the quality of their lives. It would have a devastating impact on the local environment.

THE SUBMISSION FROM THE HERITAGE COUNCIL

The Heritage Council has submitted comments on the appellant's response to the Board in relation to the impact of the proposed development on Ballinderry House. It notes that, for a variety of reasons, the appellant has been unable to provide detailed computer generated montage photographs. The Heritage Council states, therefore, that it is not possible to make any kind of useful assessment of the possible visual impacts of the proposed development on the context and setting of Ballinderry House. It is noted that only a completed view of the proposed works has been submitted and that no images have been submitted of the operational phase detailing works in progress. The Heritage Council suggests that a detailed visual assessment should be made available, rather than a guide to visual impact. The Heritage Council notes that point 4.7 of the appellant's submission highlights a degree of impact over a period of time which may not be acceptable, given the importance of Ballinderry House.

In a recommendation, the Heritage Council expresses concern at the adequacy of the photomontage evidence and requests images showing works in progress during the various phases of extraction. It is not satisfied that the benefit of gravel extraction at this location outweighs the heritage importance of the setting and context of Ballinderry House. While the appellant has demonstrated a possible minimal impact on completion, the Heritage Council holds that the extraction works and overall landscape alteration as a result of extraction would materially affect the setting and context of the house. It recommends a refusal of permission on the grounds that the proposed development would have a negative impact on the heritage and amenity values of the house, its curtilage and setting. It asks that the Board ensure that the rural setting and context of Ballinderry House is preserved.

FURTHER ASSESSMENT

The appellants' response to the Board's request for further information may be broken down into six categories, as follows: -

- The life expectancy and reserves in the appellants' pits.
- Traffic generation.
- Restricting the development to above the water table level.
- The excavation programme.
- The impact on Ballinderry House

and

- The locations of private wells.

The response is now considered under the relevant sub-headings.

The Life Expectancy and Reserves in the Appellants' Pits

The appellant has confirmed revised estimates for the reserve and life expectancy at the pit at Kilglass. On exhaustion of the Kilglass pit in 2010, the output from the appeal site could rise to 0.6 million tonnes per annum, exhausting the appeal site just one year later. The increased output at the appeal site in the final year would be required to supply the concrete and block plants at Kilglass. However, one of the observers implies that the supplying of the concrete and block plant at Kilglass from an external source would be in breach of its planning permission. It thus appears possible that the appeal site would continue until 2013 at an output of 0.2 million tonnes per annum.

Traffic Generation

The response estimates that there could be an increase of 10 vehicular movements or 4.7% over current levels for a period of approximately one year between Kilglass and the appeal site. However, again, the observation that traffic movements from the appeal site to feed the concrete and block plant at Kilglass could be in breach of the latter's planning permission, is relevant. If this situation continues, the life expectancy of the appeal site could be extended, with traffic generation greatly reduced.

Restricting the Development to above the Water Table Level

The appellants' response to the Board's query in this regard implies that if excavation was restricted to not lower than 1 metre above the highest recorded bore hole water level in bore hole MW1, there would be a loss of almost half the available reserve at the appeal site. Restricting excavation to not lower than 1 metre above the lowest level in bore hole MW3 would result in the loss of about 1.6 years production at 200,000 tonnes per year. Condition 12 of the permission granted under PL 09. 118274 for the adjoining sand and gravel pit, operated by Roadstone, requires that excavation should not take place below a level of at least one metre above the water table at the point of excavation. The imposition of a similar condition in the present instance would seem likely to result in a loss of potential production somewhere between the two estimates in the response to the Board. This response notes that the levels in the four bore hole study were recorded in April 2002. Seasonal fluctuation was not recorded and in order for a condition to be imposed restricting extraction to at least 1 metre above winter water table level, a definition of this level would be required. In this regard, I note that a drop in water table level of about 1 metre was recorded between 22nd April 1999 and 6th July 1999 on the site of the adjoining pit operated by Roadstone (PL 09. 118274 – E.I.S. Table 3.6.1). However, this had a much more level water table, falling gently in a northerly direction, by comparison with the appeal site, on which a steep hydraulic down gradient of over 9 metres in a south-easterly direction is recorded over a distance of about 230 metres.

I am sceptical of the appellants' claim in their response to the Board that restriction of the excavation to 1 metre above the winter water table level could result in the formation of a marsh or the pooling of water. There would still be a minimum of 1 metre of sand and gravel, with rapid draining characteristics, beneath the restored top soil.

The appellant claims that such a restriction would leave no opportunity to fund the diversion of the county road away from Kilcandrick House and Clonuff Bridge. Although the re-routing is seen as objectionable by the owners of Kilcandrick House on the basis of loss of security and the possibility of the cul-de-sac road becoming a dumping ground or a halting site, as well as the inconvenience of no longer being able to turn right out of their entrance, it was seen as a major planning gain by the Planning Authority. It would have resulted in a reduction in noise and vibration to Kilcandrick House and traffic no longer having to cross Clonuff Bridge, including the many vehicles coming from the Roadstone sand and gravel pit.

The Excavation Programme

Four diagrams have been submitted showing the five phase excavation programme for the proposed development. It is pointed out that these are "snap shots" as the process would, in fact, be a continual sequence. It is clear from these diagrams that the mobile wash plant would not be relocated within the site as excavation progresses, a point which was of concern to the Board in its question 9 to the appellant. The mobile wash plant would be located in a permanent position within the site on a platform excavated to 84 metres O.D. in phase 2 of the excavation sequence. The phases are shown about midway through the below water level excavation of each phase. Although the phases are expressed as "snap shots", there is, nevertheless, an unlikely and sudden drop in approximate water levels from 82 metres O.D. to 74 metres O.D. in Phase 5. (This compares with 76 metres O.D. indicative water level, with fluctuation due to seasonal change, shown on earlier documentation).

The Impact on Ballinderry House

The response from the appellant in relation to the impact of the proposed development on Ballinderry House concludes that there would be a medium to high adverse visual impact during the extraction phase when seen from the field gate north of Ballinderry House, but that the other three locations assessed would experience lesser impacts. Upon completion of restoration, there would only be small differences in the views from Ballinderry House. The photographic montages submitted cover only the existing situation and the situation on completion of restoration. This shortcoming is highlighted by the Heritage Council. It is probable that during the operational phase of the development, the mobile processing plant, in its fixed position, would be visible from the rear elevation of Ballinderry House. Its high point would be some 5 metres greater than the proposed screening berm at the southern boundary of the site which appears to be shown to extend just sufficiently far westwards to screen the lower 1.5 metres of the mobile processing plant and surrounding stockpiles. However, this would be some 550 metres from the rear elevation of the house. The drag line would also be visible for considerable periods, with its jib at a maximum height of up to 20.5 metres above operating ground level, or protruding by 19 metres when it is in a position to be partly screened by the proposed berm. Having examined the four

chosen viewpoints on the ground, and having regard to the distance of the proposed development from Ballinderry House, I consider that the appellants' conclusion in relation to the visual impact on Ballinderry House appears to be reasonable. Notwithstanding, the negative recommendation from the Heritage Council, I consider in view of the separation distance and the likely duration of the extraction, that a refusal on the basis of unacceptable visual impact on Ballinderry House would not be warranted.

The Locations of Private Wells

The response to the Board shows nine private wells in the immediate vicinity of the appeal site. A commentary table on the survey shows the depth of three of these wells. That at Kilcandrick House is approximately 23 metres deep, which on the basis of the levels shown on drawing 1424/001/A, suggests a level of about 59 metres O.D. A well just beyond the north-western corner of the appeal site is at a depth of approximately 20 metres or about 70 metres O.D. A well to the east of the site, on the far side of the River Glash has a depth of approximately 6 metres or 78 metres O.D. It is difficult to predict the impact of the proposed development on a site where the water table is shown to fall fairly steeply in a south-easterly direction with levels, which, if continued, would pass well beneath the River Glash. The surface of this river is about 2 metres below the levels on the adjoining road. There is a sharp fall away from the road to the north of the site to the lands of Kilcandrick House, this steep falloff is, in effect, a continuation of the steep slope towards the eastern boundary of the appeal site and can be seen on the site survey drawing on PL 09. 118274. The Environmental Impact Statement acknowledges that "wet working of the site by drag line may have a detrimental effect on the yield of the surrounding wells" (Section 6.3.4, page 40). It concludes "dewatering connected to quarrying is expected to have an adverse effect on the well yield" (Section 6.5, page 41). It recommends a water quality and quantity monitoring programme of the wells located in the adjoining areas, mainly those down gradient (east) of the site, be established. If the proposed development is found to have an adverse impact on the nearby wells, the developer is prepared to replace the affected supply with an alternative source of water. However, it is unclear how this would be done and, as noted previously, the contention in the Environmental Impact Statement that a group water scheme is imminent appears to be incorrect.

The Environmental Impact Statement proposes the bunding of fuel tanks and the provision of concrete paved machinery parking areas among measures to reduce the risk of pollution (Section 6.3.5, page 40). However, no such provision is shown on the site layout plan nor are any detailed drawings provided for such facilities. On the Kilglass site, in the appellants' ownership, the permission for the concrete block batching plant and readymix plant under the Planning Authority's Reg. Ref. 1236/95, requires, at Condition 8, that all overground oil, chemical storage tank (s) should be adequately bunded to protect against spillage. Filling and offtake points should be located within the bund. An inspection of this adjacent site revealed three unbunded overground diesel tanks, with evidence of spillages in their immediate vicinity.

Other Matters

One of the observers notes that unauthorised extraction of sand and gravel has taken place to the west of the boundary of the appellants Kilglass site. In this regard, I note that the permission under the Planning Authority's Reg. Ref. 95/1236 includes Condition 18 headed "Extent of Sand/Gravel Workings" requiring that no working whatsoever should be allowed outside the area indicated in green on Drawing No. JBA2. An inspection of this nearby site revealed that not alone has the limit of excavation at August 1995, indicated by this green line, been greatly exceeded, but, as noted by the observer, the operation has expanded to the west of the application area indicated under Planning Authority Reg. Ref. 95/1236.

As noted by one of the observers, there is, at present, a prohibition on the importation of material to feed the concrete block batching plant and Readymix plant at the appellants Kilglass site. Condition 14 of the Planning Authority's Reg. Ref. 95/1236 prohibits the importation of material, not alone from outside this site, but from outside the limit of excavations at August 1995. If this restriction is not lifted in a subsequent planning permission, it would, if anything, have a positive effect on those living between the entrance to the appeal site and the Kilglass site in that vehicles would no longer travel between the two sites and, once the Kilglass site is exhausted, there would be virtually no sand and gravel traffic on this section of road.

In relation to the appellants' non-compliance with conditions of their permission on their site at Kilglass, I note also, that they have also been engaged in an unauthorised sand and gravel operation elsewhere in Co. Kildare, namely at Broadleas, Ballymore Eustace c.f. Kildare County Council versus Goode (1999) IESC 43.

CONCLUSION

In conclusion, I consider that none of the five reasons of refusal given by the Planning Authority is tenable. As noted in my original report, I am not convinced by the reasons in relation to the location of the site in an area of Class A soils and the impact of the proposed development on the bloodstock industry. In relation to the visual impact of the proposed development and its incongruity and artificial interference with the landscape, views, setting and character of the area, I, again, refer to my original report. In their response to the Board, the appellants have clarified the situation in relation to the visual impact on Ballinderry House and I find their assessment that there could be an adverse visual impact of major significance from a viewpoint removed from the house for a short period during the extraction of Phases 2 and 3, when quarry working would be visible, but that other view points would experience lesser impacts, to be reasonable. Following restoration, I concur that only neutral impacts of minor to moderate significance would result. In relation to the over intensification of sand and gravel pits and traffic generation, the appellants have now clarified that the appeal site would be likely to be exhausted by 2011, just one year after the exhaustion of the Kilglass site, based on a reduced output from the latter and the stepping up of production at the appeal site following the exhaustion of Kilglass. Retaining an output of 200,000 tonnes per annum at the appeal site would extend its life to 2013. At the higher rate of production, there would be a minimal increase in traffic generation, by comparison with the current operation of the Kilglass pit, while

the extended period of operation of the appeal site at a lower production rate would result in a considerably lesser traffic generation, albeit over this extended period. Restricting the extraction to no more than 1 metre above the highest recorded water table level at the point of extraction would, if anything, further reduce the traffic generation arising from the existing Kilglass operation and the proposed development. In relation to injury to residential amenity arising from the possible emission of dust and the generation of noise, the appellants have now clarified the duration over which the proposed development is expected to be in operation. Having regard to this response and the contents of the Environmental Impact Statement, I do not consider that noise and dust are likely to be seriously problematic.

Notwithstanding the foregoing, I have serious reservations about the proposed development in terms of its impact on the water supply in the surrounding private wells and the risk of water pollution. The appellants concede that there is the likelihood of an adverse impact on the surrounding wells, but their offer to make alternative arrangements in the event of such an adverse impact is not elaborated. Bunding and a concrete hardstand would be provided, but no details of this provision are submitted. In view of the apparent lack of such provision on the appellants' nearby site at Kilglass, it is difficult to be confident that such provision would take place. The imposition of a condition in a grant of permission restricting the development to a minimum of 1 metre above the highest recorded water table at the point of sand and gravel extraction has implications which the appellants have been unable to fully quantify. However, they have also stated that the imposition of such condition would mean that it would no longer be economically feasible to provide the realignment of the road to the north of the site away from Kilcandrick House and Clonuff Bridge. Despite the reservations of the owners of Kilcandrick House, I consider that this would have been a major planning gain. Consequently, I consider that it would not be appropriate to take the approach of granting such a greatly restricted permission.

RECOMMENDATION

Having regard to the foregoing, I recommend that permission be refused for this development for the reason and consideration set out below.

REASON AND CONSIDERATION

Having regard to the topography of the site and surrounding area and the levels of the water table indicated for the site, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that the proposed development would not give rise to an unacceptable and adverse impact on the private wells in the vicinity of the site in terms of their levels and the risk of water contamination. These wells are the sole source of potable water in the area. The proposed development would thus seriously injure the amenities of property in the vicinity and would be prejudicial to public health and consequently, would be contrary to the proper planning and sustainable development of the area.

Andrew C. Boyle
Inspector
22nd July, 2004
YM

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