



# Comhairle Contae Chill Mhantáin

WICKLOW COUNTY COUNCIL

Forbartha agus Pleanála - Planning and Development

Áras An Chontae / County Buildings  
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Roadstone Ltd  
SLR Consulting Ireland  
7 Dundrum Business Park  
Windy Harbour  
Dublin 14

30/05/2016

**Re: Planning and Development Acts 2000 to 2015**  
**Planning Register Reference No: 16/574**

A Chara,

It is desired to acknowledge receipt of your application for PERMISSION for restoration of a large quarry void created by previous extraction of bedrock by backfilling to form a ground level and establishing a heathland / grassland habitat similar to that which existed prior to quarrying (2) establishment of an inert soil waste recovery facility to provide for the importation of approximately 3,280,000 tonnes of natural inert waste materials, principally excess soil, stones and / or broken rock to backfill the quarry void (3) construction of temporary site and services infrastructure including site office, staff welfare facilities, weighbridge (with dedicated office), wheelwash, settlement ponds, pumphouse, hardstand areas, fuel and water storage tanks, waste inspection and quarantine facility and storage sheds (4) temporary stockpiling of topsoil pending reuse as cover material for final restoration of the site. The proposed development requires a waste licence from the Environmental Protection Agency. An Environmental Impact Statement will be submitted to the planning authority in connection with the application at Calary Quarry Killough Upper & Glencap Commons Upper Kilmacanogue which was received on 27/05/2016 and to state that it is receiving attention.

It is drawn to your attention that the site notice must be maintained in position for a period of five weeks from the date of receipt of the application by the planning authority and shall be renewed or replaced if it becomes defaced or illegible within that period. This application may be declared invalid if the planning authority considers that the requirements of articles 17[1][b] or 19 of the Planning and Development Regulations 2006 have not been met.

Please be advised that the assessment of this application will include inspection of the site by officers of the Local Authority and may also include inspection by officers of other statutory bodies. It is your responsibility to ensure that access is made available to any inspection officer and that the property is safe for inspection. In this regard, you are required to ensure there are no hazards on the property such as

- unsafe ground, excavations, trenches/holes (Any trial hole must be suitably safe for inspection)
- Loose dogs or other dangerous animals
- Items of a noxious or dangerous nature such as chemicals or machinery

Mise le meas,

**ADMINISTRATIVE OFFICER**  
**PLANNING & DEVELOPMENT**

*Tá an doiciméad ar fáil ar iarratas i bhformáid eile/malartach.*  
**This document is available in alternative formats on request.**

Seoltar gach comhfheargras chuig Stiúthóir Seirbhísi, Forbartha agus Pleanála.  
All correspondence should be addressed to the Director of Services, Planning and Development.





# Comhairle Chontae Chill Mhantáin

## WICKLOW COUNTY COUNCIL

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Your Ref:

Our Ref:

2007 1107 95  
**PLANNING & DEVELOPMENT ACTS 2000 - 2006**

### NOTIFICATION OF DECISION TO GRANT

Roadstone Dublin Ltd  
C/o John Barnett & Associates Ltd  
CSA House, Unit 6 & 7,  
Dundrum Business Pk., Windy Arbour,  
Dublin 14

Planning Register Number: 06/6189

Valid Application Received: 07/09/2006

Further Information Received Date: 30/04/2007

In pursuance of the powers conferred upon them by the above-mentioned Act, Wicklow County Council has by Order dated 22/06/07 decided to GRANT PERMISSION for development of land, namely:-

PERMISSION for (a) existing quarry (11.3 ha) (b) retention of existing site office / canteen, changing room, office / toilets, 3 no stores, shower room / toilet, lunch room, ESB sub station, fuel storage area, settlement tanks, wheelwash, effluent disposal system and (c) improvements to existing site entrance.

Subject to the 30 conditions set out in the attached schedule.

Signed on behalf of Wicklow County Council.

Pauline Doone  
SENIOR EXECUTIVE OFFICER  
PLANNING & ECONOMIC DEV

Date: 22nd June 2007

# PLANNING AND DEVELOPMENT ACTS 2000 - 2006

Reference Number in Register: 06/6189

## SCHEDULE

Having regard to the planning history of the site, it is considered that, subject to compliance with the conditions set out in the schedule below, the proposed development would not further injure the visual amenities of the area, would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health and would therefore be in accordance with the proper planning and development of the area.

### General & financial

1. (a) This permission refers only to (i) continuation and restoration of the existing quarry of 11.3Ha, (ii) retention of existing site office / canteen, changing room, office / toilets, 3 No. stores, shower room / toilet, lunch room, ESB sub-station, fuel storage area, settlement tanks, wheelwash, effluent disposal system and (iii) improvements to existing site entrance  
(b) This permission refers to the development as described in the documents lodged, including EIS received 07 September 2006 and all mitigation measures contained therein, as revised by entrance improvement proposals received on 30<sup>th</sup> April 2007, save as the conditions hereunder require.

REASON: For clarification.

2. Normal quarry operations (i.e. extraction and processing) shall not commence before 08.00 am and shall not continue after 18.00 Monday - Friday, and 14.00 on Saturday. Loading of vehicles shall not take place before 07.00. No work shall take place on Sunday or Bank Holiday.

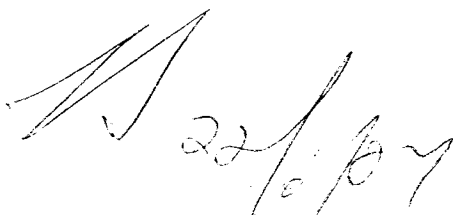
REASON: In the interest of residential amenity.

3. Notwithstanding the exempted development provisions of the Planning & Development Regulations 2001
  - (a) No other structures, plant or machinery, shall be placed on the land without the prior agreement of the Planning Authority.
  - (b) All plant, machinery and structures shall be removed from the land on cessation of excavation at the quarry.
  - (c) No other operation shall be carried out on the land except extraction and processing, and ancillary works

REASON: To control the extent of development on the site.

4. Within 3 months of the date of Final Grant, security shall be provided by the applicant for the satisfactory rehabilitation of the land surface to agricultural use. The form of the security shall be lodgement with the Planning Authority of a cash sum of €56,500.

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



## Restoration/rehabilitation

5. **Within 3 months of the date of Final Grant**, the Owner / Operator shall submit the following information to the Planning Authority and the Environment Section of Wicklow County Council for their written agreement:
- Plan showing the proposed extraction scheme for the quarry area hereby permitted (11.3Ha)
  - A revised scheme for the rehabilitation and landscaping of all worked out portions of the existing & hereby permitted excavation (total area 11.3Ha) and the site generally

The source of all material proposed to be used in respect of all restoration works, together with full details of the type of material and the quantities involved, shall be submitted as part of the restoration scheme

The restoration scheme shall, inter alia,

- provide for the carrying out of such works as may be necessary to make the land useful for agricultural purposes and consistent in appearance with surrounding land,
- make provision for the moulding of surface levels, the provision of natural surface and subsoil drainage, vegetation planting and re-seeding and
- provide for the phased carrying out of rehabilitation and landscaping operations within a definite period or periods related to the anticipated pace of extraction operations.

The Extraction scheme and Restoration scheme shall be reviewed every 3 years, at the time of the topographic survey required under condition 29

Upon permanent cessation of quarrying operations, the site shall be fully restored in accordance with the agreed restoration plan. All plant, machinery and structures shall be removed from the site.

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

6. All existing topsoil removed in the course of working shall be separately retained from waste materials (including sub-soil and overburden) so that it can readily be re-used for restoration purposes, by spreading evenly over the worked surface or backfilled. No topsoil shall be removed from the site.

REASON: To ensure the restoration of the site in the interests of visual amenity and for possible future agricultural use.

## Surface / ground water

7. Existing drainage inlets from the public road onto the site shall be preserved and any roadside drains interfered with shall be fully re-instated and shall where necessary be culverted with pipes of adequate size and strength.

REASON: In the interests of traffic safety and to prevent flooding of the public road.

8. All surface water run-off from roofs, entrances, driveways, parking areas etc. shall be collected and disposed of within the site. In particular, no such surface water run-off shall be allowed to flow onto the public roadway or onto adjoining properties.

REASON: In the interests of traffic safety and residential amenity.

9. (a) Only clean uncontaminated storm water shall be discharged to surface waters. Adequate precautions shall be taken to prevent surface water run-off from open cut areas discharging directly to any stream or watercourse. All such water shall be trapped and held in settling ponds until such time as the suspended solids



are deposited and the colour of the water has dropped to a level that will not cause discolouration of the receiving waters

(b) All surface water from the plant area, quarry floor and internal haul roads shall be directed to sumps and pumped from there to settling ponds. All water contaminated with hydrocarbons, including storm water from bunded areas and surface waters, shall be discharged via a grit traps and appropriate hydrocarbon interceptors. An inspection chamber with sump shall be provided between the hydrocarbon interceptor and the settlement ponds

(c) The settling ponds shall be of an adequate size and secure construction, and properly maintained to ensure the efficient removal of suspended solids. Detailed drawings of the settlement ponds and their location shall be submitted to and agreed by the Planning Authority and shall be supported by design calculations including water/soiled water volumes. The details shall be submitted within 3 months of the date of Final Grant.

REASON: In the interests of public health, the protection of surface waters and ground water and to protect existing amenities of the area.

10. A record of groundwater levels shall be kept on site. A ground water monitoring programme shall be agreed with the Planning Authority within three months of the date of Final Grant. The extent of the programme and the frequency and locations of monitoring shall be agreed with the Planning Authority in advance. Monitoring results shall be submitted to the Planning Authority as part of the Environmental Audit.

REASON: To prevent water pollution and in the interest of public health.

11. The owner / operator shall ensure that the development does not affect or cause deterioration in water quality, water levels or yields in the domestic wells serving this site or in the vicinity of the quarry. In the event of quarrying activities having an adverse impact on private wells on site or in the vicinity the owner / operator shall undertake appropriate remedial measures as agreed with the Planning Authority, at his own expense. In the event of any disruption of water supplies, the owner / operator shall cease any operations causing such disruption until water supply has been restored or replaced.

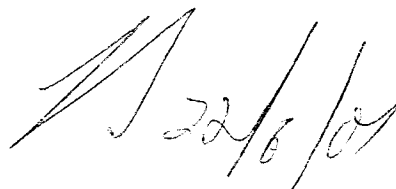
REASON: In the interests of public health

12. Within 3 months of the date of Final Grant, full details of existing / proposed effluent disposal system for the disposal and treatment of domestic wastewater (from staff toilets, showers and canteen facilities etc) shall be submitted to and agreed with the Planning Authority, which shall comply with current EPA standards

REASON: In the interests of public health and groundwater protection

#### **Dust / noise / waste / blasting**

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



REASON: To protect existing amenities of the area and in the interests of road safety

14. The concentration in ambient air of PM<sub>10</sub> at any sensitive / residential receptor shall not exceed the quantity specified in a schedule to the Air Quality Standards Regulations 2002, and which is not to be exceeded for the period and under the conditions specified in the schedule in relation to that pollutant.

REASON: In the interests of public health.

15. All conveyor belts carrying materials of a dusty nature shall be enclosed.

REASON: In the interests of protecting the amenities of the area and preventing environmental pollution.

16. During dry weather conditions, the operator shall ensure that dust on-site, both from the movement of machinery and windblown, is controlled. An adequate water supply shall be maintained in the quarry area to dampen down stockpiles and equipment during periods of dry windy weather to prevent the emission of fugitive dust. Detailed drawings of a water spray / sprinkler system shall be submitted to, and agreed by, the Planning Authority. The system shall include the access road, all internal roads, all processing areas, storage bays / areas, stockpiles and extraction area. The details shall be submitted within 2 months of the date of Final Grant and shall be installed within 3 months of the planning authority's agreement to the proposal.

REASON: In the interests of protecting the amenities of the area and preventing environmental pollution

17. Equivalent sound levels attributable to all on-site operations associated with the development shall not exceed 55 dB(A) (Leq) over a continuous one hour period between 0800 hours and 1800 hours on Monday to Friday inclusive, and 0800 hours and 1300 hours on Saturday, when measured at any noise sensitive receptor. Sound levels shall not exceed 45 dB(A) over a continuous one hour period at any other time.

REASON: In the interest of residential amenity.

18. Detailed records of the types and quantities of all wastes generated by the development, and how they are disposed of, shall be maintained and made available for inspection by Wicklow County Council.

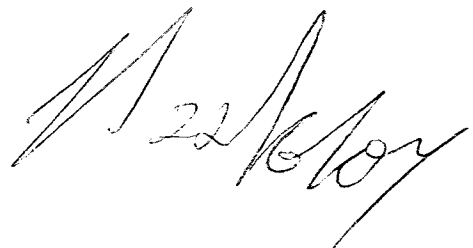
REASON: In the interests of public health, safety and proper planning and development.

19. All over-ground oil or other chemical storage tanks shall be adequately bunded to protect against spillage. Bunding shall be impermeable and capable of retaining a volume in excess of 1.1 times the capacity of the largest tank.

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

20. Blasting operations shall only take place between 0900 hours and 1800 hours Monday to Friday inclusive. Blasting at any other time may only be undertaken for emergency or safety reasons. Monitoring of the noise and vibration arising out of blasting shall be carried out at, the expense of the owner / operator, by an independent contractor.

REASON: In the interest of protecting the amenities of the area



21. Each blast shall be monitored by the owner / operator. Vibrations from blasting operations shall not exceed a peak particle velocity of 12 millimetres per second when measured in any of the three mutually orthogonal directions. The air overpressure from any blast shall not exceed a value of 125dB (Linear) maximum peak (95% compliance). These limits shall apply at the nearest vibration and air overpressure sensitive locations.

REASON: In the interest of public safety and the amenities of the area

22. Prior to the firing of any blast, the owner / operator shall give at least 24 hours notice of his intention to the occupiers of all dwellings within 500 metres of the site. An audible alarm for a minimum period of one minute shall be sounded. This alarm shall be of sufficient power to be heard at all dwellings adjacent to the quarry.

REASON: In the interest of public safety

#### Safety

23. Adequate fencing shall be provided and maintained to prevent access to the edge of all slopes.

REASON: In the interests of public safety

#### Roads

24. Within 3 months of the date of Final Grant, the existing site entrance shall be improved as set out in proposals received by the Planning Authority on 30<sup>th</sup> April 2007. In particular:-

- (a) The roadside boundary shall be set back as shown on drawing No. 0186/088A (WSP)
- (b) The area between the existing road carriageway and the set back boundary shall be levelled and surfaced in accordance with the requirements of the Roads Authority
- (c) The berm to the rear of the set back area shall be so graded as to be structurally stable and shall be planted / seeded in a manner consistent with the prevailing flora of the area and with species that will not grow to impede sightlines

REASON: In the interest of traffic safety

25. The owner / operator shall erect metal advance warning signs. These signs shall be maintained in good and clean condition. The material, content, design and location of these signs shall be submitted to, and agreed by, the Planning Authority. These details shall be submitted to the planning authority for agreement within two months of the date of Final Grant and the signs shall be erected within two months of receiving the planning authority's agreement.

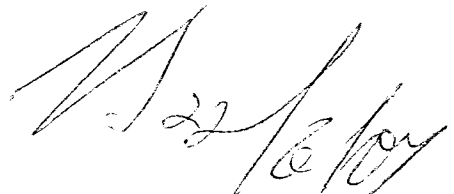
REASON: In the interest of traffic safety

26. The owner / operator shall be responsible for maintaining the adjoining public roadway in a clean state, free from mud and other debris caused by the haulage of gravel and sand from the site.

REASON: In the interests of traffic safety and amenity.

27. (a) A concrete / macadam apron shall be provided from the access from the public road for a minimum distance of 30m into the site. This apron shall be kept free from deposits / debris at all times.

(b) A wheel washing facility shall be installed at the innermost end of this concrete apron. It shall be provided with a continuous water supply facility together with a suitable sump arrangement for the drawing off of waste waters arising. It shall be



designed, and kept properly maintained and cleaned at regular intervals, such that trucks, on exiting the wheel wash, shall not have mud or dust adhering to their tyres or truck body. All soiled waters from the wheel / vehicle washing system shall be treated and recycled. There shall be no off-site discharges of soiled water. The wheel / vehicle washing system shall be installed and operational within 4 months of the issuing of conditions.

(c) All vehicles exiting the site shall use the wheel washing facility, and shall travel only on the apron to the exit.

REASON: In order to prevent dust emissions in the interests of amenity and proper planning and development, and in the interest of traffic safety.

28. All loads exiting the quarry shall be covered

REASON: In order to prevent dust emissions in the interests of amenity and proper planning and development, and in the interest of traffic safety.

### Environmental Monitoring

29. On an annual basis (by the end of February each year) for the lifetime of the facility, the operator shall submit to the Environment Section of Wicklow County Council three copies of an environmental audit. Independent environmental auditors, whose names shall be submitted to the Environment Section of Wicklow County Council for prior approval, shall carry out this audit. This audit shall be carried out at the expense of the operator. This audit shall contain –

- (a) A summary of all of the environmental monitoring results for the year,
- (b) A record of movement of heavy vehicles outside the approved opening hours
- (c) A full record of any breaches over the previous year for noise, dust, and water quality,
- (d) A written record of all complaints, including actions taken on each complaint

A full interpretative report, prepared by the person carrying out the monitoring, shall accompany all monitoring records.

In addition, a topographical survey carried out by an independent qualified surveyor, shall be completed for the initial year and every 3 years thereafter, and submitted with the audit. This survey shall show both the areas and volumes

- (a) that have been excavated and
- (b) that have been restored

Notwithstanding the above annual audit requirements, all incidents where levels of noise or dust exceed agreed levels shall be notified to the Environment Section within two working days. Incidents of surface or groundwater pollution, or incidents that may result in groundwater pollution, shall be notified to the Environment Section without delay.

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

30. Within three months of the date of Final Grant, the owner/operator shall submit to the Environment Section of Wicklow County Council, for their written agreement, a proposal for a site specific Environmental Management System (EMS) for the quarry. This shall include the following

- i. A list of all monitoring locations
- ii. A description and specification of all monitoring equipment to be used, and the proposed frequency of monitoring and reporting. An interpretation of the results shall accompany all monitoring reports.
- iii. The identity and qualifications of persons responsible for the proposals for the suppression of on-site noise (in order to comply with the planning conditions),



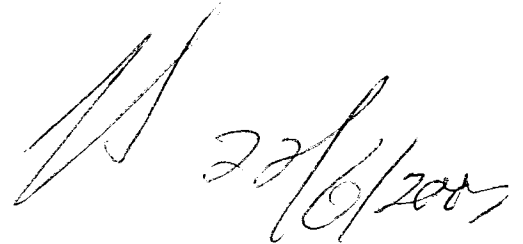


- iv. Proposals for the on-going monitoring of sound emissions at noise sensitive locations in the vicinity of the quarry. The monitoring shall record  $L_{Aeq}$  (1 hr),  $L_{A10}$  (1 hr) and  $L_{A90}$  (1 hr) levels. The results of such surveys shall include details of, inter alia:-
- (i) Type of monitoring equipment used, sensitivity or calibration evidence, and the methodology of the survey.
  - (ii) Prevailing climatic conditions at the time of the survey
  - (iii) The time interval over which the survey was conducted
  - (iv) What machinery was operating at the time of the survey
- v. Proposals for the suppression of dust on site, from plant, access roads and wind blown,
- vi. Proposals for the bunding of fuel and lubrication storage areas, and details of emergency action in the event of accidental spillage,
- vii. Proposals for monitoring of groundwater levels,
- viii. Proposals for analysis of water samples from boreholes on site
- ix. Proposals for complying with the Aquifer Protection Scheme as adopted by Wicklow County Council
- x. Details of safety measures for the land around the quarry, to include warning signs and stock proof fencing.

All actions required under the Environmental Management System shall be implemented within six months of the date of agreement by the Environment Section.

REASON: In the interest of proper planning and development, safeguarding local amenities, and public health

For inspection purposes only.  
Consent of copyright owner required for any other use.



A handwritten signature in black ink, followed by the date '22/6/2005' written in a similar cursive style.



# COMHAIRLE CHONTAE CHILL MCHANTÁIN

## WICKLOW COUNTY COUNCIL

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**PLANNING & DEVELOPMENT ACTS 2000 - 2006**

### NOTIFICATION OF DECISION TO REFUSE

Roadstone Dublin Ltd  
C/o John Barnett & Associates Ltd  
CSA House, Unit 6 & 7,  
Dundrum Business Pk., Windy Arbour,  
Dublin 14

Planning Register Number: 06/6189

Valid Application Received: 07/09/2006

Further Information Received Date: 30/04/2007

In pursuance of the powers conferred upon them by the above-mentioned Act, Wicklow County Council has by Order dated 22/06/07 decided to REFUSE RETENTION for development of land, namely:-

Expansion of extraction area (6.0 ha)

Subject to the 1 reason set out in the attached schedule.

Signed on behalf of Wicklow County Council.

Pauline Moore  
SENIOR EXECUTIVE OFFICER  
PLANNING & ECONOMIC DEV

Date: 22nd June 2007

## PLANNING AND DEVELOPMENT ACTS 2000 - 2006

Reference Number in Register: 06/6189


### SCHEDULE

1. It is the stated policy of the Council, as set out in the Wicklow County Development Plan 2004-2010 that:-
  - i. Development in Wicklow shall take full account of the Designated Landscape categories and the protection of their amenities and assets.
  - ii. Views and prospects as identified in schedules 10.6 & 10.7 will be protected
  - iii. The Council will facilitate the operations of the extractive aggregates industry only where they conform to the principle of sustainability and do not significantly affect residential, environmental or tourism amenities.
  - iv. Where proposals for the working out of minerals and aggregates are submitted in the Zone of Outstanding Natural Beauty as indicated in Map 3 A – F, the Council will ensure that the existing landscape quality shall remain the overriding priority and such proposals must illustrate that the benefits of the development will outweigh any adverse environmental consequences. The Council shall evaluate the need to conserve the environment, character and natural beauty of such areas and the extent to which the proposed development would materially damage these qualities.

Having regard to the location of the proposed quarry expansion

- (a) in an area designated an 'Area of Outstanding Natural Beauty' in the Wicklow County Development Plan 2004-2010,
- (b) directly within listed prospect No. 8 – prospect from Long Hill – prospect of Bray Head, Great Sugarloaf and coast, as set out in the County Development Plan 2004-2010
- (c) on the western slopes of the Great Sugarloaf, a landmark of significant landscape and tourism value which is included in the Wicklow County Development Plan 2004-2010 as an area to be considered for an SAO

the Planning Authority is not satisfied, based on the information submitted, that the proposed development will not have a significant, serious and long-term impact on the visual and tourism amenities of the area and would therefore be contrary to the proper planning and development of the area

  
22/16/2007

**PLANNING REPORT**

TO: FERGAL KEOGH SE  
 FROM: SORCHA WALSH SEP  
 SUBJECT: REF: 06/6189  
 NAME: ROADSTONE DUBLIN LTD  
 DEVELOPMENT: PERMISSION FOR EXISTING QUARRY AND PERMISSION FOR EXTENSION OF QUARRY BY HA (EXTRACTION AREA OF  
 DATE: 01 NOVEMBER 2006  
 SITE VISIT 31 OCTOBER 2006

**Site location:** Application site is located on regional road R755 between Kilmacanogue and Roundwood in the townland of Killough Upper. The quarry is located on the eastern side of the RR on the west-facing slope of the Great Sugarloaf.

**Planning history:**

77/1426 Permission granted for change of quarry entrance  
 QY/31 Quarry registration file under Section 261 of the Planning Act. On 27/04/06 an Order under Section 261.7 (a) issued requiring the applicant to apply for planning permission for the quarry and to submit an EIS

**Development:**

Application site – 17.3Ha Total landholding – c. 25.6ha  
 Existing quarry – c. 7Ha Proposed quarry extension – c. 6.1ha

Lifespan – 25 years approx

Amount to be extracted – 300,000 tonnes pa - stated as same a current output

Location – between 250m OD contour up to 300m OD contour with final quarry floor of 220m.

Existing quarry maximum elevation 300m OD

**Development Plan policies:**

Policies that relate directly to this site:-

The application site is located in a landscape zone of special control <AONB>. The vulnerability of the corridor area is considered to be 'very high'.

Listed views / prospects

P8 – prospect from Long Hill & prospect of Bray Head, Great Sugarloaf and coast

P9 – C31 Red lane and R755 Calary – prospect of Great Sugarloaf

P3 – C16 & c17 Ballinagee, Glencree Drive – prospect of Glencree Valley and Great Sugarloaf

The Great Sugarloaf is designated a **pcNHA**. The site synopsis for the pcNHA indicates that the site is of both ecological and geological interest. The boundary of the pcNHA generally runs directly along the eastern boundary of the Roadstone landholding

Policies relating to extractive industries:-

Policy EM12 - The Council will support the suitable development and expansion of resource based rural activities including timber processing and the processing of aggregates and stone, that is not damaging to the local environment, amenities and heritage

Policy EM14 - The Council will facilitate and encourage the exploration and exploitation of mineral in the County in a manner which is consistent with environmental protection and sustainable development

Policy EM15 - The Council will facilitate the operations of the extractive aggregates industry where they conform to the principle of sustainability and do not adversely effect residential, environmental or tourism amenities

Section 5.4 of the County Development Plan 2004 sets out the policies / control criteria for extractive operations.

- Need for product

- The environment and the landscape will be safeguarded to the greatest possible extent
- Such operations shall have good access to the national or regional road network and do not adversely affect the residential or tourism amenity of the area
- Satisfactory provision will be made for the beneficial afteruse of the land that does not conflict with other planning policies for the area
- The working, landscaping, restoration and after care of the site will be carried out to the highest standards in accordance with an approved scheme. The scheme will incorporate progressive restoration where practical.

#### Other designations within 1km

There are a number of monuments / archeological sites within 1km of the site, the closest being WI 007-070 (Cair) 500m east of the site. The remaining sites (approx 10 no. to the south-west, 1 no. to the west and 1 no. to the north-east are more than 750m from the quarry

#### Site features:

- The application site is located on the west facing slope of the Great Sugarloaf between the elevations of approx 250m OD and 300m OD. The Sugarloaf has a peak height of approx 500m OD
- The site is bounded to the east by the inclining slopes of the Sugarloaf, to the west by the regional road R755 followed by a decline down into the Killough river valley. This is a steep sided valley, with Long Hill forming the western ridge. The higher lands to the east / north-east / south-east of the site generally comprises the gorse covered lower reaches of the Sugarloaf, with agricultural lands located to the north and south where the soil / topography allows
- There are a number of dwellings in the area most particularly along the R755 to the NW of the site and along a smaller local m access road to the west of the site. The EIS indicates that there are 26 dwellings within a 2km radius – this is clearly incorrect as Kilmacanogue Village is within 2km of the application site.
- Views of the site are limited from the road serving the site due to proximity, gradient and the existing of screen berms. However, clear and open views are available further west from Long Hill (directly across the Killough River valley). This is a listed prospect
- The site is bounded to the west by regional road R755 (Kilmac – Roundwood). The quality of this route (in terms of width, alignment and structural condition) varies along its length. The application site is approx 3.8km from the junction of the R755 with the N11 at Kilmac. For the first 2km approx, this road is reasonably wide and well aligned and serves the residential area of Kilmac village. At the western edge of the village boundary, beyond the junction with Rocky Valley Drive, the road commences its incline towards Roundwood and the application site. The road curves around the base of the Sugarloaf and is particular hazardous with regard to vertical and horizontal alignment adjacent to the two junctions to the R760 (Enniskerry). There is a further junction serving a small lane in the Killough River valley before the site entrance. There are a number of locations along this route where width is reduced thereby causing difficulties for the passing of HGVs. This route has been recently re-surfaced

#### Evaluation of EIS

The EIS has been fully reviewed. Any evaluation contained in this report is not indented to be a full and complete assessment of all aspects of the EIS. The EIS contains all of the general information and chapters as statutorily required.

The areas of particular concern are

- 3.8 – Landscape
- 3.10 – Material assets - traffic and tourism impacts are not adequately addressed
- 3.11 – Roads & traffic

#### Reports

NPR: No received

AE: Not received

EHO: Further details of on-site eds and water supply requested. Note: the on-site eds is no longer in use and water supply test results are include din the EIS. It is possible that the EHO was not provided with this information

Eastern Region Fisheries Board: received. No additional information requested – any concerns could be integrated into a conditional grant of permission

**Third parties / prescribed bodies**

1. An Taisce  
Notes that inadequate time was given to them to submit a detailed report but draw attention to the obligation of the Planning authorities with regard to the assessment of the EIS
2. Felix Whelan, Valley House, Kilmacanogue  
Objects to development for the following reason
  - (a) Blasting causing damage to his property
  - (b) Mud is drawn onto the public road from the site particular during wet weather

**Overall evaluation of proposal**

There are two primary issues of concern, which it is not considered that the application has adequately addressed

1. Traffic impacts
  - (a) Impact of existing / proposed traffic on R755  
The EIS sets out that the total traffic flows in a typical 10-hour period is to the order of 2,363 vehicles of which 12 % are HGVs - 35.7% of this HGV traffic is generated by the quarry. When expressed in these terms it seems suggest that the traffic flows generated are not significant, however the number of traffic movements of HGVs from the quarry is 104 per day. This is considered significant on this short stretch of road (approx 3.8km) to the N11. This of particular concern because the R755 for this distance has some pinch points where 2 HGVs cannot pass and is also poorly aligned at a number of locations, which significantly limits forward sight distance. There are also a number of hazardous junctions in this area off the R755.  
While this road has recently been resurfaced, its structure has not been improved and HGVs laden with aggregates obvious present a significant loading on the road structure.
  - (b) Safety of existing entrance.  
The existing entrance is extremely hazardous as it lacks sightlines in both directions, but particularly to the north. The entrance to the quarry is not visible to vehicles approaching from the north until the entrance is reached. This must be addressed
2. Visual impact / impact on Sugarloaf / impact on tourism  
The information submitted, including digital photomontages and fly overs have been full evaluated and the proposed quarry extension would create a clear and significant visual impact on the landscape when viewed from the west. This impact is created primarily by the proposals to widen the quarry face in an easterly direction. Although the top quarry face would have the same elevation as that existing, it is this eastward movement of the face that causes the most impact. An elongation of the quarry along the same line as the existing face i.e. along the 280m contour would significantly reduce this impact.

The Sugarloaf is a pcNHA for reason of ecological and geological interest. The landscape at the application site appears very similar to that proposed for special protection. It is not accepted therefore that just because the pcNHA boundary stops at the edge of the quarry that this site has no similar ecological or geological value.

Inadequate assessment of the interaction of traffic / landscape on tourism has been set out in the EIS



## Recommendation

### Further information


1. The regional road between the site entrance and the N11 (R755) is identified as the primary access route for the transportation of materials and vehicles to and from the site. While this is a regional road in close proximity to a national primary road, the Planning Authority has a number of concerns regarding the suitability of this route, in its current condition, to accommodate the traffic flows associated with the existing and proposed development, particularly with regard to the poor alignment of this road and the existence of a number of locations along this route with limited width thereby resulting in the inability for two large vehicles to safely pass.

In this regard, you are requested to supply the following further information:-

- (a) A comprehensive and complete evaluation of the full length of the regional road from the site to the N11 in terms of road carriageway width (cross sections required), alignment (long sections) and structural condition / stability
  - (b) Where deficiencies are revealed by (a) above, details of proposals / mitigation measures required to address same and confirmation that any necessary works identified will either be carried out by the applicant or that the applicant will make a special contribution towards to the carrying out of such works
2. Notwithstanding the existing usage of the existing site entrance (which was granted in 1977), having regard to
    - (a) The hazardous nature of this entrance, particularly with regard to the lack of sightlines to the north for exiting vehicles and lack of forward sight distance for vehicles approaching the site from the north
    - (b) the increase in traffic flows on this regional route since 1977
    - (c) the fact that this entrance does not meet current standards for such usage

proposals are required for safety improvements to this entrance. A detailed and accurate survey of the site roadside boundary, roads edges, verges etc will be required and full proposals to provide for adequate sightlines based on the standards set out in the 'Road Geometry Handbook' (NRA 2000) for the design speed of the road.

3. (a) Inadequate information has been provided regarding the amount of top soil and overburden required to carry out all the screening, berming and restoration works as described in the documentation submitted. Please provide full details, based on estimated area, height and width of all such screening, berming and restoration works of the amount of materials required.  
(b) It is stated in the EIS (p13) that it is estimated that 718,000 tonnes of material would be available for such works. Based on the comparison of needs and available materials, please submit an estimate of the amount of additional materials required to be brought to the site  
(c) Based on (a) and (b) above, please expand Section 3.11.3 i (c) as necessary
4. Having regard to the location of the existing / proposed development
  - (a) in an area designated an 'Area of Outstanding Natural Beauty' in the Wicklow County Development Plan 2004,
  - (b) directly within listed prospect No. 8 – prospect from Long Hill – prospect of Bray Head, Great Sugarloaf and coast, as set out in the County Development Plan 2004




- (c) on the western slopes of the Great Sugarloaf, a landmark of significant landscape value which is included in the Wicklow County Development Plan 2004 as an area to be considered for an SAAO

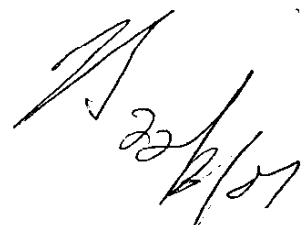
the Planning Authority is not satisfied, based on the information submitted, that the proposed development will not have a significant, serious and long-term impact on the visual amenities of the area.

In this regard, please be advised that permission is unlikely to be recommended for extraction above the 280m OD contour. You are strongly advised to consider alternative options given this position.

If an alternative is selected, it may be necessary to amend various parts of the application (including EIS) to reflect same. Furthermore, your response to any of the items set out in this Further Information request should refer to the alternative scheme if selected.

5. Reference is made in the EIS to the designation of the Great Sugarloaf as a pcNHA and that this area is considered worthy of protection due to its ecological and geological interest. The boundary of the pcNHA generally coincides with the boundary of the Roadstone holding and is in very close proximity to the proposed quarry area. Your statement under Section 3.3.3 that the proposed development, being outside of the pcNHA boundary will have 'no impact' on its geological qualities is therefore considered somewhat lacking in depth and analysis and you are therefore requested to expand on your assessment. Your analysis should include further information on that geology of the Great Sugarloaf that is considered of interest and how the geology of the application site compares / contrasts to same.
6. With regard to discharges of surface water from the site, you indicate on p18 of the EIS that an application for a Discharge Licence is being submitted to Wicklow County Council. Please provide details of the status of this application. Please be advised that it is unlikely that permission will be considered for a development that requires a Discharge Licence prior to such a licence being granted.
7. Your assessment of the number of dwellings in the vicinity (Section 3.10.2 of the EIS) does not appear to be correct given that a large part of Kilmacanogue Village is located within a 2km radius of the application site. Furthermore, Figure 3.1.1 does not in fact show all dwellings in the radius stated. Please amend your calculation accordingly, submit a revised, accurate map showing all dwellings within a 2km radius. Please amend your assessment in this regard in light of the accurate figures
8. Section 3.10.2 (tourist amenities) makes no reference to
  - the impact of the development on the usage by tourists / tourist vehicles of the R755
  - the impact of the development on the scenic views from the top of the SugarloafPlease comment
9. Section 3.8.3 iii (interaction with other impacts) makes no reference to the interaction of landscape with material assets (tourism) – please address

  
Sorcha Walsh  
Senior Executive Planner  
01 November 2006

  
22/11/06



PLANNING REPORT

TO: EDWARD SHEEHY, COUNTY MANAGER  
FROM: SORCHA WALSH SEP  
SUBJECT: REF: 06/6189  
NAME: ROADSTONE DUBLIN LTD  
DEVELOPMENT: PERMISSION FOR EXISTING QUARRY AND PERMISSION FOR EXTENSION OF QUARRY  
DATE: 22 JUNE 2007

**Status**

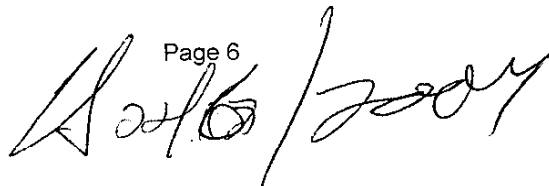
Further information requested 01/11/2006 and response received 30/04/07

1. An evaluation and survey of the RR between the site and the N11 has been provided in which any defects or deficiencies in the road have been identified. Improvement measures have been proposed and the applicant indicates a willingness to make a contribution towards such improvement, proportionate to the traffic generated by the quarry in relation to the traffic use of this road as whole.  
Having regard to the figures presented in the EIS, total traffic flow over a 10-hour period was found to be 2,363 (including HGVs) on the day surveyed at / around the site entrance. The number of HGV movements from the quarry during that same survey period was 104.
2. It is proposed to make improvements to sightlines at the quarry entrance – to provide 120m to the south and 90m to the north. Having regard to the design speed of the road, the NRA guidelines would in fact (according to applicant) require 90m to the north and 160m to the south. It is indicated that the topography of the land and the location of an internal access route parallel to the regional road to the south of the entrance would only allow for a 120m set back. It is argued that as this is a significant impingement on existing (15m sight distance), it should be considered
3. An estimate a material required to provide for restoration and screening berms has been provided. It is estimated by the applicant that approx 50,000 tonnes of inert soil / stones per year may be required to be imported to the site. It is put forward by applicant that the bringing of this material to the site will not result in any more than 1 additional HGV movement per hour or a 10% increase in current HGV traffic from the quarry, as set out in the original EIS. It is also put forward that as some of the material may be brought from sources further south of the R755, there may a be reduction in the number of HGVs on the R755 north of the quarry
4. The applicant has submitted information with regard to two alternatives considered – reduction in working area to 290mOD (Option A) and 280mOD (Option B). Option A would result in a 38% reduction in extractable volumes and Option B a 63% reduction. It is put forward that with phasing and restoration proposed (in the original scheme), restoration of the upper quarry faces will take place at the earliest opportunity well in advance of the full quarry footprint being established (i.e. within years 1 & 2) this mitigating against significant visual impacts. It is requested that the original proposals, to allow working up to the 300mOD contour be reconsidered.  
No additional views or photomontages provided showing these alternatives
5. It is indicated that the geological aspects of the pcNHA are primary geomorphological and relate to the fact that the area stood as a nunatak during the age ice. The quarry area is restricted to the ice eroded, smoother slopes of the mountain i.e. not located within the feature of interest. In addition, it is put forward that the excavation of the site will exposed Cambrian rocks with will provide information on the relationship between the quartzites and interbedded greywackes and mudstones

SWalsh

Page 6

22/06/2007



6. In response it is indicated that the Discharge Licence was sought on 24/04/07
7. The applicant acknowledges that an error was made in this section of the EIS and has corrected it to clarify that there are 37 residences within 1km. It is noted that there are approx 220 residences within 2km (previously stated that there were only 26 residences in 2km radius). Having regard to this correction, no changes are proposed to Section 3.1 7 of the EIS – potential impacts on human beings. This section sets out that there are only 'positive' impacts from the proposed development with regard to local employment and supplying demand for aggregates. Given that there are significant more dwellings in the vicinity of the site than set out in the original EIS it is considered that the EIS is deficient in analysis of direct impacts from quarrying activity (vibrations, emissions etc) and traffic.
8. An assessment of potential impacts on tourists' use of the R755 is provided, concluding that there will be no significant impacts due to the short stretch of road between the site entrance and N11 and the lack of visibility of the site from the R755. It is put forward that views from the top of the Sugarloaf would not be impacted as the observer's sight is directed towards the overall panoramic views on the skyline.
9. In response to this item, it is put forward that it is the overall landscape of the Wicklow Mountains that provides the significant tourism attractiveness and the development will not have any significant impact on the overall landscape of the Wicklow Mountains.

**Reports:**

AE / Roads: Not received

Env: Item 3 of FI - details of quantities for restoration. This was a little unclear as Roadstone made an application for a Waste Permit to import 150,000t of soil in addition to the volume of material that would be moved internally for restoration. The clarification that the Env Section requires is separate from the planning application and is not an issue for appraisal of the planning application.

Item 5 of FI - The Great Sugarloaf as a pcNHA of geological interest. The response from Dr John Kelly is considered to address the FI raised

EHO: No objections subject to conditions

**Assessment:**

1. The existing quarry has been operating on this site for over 40 years (pre '63) and the application for permission was made only on foot of a requirement to do so by the Planning Authority following registration of the quarry under Section 261 of the Planning Act 2000. It is therefore considered reasonable, subject to the improvements of the existing entrance and any other improvement / mitigation measures required (as set out in the EIS), that permission should be granted for the existing quarry
2. Proposed expansion
  - (a) Visual impact.  
Having reviewed the response to FI and the original EIS together with all associated photomontages and 'fly-over' views, it is considered that the proposed development would unduly impact on the landscape at this location, and in particular would impact on the listed prospect No. 8 – prospect from Long Hill – prospect of Bray Head, Great Sugarloaf and coast. This development is located in an area designated an 'Area of Outstanding Natural Beauty' in the Wicklow County Development Plan 2004, on the western slopes of the Great Sugarloaf, a landmark of significant landscape value which is included in the Wicklow County Development Plan 2004 as an area to be considered for



an SAAO. The value of the resource from this quarry is not considered to outweigh this negative impact

With regard to the visual impact from the top of the Sugarloaf, the photo submitted clearly shows that the proposed extension will form a wider and longer intrusion on the view.

(b) Roads

It is considered that the assessment of road improvement required is not adequate as all necessary road widening has not been identified. The applicants proposals to contribute towards the cost of the identified improvements, based on a proportion of the traffic generated by the quarry to the total traffic on the road, is also not acceptable as it is HGV traffic that impacts most heavily on the road structure and requires the additional width. The HGV traffic associated with the development comprises 35.7% of total HGV traffic on this road and it would therefore be considered that the applicant contribute this proportion of the cost of the improvements. If permission were to be granted for the expansion, this could be conditioned.

**Recommendation**

**SPILT DECISION**

**Schedule A** GRANT permission for (a) the existing quarry (11.3Ha), (b) retention of existing site office / canteen, changing room, office / toilets, 3 No. stores, shower room / toilet, lunch room, ESB sub-station, fuel storage area, settlement tanks, wheelwash, effluent disposal system and (c) improvements to existing site entrance

**Schedule B** REFUSE permission for expansion of extraction area (6.0 Ha)

**SCHEDULE A**

**GRANT**

Having regard to the planning history of the site, it is considered that, subject to compliance with the conditions set out in the schedule below, the proposed development would not further injure the visual amenities of the area, would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health and would therefore be in accordance with the proper planning and development of the area.

**General & financial**

1. (a) This permission refers only to (i) continuation and restoration of the existing quarry of 11.3Ha, (ii) retention of existing site office / canteen, changing room, office / toilets, 3 No. stores, shower room / toilet, lunch room, ESB sub-station, fuel storage area, settlement tanks, wheelwash, effluent disposal system and (iii) improvements to existing site entrance  
(b) This permission refers to the development as described in the documents lodged, including EIS received 07 September 2006 and all mitigation measures contained therein, as revised by entrance improvement proposals received on 30<sup>th</sup> April 2007, save as the conditions hereunder require.  
R: For clarification.

2. Normal quarry operations (i.e. extraction and processing) shall not commence before 08.00 am and shall not continue after 18.00 Monday - Friday, and 14.00 on Saturday. Loading of vehicles shall not take place before 07.00. No work shall take place on Sunday or Bank Holiday.  
REASON: In the interest of residential amenity.

3. Notwithstanding the exempted development provisions of the Planning & Development Regulations 2001  
(a) No other structures, plant or machinery, shall be placed on the land without the prior agreement of the Planning Authority.  
(b) All plant, machinery and structures shall be removed from the land on cessation of excavation at the quarry.  
(c) No other operation shall be carried out on the land except extraction and processing, and ancillary works  
R: To control the extent of development on the site.

4. **Within 3 months of the date of Final Grant**, security shall be provided by the applicant for the satisfactory rehabilitation of the land surface to agricultural use. The form of the security shall be lodgement with the Planning Authority of a cash sum of **€56,500**.  
R: To ensure the satisfactory rehabilitation of the site in the interests of amenity of the area and proper planning and development.

#### Restoration/rehabilitation

5. **Within 3 months of the date of Final Grant**, the Owner / Operator shall submit the following information to the Planning Authority and the Environment Section of Wicklow County Council for their written agreement  
(a) Plan showing the proposed extraction scheme for the quarry area hereby permitted (11.3Ha)  
(b) A revised scheme for the rehabilitation and landscaping of all worked out portions of the existing & hereby permitted excavation (total area 11.3Ha) and the site generally

The source of all material proposed to be used in respect of all restoration works, together with full details of the type of material and the quantities involved, shall be submitted as part of the restoration scheme

The restoration scheme shall, inter alia,

- a) provide for the carrying out of such works as may be necessary to make the land useful for agricultural purposes and consistent in appearance with surrounding land,  
b) make provision for the moulding of surface levels, the provision of natural surface and subsoil drainage, vegetation planting and re-seeding and  
c) provide for the phased carrying out of rehabilitation and landscaping operations within a definite period or periods related to the anticipated pace of extraction operations.

The Extraction scheme and Restoration scheme shall be reviewed every 3 years, at the time of the topographic survey required under condition 29

Upon permanent cessation of quarrying operations, the site shall be fully restored in accordance with the agreed restoration plan. All plant, machinery and structures shall be removed from the site.

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

6. All existing topsoil removed in the course of working shall be separately retained from waste materials (including sub-soil and overburden) so that it can readily be re-used for

*M*  
22/6/07

restoration purposes, by spreading evenly over the worked surface or backfilled. No topsoil shall be removed from the site.

REASON: To ensure the restoration of the site in the interests of visual amenity and for possible future agricultural use.

#### Surface / ground water

7. Existing drainage inlets from the public road onto the site shall be preserved and any roadside drains interfered with shall be fully re-instated and shall where necessary be culverted with pipes of adequate size and strength.

R: In the interests of traffic safety and to prevent flooding of the public road.

8. All surface water run-off from roofs, entrances, driveways, parking areas etc. shall be collected and disposed of within the site. In particular, no such surface water run-off shall be allowed to flow onto the public roadway or onto adjoining properties.

R: In the interests of traffic safety and residential amenity.

9. (a) Only clean uncontaminated storm water shall be discharged to surface waters. Adequate precautions shall be taken to prevent surface water run-off from open cut areas discharging directly to any stream or watercourse. All such water shall be trapped and held in settling ponds until such time as the suspended solids are deposited and the colour of the water has dropped to a level that will not cause discolouration of the receiving waters

(b) All surface water from the plant area, quarry floor and internal haul roads shall be directed to sumps and pumped from there to settling ponds. All water contaminated with hydrocarbons, including storm water from bounded areas and surface waters, shall be discharged via a grit traps and appropriate hydrocarbon interceptors. An inspection chamber with sump shall be provided between the hydrocarbon interceptor and the settlement ponds

(c) The settling ponds shall be of an adequate size and secure construction, and properly maintained to ensure the efficient removal of suspended solids. Detailed drawings of the settlement ponds and their location shall be submitted to and agreed by the Planning Authority and shall be supported by design calculations including water/soiled water volumes. The details shall be submitted within 3 months of the date of Final Grant.

R: In the interests of public health, the protection of surface waters and ground water and to protect existing amenities of the area.

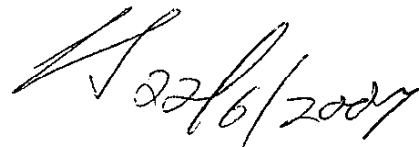
10. A record of groundwater levels shall be kept on site. A ground water monitoring programme shall be agreed with the Planning Authority within three months of the date of Final Grant. The extent of the programme and the frequency and locations of monitoring shall be agreed with the Planning Authority in advance. Monitoring results shall be submitted to the Planning Authority as part of the Environmental Audit.

R: To prevent water pollution and in the interest of public health.

11. The owner / operator shall ensure that the development does not affect or cause deterioration in water quality, water levels or yields in the domestic wells, in the vicinity of the quarry. In the event of quarrying activities having an adverse impact on private wells in the vicinity the owner / operator shall undertake appropriate remedial measures as agreed with the Planning Authority, at his own expense. In the event of any disruption of water supplies, the owner / operator shall cease any operations causing such disruption until water supply has been restored or replaced.

R: In the interests of public health

12. Within 3 months of the date of Final Grant, full details of existing / proposed effluent disposal system for the disposal and treatment of domestic wastewater (from staff toilets,

*preserving the site or  
on site or*  


showers and canteen facilities etc) shall be submitted to and agreed with the Planning Authority, which shall comply with current EPA standards

R: In the interests of public health and groundwater protection

#### Dust / noise / waste / blasting

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

R: To protect existing amenities of the area and in the interests of road safety

14. The concentration in ambient air of PM<sub>10</sub> at any sensitive / residential receptor shall not exceed the quantity specified in a schedule to the Air Quality Standards Regulations 2002, and which is not to be exceeded for the period and under the conditions specified in the schedule in relation to that pollutant.

REASON: In the interests of public health.

15. All conveyor belts carrying materials of a dusty nature shall be enclosed.

REASON: In the interests of protecting the amenities of the area and preventing environmental pollution.

16. During dry weather conditions, the operator shall ensure that dust on-site, both from the movement of machinery and windblown, is controlled. An adequate water supply shall be maintained in the quarry area to dampen down stockpiles and equipment during periods of dry windy weather to prevent the emission of fugitive dust. Detailed drawings of a water spray / sprinkler system shall be submitted to, and agreed by, the Planning Authority. The system shall include the access road, all internal roads, all processing areas, storage bays / areas, stockpiles and extraction area. The details shall be submitted within 2 months of the date of Final Grant and shall be installed within 3 months of the planning authority's agreement to the proposal.

REASON: In the interests of protecting the amenities of the area and preventing environmental pollution

17. Equivalent sound levels attributable to all on-site operations associated with the development shall not exceed 55 dB(A) (Leq) over a continuous one hour period between 0800 hours and 1800 hours on Monday to Friday inclusive, and 0800 hours and 1300 hours on Saturday, when measured at any noise sensitive receptor. Sound levels shall not exceed 45 dB(A) over a continuous one hour period at any other time.

REASON: In the interest of residential amenity.

18. Detailed records of the types and quantities of all wastes generated by the development, and how they are disposed of, shall be maintained and made available for inspection by Wicklow County Council.

REASON: In the interests of public health, safety and proper planning and development.



19. All over-ground oil or other chemical storage tanks shall be adequately bunded to protect against spillage. Bunding shall be impermeable and capable of retaining a volume in excess of 1.1 times the capacity of the largest tank.

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

20. Blasting operations shall only take place between 0900 hours and 1800 hours Monday to Friday inclusive. Blasting at any other time may only be undertaken for emergency or safety reasons. Monitoring of the noise and vibration arising out of blasting shall be carried out at the expense of the owner / operator, by an independent contractor.

REASON: In the interest of protecting the amenities of the area

21. Each blast shall be monitored by the owner / operator. Vibrations from blasting operations shall not exceed a peak particle velocity of 12 millimetres per second when measured in any of the three mutually orthogonal directions. The air overpressure from any blast shall not exceed a value of 125dB (Linear) maximum peak (95% compliance). These limits shall apply at the nearest vibration and air overpressure sensitive locations.

REASON: In the interest of public safety and the amenities of the area

22. Prior to the firing of any blast, the owner / operator shall give at least 24 hours notice of his intention to the occupiers of all dwellings within 500 metres of the site. An audible alarm for a minimum period of one minute shall be sounded. This alarm shall be of sufficient power to be heard at all dwellings adjacent to the quarry.

REASON: In the interest of public safety

#### Safety

23. Adequate fencing shall be provided and maintained to prevent access to the edge of all slopes.

REASON: In the interests of public safety

#### Roads

24. **Within 3 months of the date of Final Grant**, the existing site entrance shall be improved as set out in proposals received by the Planning Authority on 30<sup>th</sup> April 2007. In particular:-

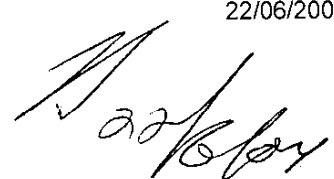
- (a) The roadside boundary shall be set back as shown on drawing No. 0186/088A (WSP)
- (b) The area between the existing road carriageway and the set back boundary shall be levelled and surfaced in accordance with the requirements of the Roads Authority
- (c) The berm to the rear of the set back area shall be so graded as to be structurally stable and shall be planted / seeded in a manner consistent with the prevailing flora of the area and with species that will not grow to impede sightlines

R: In the interest of traffic safety

25. The owner / operator shall erect metal advance warning signs. These signs shall be maintained in good and clean condition. The material, content, design and location of these signs shall be submitted to, and agreed by, the Planning Authority. These details shall be submitted to the planning authority for agreement within two months of the date of Final Grant and the signs shall be erected within two months of receiving the planning authority's agreement.

REASON: In the interest of traffic safety

26. The owner / operator shall be responsible for maintaining the adjoining public roadway in a clean state, free from mud and other debris caused by the haulage of gravel and sand from the site.



R: In the interests of traffic safety and amenity.

27. (a) A concrete / macadam apron shall be provided from the access from the public road for a minimum distance of 30m into the site. This apron shall be kept free from deposits / debris at all times.

(b) A wheel washing facility shall be installed at the innermost end of this concrete apron. It shall be provided with a continuous water supply facility together with a suitable sump arrangement for the drawing off of waste waters arising. It shall be designed, and kept properly maintained and cleaned at regular intervals, such that trucks, on exiting the wheel wash; shall not have mud or dust adhering to their tyres or truck body. All soiled waters from the wheel / vehicle washing system shall be treated and recycled. There shall be no off-site discharges of soiled water. The wheel / vehicle washing system shall be installed and operational within 4 months of the issuing of conditions.

(c) All vehicles exiting the site shall use the wheel washing facility, and shall travel only on the apron to the exit.

REASON: In order to prevent dust emissions in the interests of amenity and proper planning and development, and in the interest of traffic safety.

28. All loads exiting the quarry shall be covered

REASON: In order to prevent dust emissions in the interests of amenity and proper planning and development, and in the interest of traffic safety.

#### Environmental Monitoring

29. On an annual basis (by the end of February each year) for the lifetime of the facility, the operator shall submit to the Environment Section of Wicklow County Council three copies of an environmental audit. Independent environmental auditors; whose names shall be submitted to the Environment Section of Wicklow County Council for prior approval, shall carry out this audit. This audit shall be carried out at the expense of the operator. This audit shall contain –

- (a) A summary of all of the environmental monitoring results for the year,
- (b) A record of movement of heavy vehicles outside the approved opening hours
- (c) A full record of any breaches over the previous year for noise, dust, and water quality,
- (d) A written record of all complaints, including actions taken on each complaint

A full interpretative report, prepared by the person carrying out the monitoring, shall accompany all monitoring records.

In addition, a topographical survey, carried out by an independent qualified surveyor, shall be completed for the initial year and every 3 years thereafter, and submitted with the audit. This survey shall show both the areas and volumes

- (a) that have been excavated and
- (b) that have been restored

Notwithstanding the above annual audit requirements, all incidents where levels of noise or dust exceed agreed levels shall be notified to the Environment Section within two working days. Incidents of surface or groundwater pollution, or incidents that may result in groundwater pollution, shall be notified to the Environment Section without delay.

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

30. **Within three months of the date of Final Grant**, the owner/operator shall submit to the Environment Section of Wicklow County Council, for their written agreement, a proposal



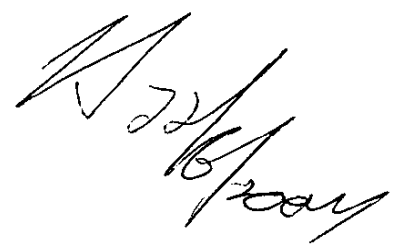


for a site specific Environmental Management System (EMS) for the quarry. This shall include the following

- i. A list of all monitoring locations
- ii. A description and specification of all monitoring equipment to be used, and the proposed frequency of monitoring and reporting. An interpretation of the results shall accompany all monitoring reports.
- iii. The identity and qualifications of persons responsible for the proposals for the suppression of on-site noise (in order to comply with the planning conditions),
- iv. Proposals for the on-going monitoring of sound emissions at noise sensitive locations in the vicinity of the quarry. The monitoring shall record  $L_{Aeq}$  (1 hr),  $L_{A10}$  (1 hr) and  $L_{A90}$  (1 hr) levels. The results of such surveys shall include details of, inter alia:-
  - (i) Type of monitoring equipment used, sensitivity or calibration evidence, and the methodology of the survey.
  - (ii) Prevailing climatic conditions at the time of the survey
  - (iii) The time interval over which the survey was conducted
  - (iv) What machinery was operating at the time of the survey
- v. Proposals for the suppression of dust on site, from plant, access roads and wind blown,
- vi. Proposals for the bunding of fuel and lubrication storage areas, and details of emergency action in the event of accidental spillage.
- vii. Proposals for monitoring of groundwater levels,
- viii. Proposals for analysis of water samples from boreholes on site
- ix. Proposals for complying with the Aquifer Protection Scheme as adopted by Wicklow County Council
- x. Details of safety measures for the land around the quarry, to include warning signs and stock proof fencing.

All actions required under the Environmental Management System shall be implemented within six months of the date of agreement by the Environment Section.

REASON: In the interest of proper planning and development, safeguarding local amenities, and public health



**SCHEDULE B**

**REFUSE**

1. It is the stated policy of the Council, as set out in the Wicklow County Development Plan 2004-2010 that:-
  - i. Development in Wicklow shall take full account of the Designated Landscape categories and the protection of their amenities and assets.
  - ii. Views and prospects as identified in schedules 10.6 & 10.7 will be protected
  - iii. The Council will facilitate the operations of the extractive aggregates industry only where they conform to the principle of sustainability and do not significantly affect residential, environmental or tourism amenities.
  - iv. Where proposals for the working out of minerals and aggregates are submitted in the Zone of Outstanding Natural Beauty as indicated in Map 3 A – F, the Council will ensure that the existing landscape quality shall remain the overriding priority and such proposals must illustrate that the benefits of the development will outweigh any adverse environmental consequences. The Council shall evaluate the need to conserve the environment, character and natural beauty of such areas and the extent to which the proposed development would materially damage these qualities.

Having regard to the location of the proposed quarry expansion

- (a) in an area designated an 'Area of Outstanding Natural Beauty' in the Wicklow County Development Plan 2004-2010,
- (b) directly within listed prospect No. 8 – prospect from Long Hill – prospect of Bray Head, Great Sugarloaf and coast, as set out in the County Development Plan 2004-2010
- (c) on the western slopes of the Great Sugarloaf, a landmark of significant landscape and tourism value which is included in the Wicklow County Development Plan 2004-2010 as an area to be considered for an SAAO

the Planning Authority is not satisfied based on the information submitted, that the proposed development will not have a significant, serious and long-term impact on the visual and tourism amenities of the area and would therefore be contrary to the proper planning and development of the area

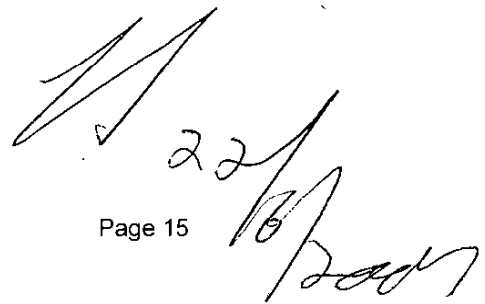
Sorcha Walsh  
Senior Executive Planner  
22/06/07



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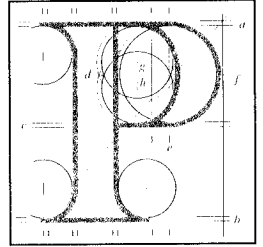


Our Ref: PL 27.224400  
P.A.Reg.Ref: 06/6189  
Your Ref: Roadstone Dublin Limited.

333E- RDL CALARY QUARRY

15 FEB 2008

An Bord Pleanála



John Barnett & Associates,  
Unit 7,  
Dundrum Business Park,  
Windy Arbour,  
Dublin 14.

COPY TO: RDL

S. KEANE

R. GRIFFIN

C. FENNELLY

S. CERAORTH.

Appeal Re: (A) Quarry (11.3 ha) and future extraction area (6.0 ha).  
(B) Retention of site office/canteen, shower room/toilet, lunch room, ESB sub-station and other site works.  
Calary Quarry, Killough Upper, Kilmacanoge, Co. Wicklow.

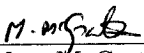
Dear Sir/Madam,

An order has been made by An Bord Pleanála determining the above-mentioned appeal under the Planning and Development Acts 2000 to 2007. A copy of the Order and Board Direction are enclosed.

Upon review of the applicant's request to withdraw the appeal against Part A (letter dated the 7th September, 2007), the Board has decided to accept the withdrawal. For clarity, therefore, the decision set out in the Board's order (enclosed) does not include a decision in respect of the element that was withdrawn and deals only with the element described in the decision section of the order.

In accordance with section 146(3) of the Planning and Development Act 2000, the Board will make available for inspection and purchase at its offices the documents relating to the appeal within 3 working days following its decision. In addition, the Board will also make available the Inspector's Report and the Board Direction on the appeal on its website ([www.pleanala.ie](http://www.pleanala.ie)). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

Yours faithfully,

  
Mary McGrath,  
Administrative Assistant.

Encl:

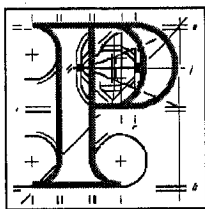
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64 Sráid Maoilbhríde,  
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Tel: (01) 858 8100  
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email: [bord@pleanala.ie](mailto:bord@pleanala.ie)

64 Marlborough Street,  
Dublin 1.

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2007

Wicklow County

Planning Register Reference Number: 06/6189

An Bord Pleanála Reference Number: PL 27.224400

**APPEAL** by Roadstone Dublin Limited care of John Barnett and Associates of CSA House, 7 Dundrum Business Park, Windy Arbour, Dublin against the decision made on the 22<sup>nd</sup> day of June, 2007 by Wicklow County Council in relation to an application by the said Roadstone Dublin Limited for permission for development comprising the existing quarry (11.3 hectares) and future extraction area (6.0 hectares) within an overall application area of 17.3 hectares. The development comprises phased extraction of rock using conventional blasting techniques, processing of the material using mobile crushing and screening plant within the quarry area, the construction of landscaped screening berms and phased restoration of the quarry and all other associated site works and ancillary activities. The application also includes retention of the existing site office/canteen (31 square metres), changing room (six square metres), office/toilets (14.5 square metres), three number stores (total 65 square metres), shower room/toilet (14.5 square metres), lunch room (18.5 square metres), ESB substation (10.6 square metres), fuel storage area, settlement tanks, wheelwash and effluent treatment system, all at Calary Quarry, Killough Upper and Glencap Common Upper Townlands, Kilmacanoge, County Wicklow in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission for the existing quarry (11.3 hectares) and retention of the existing site office/canteen (31 square metres), changing room (six square metres), office/toilets (14.5 square metres), three number stores (total 65 square metres), shower room/toilet (14.5 square metres), lunch room (18.5 square metres), ESB substation (10.6 square metres), fuel storage area, settlement tanks, wheelwash and effluent treatment system and to refuse permission for the expansion of the extraction area (6.0 hectares) (which element of the appeal was accepted by the Board as withdrawn)).

CB

## DECISION

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to ATTACH conditions numbers 2, 5 and 29 and the reasons therefor, to REMOVE conditions numbers 14 and 15 and the reasons therefor and to AMEND conditions numbers 17, 20 and 28 so that they shall be as follows for the reasons set out:

17. Noise levels emanating from the quarry, when measured at the nearest noise sensitive receptor, shall not exceed 55 dBA  $L_{Aeq}$  (one hour) between 0800 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays. Noise emissions shall not exceed 45 dBA  $L_{Aeq}$  (15 minutes) at any other time. 95 per cent of all noise levels shall comply with the specified limit value(s). No noise level shall exceed the limit value by more than 2 dBA. These levels may be exceeded to allow temporary but exceptionally noisy phases in the extraction process or for a short term construction activity which is required to bring long term environmental benefits following written consent by the planning authority.

**Reason:** In the interest of residential amenities.

20. Blasting operations shall only take place between 1000 hours and 1700 hours, Monday to Friday inclusive. Blasting at any other time shall only be undertaken for emergency or safety reasons. Monitoring of the air overpressure and vibration arising out of blasting shall be carried out at the expense of the owner/operator.

**Reason:** In the interest of protecting the amenities of the area.

28. All loads of dry fine materials shall be either sprayed with water or covered/sheeted prior to exiting the quarry.


**Reason:** In order to prevent dust emissions, in the interest of amenity, traffic safety and the proper planning and sustainable development of the area.

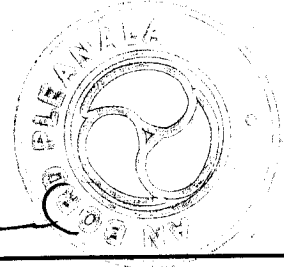
## MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS

Having regard to the nature of the conditions the subject of the appeal, the existing established nature of the operation and the extent of extraction already completed on site, it is not considered necessary to determine the application as if it had been made to the Board in the first instance. Conditions numbers 2, 5 and 29 are attached on the basis of the existing operation of the facility, the visually prominent and sensitive location of the site and the advice given in the Quarries and Ancillary Activities Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2004. Conditions numbers 14 and 15 are removed based on the requirements of other conditions and the advice given in the Quarries and Ancillary Activities Guidelines for Planning Authorities. Conditions numbers 17 and 28 are amended based on the requirements of other conditions and to reflect the advice given in the Quarries and Ancillary Activities Guidelines for Planning Authorities. In relation to condition number 20, it is not considered necessary for an independent contractor to undertake monitoring of blasts at this site and in this respect the Board noted monitoring results for previous blasting at the site are provided in the Environmental Impact Statement.

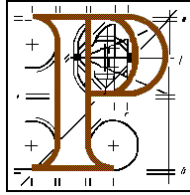




**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

Dated this 13<sup>th</sup> day of February 2008.

# An Bord Pleanála



## Inspector's Report

**FILE REFERENCE:** PL27.224400

**Location:** Killough Upper, Kilmacanoge, Co. Wicklow.

**Proposed Development:** (A) Permission for existing quarry (11.3 ha.) and retention of existing site office / canteen (31 sq. m.), changing room (6 sq. m.), office / toilets (14.5 sq. m.), stores (total 65 sq. m.) shower room / toilets (14.5 sq. m.), lunch room (18.5 sq. m), ESB sub station (10.6 sq. m.), fuel storage area, settlement tanks, wheelwash and effluent treatment system and (B) permission for future extraction area (6.0 ha.) within an overall application area of 17.3 ha.

**APPLICATION DETAILS:**

**Applicant:** Roadstone Dublin Limited

**Planning Authority:** Wicklow County Council

**P.A. Reference:** 06/6189

**P.A. Decision:** Split Decision

Grant permission for (A) as set out above namely existing quarry of 11.3 ha. and retention of ancillary facilities / accommodation and refusal of permission for (B), future extraction area of 6.0 ha.

**APPEAL DETAILS**

**Appeal Type:** First Party against (B) Refusal and (A) Conditions.

**Appellant:** Roadstone Dublin Limited.

**INSPECTOR** Stephen Kay

**Date of Site Inspection:** 2<sup>nd</sup> November, 2007

## 1.0 Introduction

- 1.1 This is a first party appeal against a decision by Wicklow County Council to issue a split decision in respect of the development of lands at Killough Upper, Kilmacanogue as set out above.
- 1.2 The extraction activity on the lands dates from prior to 1<sup>st</sup> October 1964 and the operation comes within the scope of s.261 of the *Planning and Development Act, 2000*. Under the provisions of this section, the Planning Authority requested that a planning application and EIS be submitted in respect of the continued operation on site.

## 2.0 Site Location and Description

- 2.1 The appeal site is located on the R.755 Regional Road between Kilmacanogue and Roundwood in the townland of Killough Upper. The site is located on the eastern side of the road on the west facing lower slopes of the Great Sugarloaf mountain, approximately 6km to the south west of Bray and c.3.5km from the junction of the R.755 with the N.11.
- 2.2 The overall site area is stated to be 17.3 ha. comprising an existing extraction area of c.11.3 ha. and an additional area to the north, indicated as proposed future extraction area, comprising c.6.0 ha. It is noted that the appellants own additional lands to the east and south of the proposed additional extraction area which are not indicated as being within the red line boundary of the current application.
- 2.3 Long Hill (ht. 324 m. AOD) is located approximately 2km to the west of the appeal site and the R.755 adjoins the site immediately to the west. Between the appeal site and Long Hill is located the Killough River valley. To the north, the appeal site is bounded by further lands on the lower slopes of the Sugarloaf and it is in this direction that the existing quarry operation is proposed to be extended. The limit of the appellants lands in this area is defined by a field boundary.
- 2.4 The site is currently largely screened from the R.755 by a bank / berm which prevents any clear views of the operation from the road. Clear views of the appeal site are however available from further to the west on the slopes of Long Hill and from the county road which runs north – south to the west of Long Hill. To date, no significant restoration or reinstatement works have been undertaken on site.
- 2.5 There are a number of dwellings in the vicinity of the appeal site, the closest of which are located in close proximity to the south of the appeal site. There are also a number of dwellings located to the north on the R.755 and R.760 and on a lane that leads off the R.755 to the west of the appeal site. In addition, the village of Kilmacanoge is located c.2km to the north east of the appeal site.
- 2.6 There are existing office, canteen, changing room, toilet and store facilities on site close to the site entrance and retention of these is sought by the applicant as part of the application. The effluent from the toilet facilities on site is treated by means of a proprietary effluent treatment system and there is



stated to be a water management system in place on site to control the discharge of waters from the site to surrounding lands and watercourses.

The site is currently stated to be producing an extraction rate of c.300,000 tonnes per annum and operates working from south to north with material extracted using blasting and transferred from the quarry face to a mobile crushing / screening plant located on the quarry floor using a front loader / excavator.

### 3.0 Proposed Development

**3.1 Part A.** The first element of the application relates to the continuation of the use of the existing quarry operation on site (area 11.3 ha.). This operation has a stated current extraction rate of maximum c.300,000 tonnes per annum and a total of 104 no. quarry related HGV movements over a 10 hour sample period in March 2005. It is estimated that on average there are between 10 and 12 HGV movements into or out of the quarry per hour during working hours.

In addition, permission was sought for the retention of existing site office / canteen (31 sq. m.), changing room (6 sq. m.), office / toilets (14.5 sq. m.), stores (total 65 sq. m.) shower room / toilets (14.5 sq. m.), lunch room (18.5 sq. m), ESB sub station (10.6 sq. m.), fuel storage area, settlement tanks, wheelwash and effluent treatment system located within the existing area of extraction.

**3.2 Part B.** In addition to the proposed continuance of the existing operation, the application provides for the extension of the quarrying operations in a northerly direction, with development in the future extraction area being proposed to be limited to the same elevation as that in the southern section of the quarry. The extraction is therefore proposed to be between the 250 metre and 300 metre AOD contour with the final quarry floor at 220 metres AOD. The maximum height of the existing quarry operation is 300 metre AOD.

The proposed future development of the quarry is for an area of c.6.0 ha. Which equates to approximately 40% of the 14 ha. available for future development.

The overall progression of the additional extraction area is stated to be from the uppermost bench to the lowest bench with the direction of working being from east to west, i.e. from the highest most visible side of the site to the lower down slope side.

The extraction process proposed for the additional area is stated to be the same as that existing extraction area namely the progressive removal of topsoil and overburden to either screening berms or to final restoration locations within the quarry, the drilling and blasting of rock, and the loading of the loosened material to the mobile crushing / screening plant by front loader or excavator. Blasting is stated to occur approximately twice a month and it is not envisaged that there will be any requirement to dispose of topsoil or other material off site.

The extraction rate in the additional area is proposed to remain approximately as existing with c.300,000 tonnes per annum and based on the estimated stone reserves it is envisaged that the quarry life would be c.25 years.

The existing operating hours of the quarry are stated in the EIS to be 08.00-18.00 hrs. Monday to Friday and 08.00–14.00 hrs. on Saturdays. In addition, it is stated that truck loadings are sometimes undertaken between 07.00 and 08.00 am. It is proposed that these hours of working would remain unchanged.

The current employment level on site is stated to be 15 and it is envisaged that this level would remain the same in the event that permission for the expansion of the extraction area is granted.

The application documentation was accompanied by an EIS and Non Technical Summary. A CD indicating existing fly around views, existing and proposed views and Technology proposed has been included with the EIS.

- 3.3 The application was the subject of a Request for Additional Information from the Planning Authority which has resulted in some proposed alterations to the entrance to the site from the R.755 with the aim of improving the available sight lines in both directions.

In addition, in response to concerns expressed in Item 4 of the further information request regarding the potential impact of the proposed development on protected views and on the visual amenities of the area, the applicant submitted two alternatives which would limit the extended working area to 290 metres AOD (Option A) and 280 metres AOD (Option B), thereby resulting in a 38 percent and 63 percent reduction respectively in the volume of material extractable. No revised photomontages indicating these alternatives were submitted. In view of the proposed east to west extraction and phasing, the applicants request that the original proposals for working up to the 300 metre contour level be considered.

With the exception of these aspects, the response to the RFI does not propose any significant alterations to the layout as originally proposed.

- 3.4 As part of the first party appeal, the applicant has submitted for consideration by the Board further revised proposals to the extent and operational plan of the proposed additional area of extraction. Under these revised proposals, extraction would be restricted to the 280 metre contour at the southern end and 290 metre contour at the northern end. As a result, the area of additional extraction would be reduced from 6.0 ha. to 4.7 ha. (Drawings indicating this revised additional extraction area in plan and section have been submitted with the appeal).

## 4.0 Environmental Impact Statement

- 4.1 The application is accompanied by an Environmental Impact Statement which was requested on foot of the s.261 registration process and subsequent requirement for the submission of a planning application.

The EIS is accompanied by a CD illustrating the existing fly around view of the site, existing and proposed views and an outline of the technology proposed to be utilised.

The submitted EIS has been prepared using the grouped format whereby impacts and mitigation measures are presented on a topic by topic basis in each chapter. It is considered that the EIS as submitted contains all of the general information and chapters as statutorily required under the relevant legislation.

On initial assessment by the Planning Authority of the EIS document indicated some deficiencies in the information as presented particularly with regard to Landscape (section 3.8), Material Assets (Traffic and Tourism) and Roads and Traffic. Further details with regard to each of these areas was requested from the applicant and was submitted.

- 4.2 In common with the views of the Planning Authority, it is also my opinion that the EIS is relatively weak in so far as it relates to the potential impact of the proposed development on roads and traffic. Again, I would note that the applicant was requested by way of further information to submit further information with regard to the adequacy of the site entrance and the haul route between the R.755 and N.11 and that such details were submitted.

Overall, it is my opinion that the submitted EIS when taken in conjunction with the response to further information submitted by the applicant is sufficient to enable a satisfactory assessment of the environmental impacts of the proposed development to be undertaken.

## 5.0 Planning History

From the information available on file it would appear that there is limited planning history of direct relevance to the current appeal. The following are referred to in the report of the Planning Officer:

Register Ref. 77/1426 – Permission granted by the Planning Authority for alterations to the quarry entrance. It would appear that the existing entrance arrangements are as permitted under this application.

Ref. QY/31 – Quarry registration file. Order under s.261 issued requiring the applicant to apply for planning permission for the quarry operation on site and to submit an EIS.

## 6.0 Planning Authority Decision

- 6.1 The Planning Authority made a split decision on the application whereby it Issued a *Notification of Decision to Grant Permission* subject to 30 conditions in respect of (A), the existing quarry operations (11.3 ha.) and the retention of existing site office / canteen (31 sq. m.), changing room (6 sq. m.), office / toilets (14.5 sq. m.), stores (total 65 sq. m.) shower room / toilets (14.5 sq. m.), lunch room (18.5 sq. m), ESB sub station (10.6 sq. m.), fuel storage area, settlement tanks, wheelwash and effluent treatment system.

The conditions attached to this *Notification of Decision to Grant Permission* include a limitation on the hours of working, (Condition No.2), a requirement that the operator shall submit a scheme for written agreement indicating the extraction scheme and rehabilitation and landscaping scheme for the permitted area (11.3 ha.) (condition 5), controls on air quality and dust (Conditions 14, 15 and 28), controls on noise (Condition 17) and blasting (Condition 20) and the submission of an annual environmental audit undertaken by an independent body and covering the overall operation of the facility (Condition 29). (A copy of the *Notification of Decision to Grant Permission* is attached with this report).

- 6.2 The Planning Authority issued a *Notification of Decision to Refuse Permission* in respect of (B), the proposed expansion of the extraction area (6.0 ha.). Permission was refused for the expansion of the extraction area on the basis that having regard to the visually prominent and sensitive location of the site and given the stated policies of the development plan regarding landscape categories, views and prospects and the requirement that extractive operations will not significantly impact on amenities or identified high quality landscapes, the Planning Authority were not satisfied that the proposed development would not have a significant long term negative impact on the visual and tourism amenities of the area and would therefore be contrary to the proper planning and sustainable development of the area. (A copy of the *Notification of Decision to Refuse Permission* is attached with this report).

- 6.3 With regard to the wording of the decision notices, it is noted that Wicklow County Council have clarified in writing to the Board that a typographical error regarding the description of development occurred on both the Managers Order and *Notification of Decision to Refuse Permission* and that these should have read '*refuse permission for expansion of extraction area (6.0 ha.)*' and not '*retention of expansion of extraction area*'.

## 7.0 Technical Reports

- 7.1 The Initial Report of the **Planning Officer** noted the sensitive visual location of the appeal site and the range of designations and identified views applicable to the area. The EIS is stated to contain all of the general information and chapters as statutorily required. Landscape, material assets and roads and traffic are identified as the particular areas of concern.

On foot of this report, the following items of further information were requested from the applicant:

- Item 1 - An evaluation of the R.755 haul route in terms of alignment, width and structural stability and any mitigation measures proposed to address issues arising from this evaluation.
- Item 2 - Proposals for the improvement of sight lines at the site entrance.
- Item 3 - Further detail regarding the amount of material required for screening and restoration works and the amount of additional off site material required.
- Item 4 - Given the designations and visually sensitive nature of the application site that the Planning Authority are not satisfied that the proposed development would not have significant long term impacts on the visual amenities of the area and that permission for extraction above the 280 metre contour is unlikely to be permitted. The submission of alternative options is required.
- Item 5 - Further consideration of the potential impact of the proposed development on the pcNHA which directly adjoins the application site.
- Item 6 - The status of the application for a discharge licence referred to at Pg.18 of the EIS.
- Item 7 - A revised assessment of the number of dwellings in the vicinity of the application site as the section 3.10.2 of the EIS clearly appears to be inaccurate in this regard.
- Item 8 - The expansion of s.3.10.2 of the EIS (tourist amenities) to take account of the impact of the proposed development on tourist traffic on the R.755 and on the views from the top of the Great Sugarloaf.
- Item 9 - The amendment of section 3.8.3(iii) of the EIS to assess the potential interaction of landscape with material assets (tourism).

7.2 **Other Reports (Prior to Initial Planning Assessment)**

Area Engineer – No report received.

Environmental Health Officer – Recommends that further information regarding the condition and operation of the on site septic tank be requested.

Eastern regional Fisheries Board – Report notes that ERFB guidelines should be consulted and the Board informed in advance of any works to divert river channels. The developers responsibilities under the Water Pollution and Fisheries Acts are noted.

- 7.3 The **Final Planners Report** summarises responses received to above request for further information. The report concludes that on the basis of the existing operation of the site that subject to the proposed improvements to the entrance and other mitigation measures proposed in the EI that permission be granted. With regard to the proposed expansion, the report concludes that the proposed development would unduly impact on the landscape in this location and that the value of the resource from the additional extraction area is not considered to outweigh this negative impact. The report also concludes that the revised road improvement assessment is not adequate and that the necessary road widening has not been identified. The proposed contribution towards the costs of upgrading the road submitted are also considered to be inadequate. Refusal of permission essentially as included in the final Notification of Decision is recommended.

#### 7.4 **Other Reports (Prior to Final Planning Assessment)**

Environment – Requests clarification on the basis that the quantities required to be imported for restoration are still unclear. Considered that this is a waste issue that is separate from planning.

Environmental Health Officer – No objections subject to standard conditions.

#### 7.5 Objections / Submissions

Two submissions regarding the proposed development were received by the Planning Authority from (i) **An Taisce** who draw attention to the requirements to assess the adequacy of the submitted EIS in accordance with the EU EIA Directive and (ii) a resident of a dwelling adjacent to the site stating that the proposed development is having a negative impact on the stability of their dwelling and is leading to the deposition of dirt on the roads in the vicinity of the site.

### 8.0 Grounds of Appeal

8.1 It is noted that the applicant wrote to An Bord Pleanala requesting that the element of the appeal as it related to the *Notification of Decision to Refuse Permission* for the expansion of the extraction area be withdrawn and that the balance of the appeal submission against conditions be allowed to stand and be determined. In response, the applicant was informed that the appeal against the refusal could not be separated from the conditional appeal and that the appeal was being determined in its entirety and on the basis as if it had been made to it in the first instance.

8.2 With regard to the *Notification of Decision to Grant Permission* for the existing facility, the appellant has submitted grounds of appeal that relate to conditions nos. 2, 5, 14, 15, 17, 20, 28 and 29. (A copy of the schedule of conditions is attached with this report.) The grounds of appeal as they relate to these conditions can be summarised as follows:

- Condition No.2 – Operating Hours. The appellants state that the quarry currently operates between 07.00 to 18.00 Monday to Saturday. The requirements of Condition No.2 would restrict the operation of the quarry, are contrary to those set out in the S.261 application and would be the basis for a compensation claim. A revised wording permitting operations between 07.00 and 18.00 Monday to Saturday is proposed.
- Condition No.5 – Requirement for an extraction and restoration scheme to be submitted for agreement and reviewed every 3 years. The appellants request that the time period for the review of these schemes would be set at 5 rather than 3 years on the basis that this time period is more appropriate to a quarry of this relatively modest scale. It is noted that this (5 year time period) was applied in the case of Belgard Quarry, (Section 261 Ref. SDQU05A/2).
- Condition No.14 – Air Quality / PM<sub>10</sub>. The appellants contend that the issue of dust deposition is adequately addressed by Conditions Nos. 13 and 30 attached to the schedule and that the monitoring for PM<sub>10</sub> is not required and is not established practice by Wicklow County Council in other similar situations or by other Planning Authorities.

- Condition No.15 – Enclosure of conveyors on plant. The appellants contend that it is not practicable to enclose the conveyors on mobile plant and in any event the current dust deposition monitoring results at the quarry are well below the DoEHLG (2004) limit values.
- Condition No.17 – Noise. The appellants request that the wording of this condition be revised to be consistent with the recommended noise emission values set out in the EPA Environmental Management Guidelines (2006).
- Condition No.20 – Blasting. The appellants request that the requirement that the blasting monitoring be undertaken by an independent contractor be omitted as the quarry operates under an ISO 14001 EMS that is independently audited on a regular basis.
- Condition No.28 – Covering of loads. The appellants request that this condition be amended to be consistent with the EPA Guidelines for quarries (2006) and that a requirement that all loads existing the site be sprayed or covered be attached.
- Condition No.29 – Submission of an Environmental Audit and Topographic Survey. The appellants request that the frequency of the update of the topographic survey would be changed from 3 years to 5 years.

8.3 With regard to the *Notification of Decision to Refuse Permission* for the expansion of the extraction area, the grounds of appeal against this decision can be summarised as follows:

- That there were no third party submissions made to the Planning Authority at the time of the registration process thereby indicating that the proposed development does not and will not significantly affect residential, environmental, visual or tourism amenities.
- That the decision to refuse permission for the expansion of the quarry has severely restricted the quarry operation and represents the basis for a compensation claim under s.261(8)(b) of the *2000 Act*.
- That the provision of aggregates is supported by National, Regional (RPG GDA) and County Development Plan policy.
- That there is an ISO management system in place at the quarry and that its operation complies with the recommendations of the DoEHLG (2004) and the EPA (2006) as regards emissions.
- That there is a proven need for the reserves in the quarry and that environmental issues including traffic and landscape have been adequately addressed in the EIS. The proposed development therefore complies with the requirements set out in s.5.4.1 of the County Development Plan.
- That s.3.8 of the EIS indicates that the development of the quarry will not materially damage the environment, character and / or natural beauty of the identified area of outstanding natural beauty.
- That the submitted documentation complied with the requirements of s.5.4.3 of the County Development Plan as it relates to the contents of applications.

- In the short to medium term there are no real alternatives to the current land based sources of construction aggregates. Recycled construction and demolition waste will not be sufficient to make a major impact on this.
- That there are no suitable alternative quarry locations available to the applicant. A number of alternative locations were examined in the EIS but were all deemed unsuitable due to geology / extent of deposits, road access and landscape designations / amenity issues.
- That the further development of the existing site is preferable to the development of a new Greenfield site or the intensification / expansion of other existing sites.
- That the future expansion of the site was the subject of a number of alternative options both in the EIS and in the response to the request for further information. The proposed option and the proposed phasing and direction of working have been designed to mitigate the potential visual impact of the proposed development.
- In view of the concerns expressed by the Planning Authority, the applicants have submitted proposals to the Board incorporating a revised layout for the future development area whereby extraction would be restricted to the 280 metre contour at the southern end and 290 metre contour at the northern end. As a result the area of additional extraction would be reduced from 6.0 ha. to 4.7 ha. It is submitted that this revised extraction plan together with the phasing and direction of working as originally proposed would minimise the potential impact on the designated area of outstanding natural beauty. Drawings indicating this revised additional extraction area in plan and section form have been submitted with the appeal.
- That the proposed development will not impact on the main tourism attractions in the county and that the development will not be clearly visible from the main tourist route in the area, namely the R.755.
- It is acknowledged that the quarry is and will be visible from some distant locations in the Wicklow Mountains however it is contended that these views are intermittent / distant and the site is on the lower slopes of the Sugarloaf, these impacts will be imperceptible to slight.

## 9.0 Planning Authority Response to Grounds of Appeal

There is no record on file of a response from the Planning Authority to the grounds of appeal.

## 10.0 Relevant Development Plan / Policy Provisions

- 10.1 The relevant development plan is the *Wicklow County Development Plan, 2004-2010*. The following specific policies are applicable and copies of the relevant extracts are included with this report.



- 10.2 The County Development Plan identifies a hierarchy of landscape categorisations based on vulnerability, assimilative capacity and development pressures. The application site is located in an identified Area of Outstanding Natural Beauty (AONB) which encompasses the areas which are most vulnerable and sensitive and which are considered to be of greatest scenic value.

Schedule 10.6 and 10.7 of the Plan identifies views and prospects which it is the policy of the council to preserve. Of specific relevance to the appeal site are the following prospects:

P3 – prospect of Glencree Valley and Great Sugarloaf.

P8 – Prospect from Long Hill, Killmacanoge of Bray Head, the Great Sugarloaf and the coast.

P9 – Prospect from county rd.31 Red Lane and from the R.755 at Calary of the Great Sugarloaf Mountain.

- 10.3 The Great Sugarloaf is identified as a proposed Natural Heritage Area (pcNHA) being of both ecological and geological interest. The boundary of the pcNHA runs approximately along the eastern boundary of the Roadstone landholding.

It is noted that the appeal site is also located within a proposed SAAO (Map 4 of *Wicklow County Development Plan, 2004-2010*).

- 10.4 With specific regard to the extractive industry, the following policies are of relevance:

Policy EM12 – *'The Council will support the suitable development and expansion of resourced based rural activities including timber processing and the processing of aggregates and stone, that is not damaging to the local environment, amenities and heritage.'*

Policy EM14 – *'The Council will facilitate and encourage the exploration and exploitation of minerals in the county in a manner which is consistent with environmental protection and sustainable development.'*

Policy EM15 – *'The Council will facilitate the operations of the extractive aggregates industry where they conform to the principle of sustainability and do not adversely affect residential, environmental or tourism amenities.'*

Section 5.4 (see attached extracts) of the Plan sets out the policies and development control criteria for the extractive industry including requirements that there is a proven need for the extraction, that the environment and landscape will be protected to the maximum possible extent in the development and policies regarding access / haul routes and reinstatement.

Section 5.4.2 specifically relates to extractive industry in the zone of outstanding natural beauty and states that where proposals are made in such areas, *'the council will ensure that the existing landscape quality shall remain the overriding priority and such proposals must illustrate that the benefits of the development will outweigh any adverse environmental consequences.'*

## 10.5 An Bord Pleanála Referrals

In view of the potentially significant effects of the proposed development on nature conservation, the application has been referred to The Heritage Council for comment. No response to this request has been received within the time period set.

## 11.0 National Guidelines

### *National Guidelines*

The Quarries and Ancillary Activities Guidelines for Planning Authorities (April, 2004) offers guidance to Planning Authorities on planning for the extractive industry through the development plan process and determining applications for planning permission for quarrying and ancillary activities. It also gives guidance on the implementation of section 261 of the Planning and Development Act, 2000 as it relates to the registration of existing quarrying operations and gives guidance on the attachment of conditions to such operations and the entitlement of the applicant to compensation in such circumstances.

## 12.0 Assessment

- 12.1 This appeal relates to a split decision issued by Wicklow County Council and has been submitted in two parts by the first party, Part A relating to the issuing of a *Notification of Decision to Refuse Permission* for the future expansion (6.0 hectares) and Part B relating to an appeal against a number of conditions attaching to the Notification of Decision to Grant permission for the existing quarry (11.3 ha.).

It is proposed to deal with each of these elements of the appeal separately starting with an assessment of Part B relating to an appeal against conditions.

## 12.2 Existing Extraction Area

It is firstly required to assess whether Part B of the appeal can be assessed as a conditional appeal in accordance with s.139 of the 2000 Act or whether it warrants assessment as if made to the Board in the first instance. In making this determination, I consider that the following factors are of relevance.

- 12.2.1 With regard to the assessment of applications for permission required under section 261(a), s.261(7)(c) of the Act states that '*A Planning Authority or the Board on appeal, shall, in considering an application for planning permission made pursuant to a requirement under Paragraph (a), have regard to the existing use of the land as a quarry.*' As set out previously in this report, the extraction process at Calary Quarry has been in operation since before the coming into force of the Planning Legislation and the facility has had a significant impact on the character of the landscape in this area of north Wicklow for many years. The pre existence of the operation means that many of the potential impacts on the local environment, such as noise, air quality and traffic are pre existing. Notwithstanding the existing operating and environmental controls in place at the site, the application creates an opportunity to make a number of these impacts the subject of measurable

and enforceable criteria. The following is an assessment of the existing situation under the relevant main headings.

- 12.2.2 Currently, available **sight distance** at the entrance is poor – particularly to the south where I would estimate it to be of the order of 15-20 metres. The existing situation in terms of sight distance to the north is slightly better at c.30 metres however it would still be some way short of the requirement for this class of road. Additional information was sought from the applicant to see if sight visibility could be improved at the entrance.

In response, the applicants submitted proposals for the improvement of the available sight distances at the entrance to the site. The result of these improvements would be the improvement of the available sight distance to the south to c.120 metres and to the north to c.90 metres. The applicant has indicated their willingness to implement these improvements and while still slightly below the required standard based on the NRA guidelines it is considered that in conjunction with the advance warning signs, required on foot of condition no.25, the revised layout would be acceptable.

- 12.2.3 With regard to the **haul route**, the route between the site and the N11 has recently been resurfaced and is in good condition with good road markings both in the centre of the road and at the margins. The road is however narrow in places and there are a number of restricted points where it would appear that two HGV's would not be able to pass. Overall given the restricted length of the haul route (c.3.8km) and the condition of the road, it is my opinion that it is adequate for the continued operation of the existing facility and is not such that it would warrant refusal of permission. Although specific proposals for road widening / improvements have not been submitted, the applicant has proposed that they would contribute towards the cost of identified improvements and in the event that permission for the expanded extraction area this would be required.

- 12.2.4 In terms of **design and layout**, overburden has been stripped from the site and has been stockpiled in berms around the boundaries. The access road and yard area contain a number of structures on site for which retention permission has been granted by the Planning Authority. These structures include existing site office / canteen, changing rooms, toilets and stores areas and have a combined floor area of c.160 sq. m. The facilities include for retention also include a proprietary effluent treatment system. The scale, condition and extent of these structures is considered to be acceptable and their decommissioning and removal is proposed as part of the reinstatement proposals.

- 12.2.5 With regard to **noise**, one of the principle ways of minimising noise nuisance is to limit the hours of operation of quarries. The 'Quarry and Ancillary Facilities Guidelines, 2004' recommends operational hours of 0700-1800 hours Monday to Friday and 0700-1400 hours on Saturday. This is an area which is already subject to noise from the working of the quarry. A condition regarding operating hours and maximum permissible noise levels at noise sensitive locations is also attached to the decision (Condition No.17) and having regard to the relationship of the appeal site to surrounding dwellings is considered to be satisfactory to address the issue of noise.

12.2.6 **Vibration** will result from blasting which will take place on average twice per month. Ground vibration will be felt at sensitive receptors such as nearby houses. As the quarry is currently operational, such houses are already experiencing vibration from blasting. The acceptable vibration limit for sensitive receptors in Ireland is 12mm/second (peak particle velocity – PPV) where blasting occurs once a week. Where blasting occurs more frequently, then PPV should be limited to 8mm/second (as per the Quarry and Ancillary Guidelines, 2004). Appropriate charges and timing delays should ensure that vibration would not cause any damage to nearby structures. Monitoring of blasting vibrations and air overpressure has been addressed by Condition 21 of the Notification of Decision and the requirements of this condition are considered acceptable.

12.2.7 In terms of **dust**, the existing quarry operation is already leading to the deposition of dust. The confining of primary rock crushing to the quarry floor should help to minimise fugitive dust emissions. The prevailing winds will carry fugitive dust away from houses to the south and north west and away from the R.755.

There currently appears to be no water sprinkler system for vehicles on this site and while there is a wheelwash for which retention is sought it appears to be in poor condition. There is no current provision for a vehicle sheeting bay – to cover laden trucks in dry weather. No dust housing is proposed for elevators or screening machinery. These issues, although the subject of conditional appeal submitted by the first party, have been satisfactorily addressed by conditions attached to the Notification of Decision to Grant Permission.

Fugitive dust measurements for 2004 / 2005 indicated a maximum level of 189 mg/sq.m./day recorded in April, 2005. (It is noted that there are no figures given for the summer months of May – August). Deposition of dust should not exceed 350mg/sq.m./day, averaged over a continuous period of 30 days, when measured as deposition of insoluble and soluble particulate matter at any position along the boundary of the facility. This limitation on dust is specified in Condition 13 of the Notification of Decision to Grant Permission as well as conditions regarding PM10, and the provision of a water / sprinkler system.

12.2.8 In terms of **landscape and visual impact**, the existing quarry operation undoubtedly has a visual impact and is clearly visible from protected views to the west. The continuation of the existing extraction on the existing 11.3 ha. site will however in my opinion have a very limited additional impact over that already existing. In addition, with regard to **reinstatement**, the submitted EIS makes proposals for the progressive reinstatement of the quarry and the removal of equipment and structures from the site. The granting of permission has facilitated the imposition of conditions requiring the reinstatement of this pre 1963 activity.

12.2.9 The entire site has been stripped of topsoil and subsoil (except at the extreme boundaries / margins of the site). There are no known **archaeological** monuments in the area. It is too late, at this stage, to require archaeological monitoring of soil-stripping.

- 12.3 In the circumstances, I would be in general agreement with the decision of the Planning Authority to grant permission for the continued operation of the facility subject to specific controls. From a review of the *Notification of Decision to Grant Permission* issued by the Planning Authority, it is my opinion that the main concerns with regard to the continued use of the site have been addressed in the decision.

I would therefore advise the board that the determination of the application as if it had been made to it in the first instance would not be warranted, and that the appeal should be considered under section 139 of the *Planning and Development Act 2000* in respect of conditions nos. 2, 5, 14, 15, 17, 20, 28 and 29. The detailed assessment below is therefore confined to consideration of conditions nos. 2, 5, 14, 15, 17, 20, 28 and 29 of the planning authority's *Notification of Decision to Grant Permission*.

- 12.3.1 Condition No.2 – Hours of Operation.** It is noted that the first party have appealed against the wording of Condition 1 attached to the Notification of Decision to Grant Permission and state that the quarry currently operates between 07.00 to 18.00 Monday to Saturday. The requirements of Condition No.2 would restrict the operation of the quarry, are contrary to those set out in the S.261 application and would be the basis for a compensation claim. A revised wording permitting operations between 07.00 and 18.00 Monday to Saturday is proposed.

It is noted that paragraph 2.5.9 of the EIS submitted with the application clearly states that *'the quarry operates during the working hours (i.e. 08.00 – 18.00 hrs. Monday to Friday; 08.00 – 14.00 hrs Saturday). In addition truck loading may be carried out from 07.00 to 08.00 hrs. The quarry does not operate on Sundays or bank holidays.'*

There is no reference to normal working hours in the development plan however I would note that paragraph 4.7 of the DoEHLG Guidance on Quarries and Ancillary Activities recommend that normal operations should be confined to between 07.00 and 18.00 Monday to Friday and between 07.00 and 14.00 on Saturdays.

I would also note the relatively close proximity of a number of dwellings to the application site. In total, based on revised figures supplied by the applicant in response to the request for additional information, there are c.37 dwellings located within a 1km radius of the appeal site. The closest are those to the south of the site and these dwellings while currently at the opposite end of the site from the quarry face being worked are within c.60 metres of the site boundary and c.600 metres from the existing area of extraction. The closest dwelling to the north on the R.755 is located within c.110 metres of the site boundary.

In view of the above, it is my opinion that the restriction on operating hours as proposed by the Planning Authority in Condition No.2 is in accordance with normal standards, accords with the national guidance and is desirable in this instance for the purposes of protecting residential amenity. It is therefore recommended that in the event that permission is to be granted that a condition limiting the hours of operation to those specified in the Quarry Guidelines and along the lines of the wording attached by the Planning Authority be included.

**12.3.2 Condition No.5 – Requirement for an extraction and restoration scheme to be submitted for agreement and reviewed every 3 years.** The appellants request that the time period for the review of these schemes would be set at 5 rather than 3 years on the basis that this time period is more appropriate to a quarry of this relatively modest scale. It is noted that this (5 year time period) was applied in the case of Belgard Quarry, (Section 261 Ref. SDQU05A/2).

With regard to the time interval for the submission of this report, the Planning Guidelines do not make any reference to the submission of such a scheme and therefore do not indicate a suggested timeframe for same. I have also been unable to identify a case where a similar condition has been the subject of an appeal to the Board.

Notwithstanding the above, the appellants logic that the smaller the development then the greater the appropriate time interval between reviews is not clear to me. If anything, it would be my opinion the given the visually prominent and sensitive location of the appeal site, it is important that the reinstatement programme in particular be closely monitored and kept up to date through the regular review of progress necessitated by a shorter time between reviews. In view of this, and in the absence of alternative guidance or precedent it is my opinion that the requirement for a three year review period is appropriate in this instance and that the wording of this condition remain unchanged.

**12.3.3 Condition No.29 – Submission of an Environmental Audit and Topographic Survey.** The appellants request that the frequency of the update of the topographic survey would be changed from 3 years to 5 years.

The requirement for a topographic survey is in my opinion closely linked with the submission of a detailed extraction and restoration scheme as set out above. It is therefore my opinion that for the same reasons as are applicable in the case of the appropriate time period for the extraction and restoration scheme that this condition remain unchanged.

**12.3.4 Condition No.14 – Air Quality / PM<sub>10</sub>.** The appellants contend that the issue of dust deposition is adequately addressed by Conditions Nos. 13 and 30 attached to the schedule and that the monitoring for PM<sub>10</sub> is not required and is not established practice by Wicklow County Council in other similar situations or by other Planning Authorities.

Conditions Nos. 13 and 30 relate to requirements that dust emissions from the site shall not exceed 350 milligrams/sq. m./day averaged over a continuous 30 day period measured at the site boundary (Condition No.13) and a requirement for the submission of an Environmental management System, including proposals for the suppression and control of dust on site, (Condition No.30).

The 350 milligrams/sq. m./day averaged over a continuous 30 day period comes from the German TA Luft Air Quality Standard and is the suggested method of dust measurement given in the DoEHLG guidance. The DoEHLG Guidance makes no reference to PM<sub>10</sub> and from a review of recent Board

decisions relating to other quarry developments, conditions for the measurement of PM<sub>10</sub> do not appear to have been attached.

From a review of the schedule of conditions attached to the permission and having regard to the provisions of the Quarry Guidelines, I would be in general agreement with the First Party in this instance that the requirements of Condition 13 requiring compliance with the TA Luft standard at the site boundaries, together with other requirements on foot of the environmental management system and Condition 16 which requires the sprinkling of stockpiles and equipment are sufficient to adequately control the emission of dust and particulate matter from the site. It is therefore recommended that Condition 14 be omitted from the schedule of conditions.

**12.3.5 Condition No.15 – Enclosure of conveyors on plant.** The appellants contend that it is not practicable to enclose the conveyors on mobile plant and in any event the current dust deposition monitoring results at the quarry are well below the DoEHLG (2004) limit values.

In general terms I would be in agreement with the concerns of the first party with regard to the feasibility of enclosure of such equipment. It is also noted that the control of both dust and noise are specifically addressed by other conditions and that the requirements of the Environmental Management System (EMS), (Condition 30) require that proposals for the suppression of dust from the site, including from plant, be included in the EMS which has to be the subject of written agreement from the Planning Authority.

It is therefore recommended that condition No.15. be omitted from the schedule of conditions.

**12.3.6 Condition No.17 – Noise.** The appellants request that the wording of this condition be revised to be consistent with the recommended noise emission values set out in the *EPA Environmental Management Guidelines (2006)*.

The wording proposed by the First Party differs from that in Condition No.17 by the omission of any reference to the higher noise limit ceasing at 13.00 hrs on Saturdays and the inclusion of reference to 95% of all noise levels complying with the specified values and a requirement that no noise level exceeds the relevant limit value by more than 2 dBA.

Paragraph 4.7(c) of the DoEHLG Guidelines restate the EPA recommended approach which is that *'the noise level at sensitive locations should not exceed a Laeq (1 hour) of 55dB(A) by daytime and a Laeq (15 minutes) of 45 dB(A) by nighttime'*. Reference is also made to reference to 95% of all noise levels complying with the specified values and a requirement that no noise level exceeds the relevant limit value by more than 2 dBA.

Neither of the wordings can be seen to exactly reflect the provisions of the DoEHLG Guidance. It is my opinion that a more simplified wording along the general lines of noise conditions attached by the Board in previous similar cases and taking account of the proposed limitation on the hours of operation of the facility would be appropriate in this instance and that the following should replace the wording included in Condition 17 attached to the Notification of Decision to Grant Permission:

17. *Equivalent sound levels attributable to all on-site operations associated with the proposed development (including blasting) shall not exceed 55 dB(A) between the hours of 07.00 hours and 18.00 hours, Monday to Friday and between the hours of 07.00 hours and 14.00 hours on Saturdays when measured outside any dwelling house in the vicinity of the site.*

**12.3.7 Condition No.20 – Blasting.** The appellants request that the requirement that the blasting monitoring be undertaken by an independent contractor be omitted as the quarry operates under an ISO 14001 EMS that is independently audited on a regular basis.

While no specific reference is made in the Quarry Guidelines to the use of an independent contractor to undertake the monitoring it is my opinion that the undertaking of such work is very important to the protection of the amenity of properties in the vicinity of the appeal site. Notwithstanding the appellants assertions that the quarry is ISO 14001 certified and that the EMS is independently certified, it is my opinion that it is desirable that the monitoring of noise and vibration arising from blasting be undertaken by an independent contractor is desirable and it is therefore recommended that condition No.20 as attached by Wicklow County Council would remain unchanged.

**12.3.8 Condition No.28 – Covering of loads.** The appellants request that this condition be amended to be consistent with the EPA Guidelines for quarries (2006) and that a requirement that all loads existing the site be sprayed or covered be attached.

Condition No.13 regarding dust emission, control and measurement requires that *'suitable arrangements shall be made to suppress and control dust arising from the open working, processing, handling and transportation of mineral and / or product. The deposition of dust on surrounding lands in excess of allowed limits, or spillage onto public roads shall be prevented at all times'*. The wording of Condition No. 13 also requires the submission and agreement of measures to comply with this requirement.

In view of this, it is my opinion that the control of dust from HGV's exiting the site is already the subject of controls, that the covering of loads may not be appropriate in all instances and that the option of the use of spraying should be available. In view of this it is my opinion that the revised wording proposed by the applicant is acceptable.

**12.4 Part A of submitted appeal – Appeal against *Notification of Decision to Refuse Permission* for the proposed expansion of the extraction area (6.0 ha.).**

12.4.1 Permission was refused for the expansion of the extraction area to include an area of c.6.0 ha. to the north of the existing quarry area on the basis that having regard to the visually prominent and sensitive location of the site and given the stated policies of the development plan regarding landscape categories, views and prospects and the requirement that extractive operations will not significantly impact on amenities or identified high quality landscapes, the Planning Authority were not satisfied that the proposed development would not have a significant long term negative impact on the visual and tourism amenities of the area and would therefore be contrary to



the proper planning and sustainable development of the area. (A copy of the *Notification of Decision to Refuse Permission* is attached with this report).

12.4.2 In my opinion, the principle issues with regard to the determination of this aspect of the appeal are as follows:

- The impact of the proposed expansion on visual amenity and in particular on identified views and prospects and recreational amenity and tourism.
- The above specific considerations as against the general recognition of the need for and promotion of the extractive industry.
- The capacity of the road network and haul route to cater for the expansion proposed.
- The potential impact of the expanded area on the pcNHA which adjoins the appeal site to the north.
- The potential impact of the expansion of the extraction area in a northerly direction on the amenity of residential properties in the vicinity, including potential impacts of noise, dust, vibration.

In addition, having regard to the revised proposals for a reduced extraction area submitted with the appeal, whether the amendments proposed would materially impact on the above issues.

12.4.3 The appellants on a number of occasions in their submission make a case on the basis of **demand for the deposits** and national, regional and local policy supporting the principle of extraction. It is clear that there is a demand for the material available in the proposed additional area. Similarly, I would accept that in the short to medium term there are no real alternatives to the current land based sources of construction aggregates.

What has to be assessed in this instance however is whether the general policies in support of the extractive industry and the value of the deposits in this location in terms of satisfying a demand and economic development are sufficient to outweigh any potentially negative impacts arising from the proposed development in terms of visual amenity, views prospects and impact on recreational and tourist amenity.

12.4.4 At the local level, the development plan (Policies EM12, 14 and 15) clearly support the principle of the development of the extractive industry in the county all three policies are, however, clearly subject to the caveat that such development will not impact negatively on the environment or other amenities.

*Policy EM12 – ‘The Council will support the suitable development and expansion of resourced based rural activities including timber processing and the processing of aggregates and stone, that is not damaging to the local environment, amenities and heritage’.*

*Policy EM14 – ‘The Council will facilitate and encourage the exploration and exploitation of minerals in the county in a manner which is consistent with environmental protection and sustainable development.’*

Policy EM15 – *'The Council will facilitate the operations of the extractive aggregates industry where they conform to the principle of sustainability and do not adversely affect residential, environmental or tourism amenities.'*

- 12.4.5 With specific regard to the extractive industry, Paragraph 5.4 of Chapter Six of the County Development Plan (see attached extracts) sets out the policies and development control criteria for the extractive industry including requirements that there is a proven need for the extraction, that the environment and landscape will be protected to the maximum possible extent in the development and policies regarding access / haul routes and reinstatement.

Paragraph 5.4.2 specifically relates to extractive industry in the zone of outstanding natural beauty and states that where proposals are made in such areas, *'the council will ensure that the existing landscape quality shall remain the overriding priority and such proposals must illustrate that the benefits of the development will outweigh any adverse environmental consequences.'*

- 12.4.6 The appeal site clearly impacts on a number of **views and prospects** as identified in the Plan and particularly, in my opinion, on the prospect from Long Hill to the west towards Bray Head, the Great Sugarloaf and the coast (Prospect No. 8). Photo Nos. 7 and 8 attached with this report indicate the view from this location. The existing development and the proposed additional extraction area would also be visible from a number of locations along the R.755 to the south although the extent of clear views would be limited by the site boundary treatment and the mounding / berming of material along the boundary with the R.755.

It is my opinion that the proposed expansion of the extraction area would have a significant additional negative impact on views from the west including the R.755 which is a popular route for tourist and recreational users in the area and from Long Hill as well as from the county road which runs north – south to the west of Long Hill. Again, this area is a very popular and well used location for recreational purposes with significant volumes of traffic using this route to access car parking areas above Powerscourt and the Dargle Valley. The expansion of the quarry as proposed will clearly increase the visual impact when viewed from these locations.

- 12.4.7 The appellants contend that the that environmental issues including traffic and landscape have been adequately addressed in the EIS and specifically, that s.3.8 of the EIS indicates that the development of the quarry will not materially damage the environment, character and / or natural beauty of the identified area of outstanding natural beauty.

The appellants acknowledge that the quarry is and will be visible from some distant locations in the Wicklow Mountains however it is contended that these views are intermittent / distant and the site is on the lower slopes of the Sugarloaf, these impacts will be imperceptible to slight.

In light of the extent of views of the additional extraction area available from the west and particularly from Long Hill I cannot agree with these contentions. The EIS contains considerable detail regarding the phasing proposals and the proposed mitigation measures in terms of the reinstatement of the

existing quarry face into the surrounding landscape. The existing visual impact as can be seen from the attached photos 7 and 8 is indeed quite stark due to the high c.50 metre face of the eastern extent of the extraction area and the absence of any phased reinstatement measures to date.

The appellants have submitted a CD with the EIS indicating the existing and proposed fly around views of the appeal site. In my opinion, rather than emphasising the limited nature of the impact of the proposed development, the CD clearly shows the extent of the development proposed and the degree to which the overall site would be further developed on foot of the permission sought. It is recognised that the height up the contours to which the additional extraction is proposed has been reduced on foot of proposals submitted with the appeal and that the impact is therefore different from that indicated on the CD. Notwithstanding this, however, it is my opinion that the change in the extent of extracted area is clearly significant in visual terms.

- 12.4.8 The applicants contend that the proposed direction of working from east to west will facilitate the phased reinstatement of the site and minimise the visual impact of the additional workings sought. Given the scale of area involved and the prominent location on the slopes of the Sugarloaf it is my opinion that the proposed phased restoration will not make a sufficient improvement to the overall negative visual impact such that the economic benefits of the development would outweigh the adverse environmental impact.
- 12.4.9 With regard to the identification of the appeal site as being within an area identified as a **candidate SAAO**, it is not clear from the submitted documentation or other available sources whether there are any definitive proposals with regard to the commencement of work for the designation of the identified Great Sugarloaf site as a SAAO. The appeal site is clearly located within the area identified on Map 4 of the County Development Plan and as such it is my opinion that the potential impact of the proposed development on the character and overall amenity value of the area identified is a relevant consideration.
- 12.4.10 The appellants contend in their submission that the expansion of the existing site is preferable to the development of a new Greenfield site or the intensification / expansion of other existing sites. Given the potentially significant visual impact and the clear impact that the proposed development will have on protected prospects it is not clear to me that this is the case.
- 12.4.11 With regard to the **proposed amendments submitted** with the appeal, the extent of the extraction area is indicated as being significantly reduced from c.6.0 ha. to c.4.7 ha. Under this revised proposal, the extraction area would be restricted to the 280 metre contour at the southern end and 290 metre contour at the northern end. The same phasing and direction of working as original development is proposed.

It is my opinion that these revisions would make some difference to the abruptness of the potential visual impact. Specifically, the extent to which the elevation of the new extraction would go beyond that of the existing area would be reduced and the impression of the rather abrupt transition between the two areas (existing and proposed extension) would consequently be reduced. While an improvement, however, and serving to make the visual impact more linear rather than 'L' shaped as originally proposed, it is my

opinion that on balance the extent of the revised additional proposed extraction area and its potential visual impact in this visually prominent and sensitive location is not acceptable.

The proposed development would again, in my opinion impact significantly on identified views and prospects listed in the County Development Plan and would be contrary to the provisions of Paragraph 5.4.2 of the County Development Plan which requires that in the assessment of extractive operations in identified zones of outstanding natural beauty such as the appeal site the existing landscape quality shall remain the overriding priority. In my opinion, the proposed development has not satisfactorily indicated that the benefits of the development will outweigh the adverse environmental consequences as required by the plan policy and that therefore the general Plan policies in support of the industry (Policies EM12, 14 and 15) are not applicable in this instance.

- 12.4.12 I am aware that an argument can be made in an instance such as the current appeal site that the proposed development is an **expansion of an existing operation** and that the landscape character has already been compromised to a significant degree. While I would accept this argument to some extent, it is worth noting that the policies regarding views and prospects has been adopted by the Council in full recognition and knowledge of the presence of the existing quarry operation and the existing character of the site. It is also worth noting that the existing operation is not one that was permitted by the Planning Authority in terms of a grant of planning permission. In such an instance a refusal of permission for the expansion of the facility would be harder to justify. Given the existing pre 1963 use of the lands to which the extension is sought, however, it is my opinion that the protection of the landscape and visual amenities through the refusal of permission for expansion and the thereby the more speedy phased decommissioning and reinstatement of the overall area is justified.
- 12.5 With regard to **other relevant considerations** than landscape and visual impact, the potential impact of the proposed development on the **road network** is also in my opinion a relevant consideration in the assessment of this appeal. The applicants submitted some details by way of further information to the Planning Authority regarding the adequacy of the haul route from the appeal site to the N.11. Some specific works were identified in this submission, and in view of the duration of permission sought (27 years) it is my opinion that in the event that consideration is being given to a grant of permission a significant contribution towards the cost of these upgrades which reflects the length of time involved and the high proportion of HGV traffic on this section of the route which is generated by the quarry (c.35 percent) should be required by way of condition. Subject to these improvements being the subject of such specific condition, it is my opinion that the impact of the proposed expansion on the road network is not grounds for refusal of permission in this instance.
- 12.6 In terms of other potential impacts arising from the proposed extension to the extraction area, the proposed development would result in the area of extraction being closer than is currently the case to a small number of dwellings to the north west and west of the extended area. The closest of these dwellings is located to the north west of the proposed extended area on the R.755 and is located c.280 metres from the closest point of the proposed extended area. In view of this degree of separation and the location of the

properties concerned generally to the west and upwind of the proposed extended extraction area, it is my opinion that subject to the imposition of similar environmental controls and conditions relating to noise, dust and blasting similar to those being applied to the existing quarry area, it is my opinion that the amenity of these dwellings would not be significantly impacted by the proposed extension.

- 12.7 With regard to the potential impact of the proposed development on the **pcNHA**, the boundary of which adjoins the proposed extended area immediately to the west, the applicant was requested by the Planning Authority by way of further information to submit details in this regard. In response, the applicant has indicated that the site synopsis for the NHA indicates that *'the site is of both ecological and geological interest and is also a prominent feature of north County Wicklow.'* The geological aspects of the pcNHA are primarily geomorphological and relate to the fact that the area stood as a nunatak (an exposed peak or ridge not covered with ice or snow) during the ice age. The area of the appeal site is not located within the pc NHA area and is limited to the ice smoothed lower parts of the Great Sugarloaf mountain. On this basis the proposed development would not appear to directly impact on the geomorphological aspects of the pcNHA designation.
- 12.8 The appellants make reference to the fact that there were no **third party submissions** made to the Planning Authority at the time of the registration process thereby indicating that the proposed development does not and will not significantly affect residential, environmental, visual or tourism amenities. While this assertion may be factually correct, I cannot accept the logic of this argument and that the absence of such a third party input means that the development is acceptable.
- 12.9 In conclusion, in view of the above, and having full regard to the existing use of the adjoining lands for extraction purposes, the proposed amendments to the layout submitted with the appeal submission and the proposed extraction and phased reinstatement and restoration proposals, it is my opinion that on balance the visual impact of the proposed expansion is such that it would have a significant additional negative impact on the visual, recreational and tourist amenities of the area, including on identified views and prospects which it is the policy of the Planning Authority to protect and that notwithstanding the policies in favour of the principle of extraction (Policies EM12, 14 and 15) contained in the *Wicklow County Development Plan, 2004-2010*, the value of the resource proposed to be extracted is not considered to outweigh the negative impacts identified. It is therefore recommended that permission for the proposed expansion of the quarry area be refused permission.

### 13.0 Recommendation (Split Decision)

**With regard to (A) the application for permission for the existing quarry activity (11.3 ha.) and retention of on site office, canteen, shower room, toilet, lunch room, ESB sub station and other site works to confine consideration to the conditions which were the subject of this appeal and to amend these conditions as set out below and based on the reasons and considerations marked (A) under. Refuse permission for (B) the expansion of the extraction area (6.0 ha.) based on the reasons and considerations marked (B) under.**

(A) Having regard to the nature of the conditions the subject of the appeal, the existing established nature of the operation and the extent of extraction already completed on site it is recommended that the determination by the Board of the relevant application as it relates to the existing extraction area (11.3 ha.) and retention of on site structures and other works as if it had been made to it in the first instance would not be warranted and based on the reasons and considerations set out that the said council be directed under section 139(1) of the *Planning and Development Act, 2000* to (i) retain the wording of Conditions Nos. 2, 5, 20, 29 as attached to the *Notification of Decision to Grant Permission* issued by the Planning Authority, (ii) to omit Conditions Nos. 14, 15 as attached to the *Notification of Decision to Grant Permission* issued by the Planning Authority and (iii), to amend the wording of Conditions Nos. 17 and 28 so that they shall be as follows and for the reasons set out.

17. Equivalent sound levels attributable to all on-site operations associated with the proposed development (including blasting) shall not exceed 55 dB(A) between the hours of 07.00 hours and 18.00 hours, Monday to Friday and between the hours of 07.00 hours and 14.00 hours on Saturdays when measured outside any dwelling house in the vicinity of the site.

Reason: In the interest of residential amenity.

28. All loads of dry fine materials shall be either sprayed with water or covered / sheeted prior to exiting the quarry.

Reason: In order to prevent dust emissions in the interests of amenity, traffic safety and proper planning and sustainable development.

#### **Reasons and Considerations (A)**

Having regard to the nature of the conditions the subject of the appeal, the existing established nature of the operation and the extent of extraction already completed on site it was not considered necessary to determine the application as if it had been made to the Board in the first instance. Conditions numbers 2, 5, 20 and 29 were retained on the basis of the existing operation of the facility, the visually prominent and sensitive location of the appeal site and the advice given in the Guidelines for Planning Authorities on Quarries and Ancillary Activities issued by the Department of the Environment, Heritage and Local Government in April, 2004. Conditions Nos. 14 and 15 were omitted based on the

requirements of other conditions and the advice given in the Guidelines for Planning Authorities on Quarries and Ancillary Activities issued by the Department of the Environment, Heritage and Local Government in April, 2004. Conditions numbers 17 and 28 were amended based on the requirements of other conditions and to reflect the advice given in the Guidelines for Planning Authorities on Quarries and Ancillary Activities issued by the Department of the Environment, Heritage and Local Government in April, 2004.

**(B) Reasons and Considerations (B)**

Having regard to the scale and form of the quarry extension proposed and its location,

- (a) in an area designated as 'an area of outstanding natural beauty' in the *Wicklow County Development Plan 2004-2010*,
- (b) within the area encompassed by listed prospect No.8 (Prospect from Long Hill) prospect of Bray Head, Great Sugarloaf and the coast as set out in the *Wicklow County Development Plan, 2004-2010* and clearly visible from this location and,
- (c) on the western slopes of the Great Sugarloaf a landmark of significant landscape, amenity and tourism value which is indicated in the *Wicklow County Development Plan, 2004-2010* as a potential area for the preparation of a SAAO

it is considered that the proposed development would have a significant and long term negative impact on the visual and tourist amenities of the area, would be contrary to the provisions of paragraph 5.4.2 as it relates to extractive industry in the identified areas of outstanding natural beauty and the requirement that the existing landscape quality shall remain the overriding priority and has not clearly indicated that the economic benefits of the development will outweigh the adverse environmental consequences. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

---

**Stephen Kay**  
Inspectorate

Our Ref: WW 27.WW0378  
P.A.Reg.Ref: WPL87  
Your Ref: Roadstone Dublin Limited

SLR Consulting,  
7 Dundrum Business Park,  
Windy Arbour,  
Dublin 14.

03 DEC 2009

02 DEC 2009

*Appeal Re:* Discharge treated effluent to tributary of Killough River via a  
single authorised outfall pipe.  
Calary Quarry, Kilmacanoge, Co. Wicklow.

Dear Sir/Madam,

An order has been made by An Bord Pleanála determining the above-mentioned appeal under  
the Local Government (Water Pollution) Acts 1977 and 1990. A copy of the order is enclosed.

Yours faithfully,

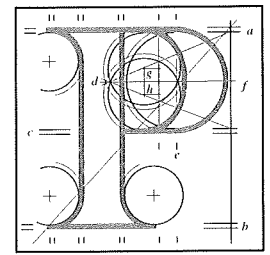


Michael Donlan  
Senior Executive Officer

Encl:

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## An Bord Pleanála



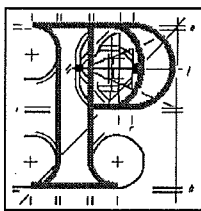
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64 Marlborough Street,  
Dublin 1.



# An Bord Pleanála



LOCAL GOVERNMENT (WATER POLLUTION) ACTS 1977 TO 2007

Wicklow County

Register Reference Number WPL 87

An Bord Pleanála Reference Number 27.WW.378

**APPEAL** by Roadstone Dublin Limited care of SLR Consulting Ireland, 7 Dundrum Business Park, Windy Arbour, Dublin in relation to the granting on the 7<sup>th</sup> day of October, 2008 by Wicklow County Council, of a licence under section 4 of the Local Government (Water Pollution) Acts 1977 to 2007 to the said Roadstone Dublin Limited for the discharge of treated effluent from a quarry located at Calary, Kilmacanogue, County Wicklow to a tributary of the Killough River.

**DECISION:** In exercise of the powers conferred on it by section 8 of the Local Government (Water Pollution) Act, 1977, as substituted by section 6 of the Local Government (Water Pollution) (Amendment) Act, 1990, An Bord Pleanála hereby allows the said appeal and directs the licensing authority to attach condition number 6.3 and 10.1 and to remove condition numbers 4.2 and 4.3 and to amend the following condition numbers 2.1, 2.2, 6.1, 6.2, 6.4, 6.7, 8.1 and 8.2 so that they shall be as follows: -

## 2. Effluent Volume and Characteristics

2.1 The total volume of treated effluent discharged from the settlement tanks shall not normally exceed 805 m<sup>3</sup>/d subject to a maximum volume of 1600 m<sup>3</sup>/d during summertime (April to September) or 2000 m<sup>3</sup>/d during wintertime (October to March). The Licensing Authority reserves the right to modify this condition under licence review, in the interest of environmental protection, in the event that flow monitoring data supplied under Conditions 6.1(a) and 6.1(c) demonstrate that loadings are being discharged from the settlement systems that may adversely affect the receiving environment.

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2.2 The treated effluent discharged from the settlement tanks and oil interceptor via the single authorised outfall pipe to the tributary of the Killough River shall comply with the quality standards set out in respect of the parameters in Table 1.

**Table 1 Emission Limit Values Discharge Licence WPL87**

Parameter	Parametric Limit Value	Units
pH	6 to 9	pH units
Temperature	</= 25	°C
BOD	</= 5	mg/l O <sub>2</sub>
COD	</= 50	mg/l
Suspended Solids	</= 30	mg/l
Ammonium	</= 0.2	mg/l N
Chloride	</= 50	mg/l Cl
Nitrate	</= 30	mg/l NO <sub>3</sub>
Phosphate as P	</= 0.03	mg/l MRP
Diesel Range Organics	</= 5	mg/l
Mineral Oil	</= 5	mg/l

## 6. Monitoring Regime

### 6.1 The Licensee shall

- (a) Install, calibrate and maintain a suitable flow measurement system, recorder and alarm on the effluent flow before discharge to the tributary of the Killough River, and record hourly flow rate and volume discharged on a daily basis. The flow measurement device shall facilitate continuous measurement and the system shall be approved by the licensing authority prior to its adoption as the system to serve the site.
- (b) Install, calibrate and maintain a rain gauge and recorder at suitable location on the premises, record the rainfall on a daily basis.
- (c) Install, calibrate and maintain a pH meter, total suspended solids meter, recorder and alarm on the effluent pipe before discharge to the tributary of the Killough River, and continuously record the pH and concentrations of suspended solids in the effluent.

Certificates of calibration for the flow measurement device, pH meter, total suspended solids meter and rain gauge meter on site, shall be forward to the licensing authority within six months of the date of issue of this licence. Further such certificates shall be submitted on request.

6.2 The units for Diesel Range Organics and Mineral Oil shall be expressed as mg/l to ensure consistency of expression between units in Tables 1 and 2 of the issued discharge licence.

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- 6.4 In the event of a result of a test on an effluent sample exceeding a parametric limit value by >20%, additional samples of the effluent and Killough River upstream and downstream of the discharge point shall be taken and tested on a daily basis until such time as the results of the additional samples show that the non-compliance has been brought under control. This additional monitoring of the effluent and Killough River upstream and downstream shall be carried out for the parameter(s) that are determined to exceed, by >20%, parametric limit values specified in Table 1 of this licence.
- 6.7 The licensee shall arrange to have the existing biological survey of the macro-invertebrate population in the Killough River updated at suitable locations upstream and downstream of the quarry discharge once every three years. This survey shall be completed by a competent biologist or ecologist and his/her report on such findings shall be submitted within one month of the survey date.
- 8.1 Legible traceable records of all flow, rainfall and analytical data (with appropriate units shown) referred to in condition number 6 (the monitoring regime) shall be kept on file at the licensee's premises. In addition, a template for the purpose of data recording and evaluation shall be supplied to the licensee by the licensing authority. The licensee shall submit this completed template, in electronic format, with the original electronic copies of the laboratory analytical records for the effluent and receiving environment monitoring and the date for continuous flow, pH and suspended solids measurements, in addition to the rainfall record for the appropriate period. All data shall be submitted within one month of the monitoring period to which it relates. Paper copies of data shall be submitted to the licensing authority within two weeks of a request.
- 8.2 The records referred to in condition numbers 7.2 and 8.1 shall also be made available by the licensee for inspection by authorised persons of the licensing authority, and any other person authorised under section 28 of the Local Government (Water Pollution) Act, 1977.

### REASONS AND CONSIDERATIONS

Having regard to the nature and scale of activities on site, the nature of the discharge including its composition presented in baseline sampling, and the characteristics of the receiving waters (which is a tributary of the Killough River which feeds the salmonid River Dargle a short distance downstream) it is considered that the conditions amended and attached are necessary in order to prevent environmental pollution and safeguard the water quality and ecology of the receiving waters.



**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

Dated this 1<sup>st</sup> day of December 2009.

**WICKLOW COUNTY COUNCIL  
COUNTY BUILDINGS  
WICKLOW**

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Waste Management Acts, 1996 to 2006  
Waste Management (Permit) Regulations, 1998 – S.I. 165 of  
1998

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**WASTE PERMIT**

**PERMIT NO:** Ess/15/8/12

**WASTE PERMIT REGISTER NO:** 303

**PERMIT HOLDER:** Roadstone Dublin  
**Ltd**  
Belgard  
Fortunestown  
Tallagh  
Dublin 24

**LOCATION OF SITE:** Calary Quarry  
Kilmacanogue  
Co. Wicklow

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## Reasons for the Decision

Wicklow County Council is satisfied, on the basis of the application received and the information available, that subject to compliance with the conditions of this Waste Permit, the activities concerned will not cause environmental pollution and any emissions from the activities will comply with and not contravene any of the requirements of Section 5 of the Waste Management (Permit) Regulations 1998.

### Part 1: Activities Permitted

In pursuance of the powers conferred on it by the Waste Management Acts, 1996 to 2006 and the Waste Management (Permit) Regulations 1998, Wicklow County Council proposes, under Section 5 of the said Regulations, to grant this Waste Permit to **Roadstone Dublin Ltd, Belgard, Fortunestown, Tallagh, Dublin 24** to carry out the waste recovery activities listed below subject to 11 conditions, with the reasons therefore.

Permitted Waste Recovery Activity in accordance with the First Schedule of the Waste Management (Permit) Regulations 1998 is as follows:

**Activity 5** The recovery of waste (other than hazardous waste) at a facility (other than a facility for the composting of waste where the waste held at the facility exceeds 1000 cubic meters at any time).

The waste recovery activity is in accordance with the Fourth Schedule of the Waste Management Acts, 1996 to 2006; the activity concerned being Class **10**

<b>CLASS</b>	<b>DESCRIPTION</b>
<b>4</b>	<b>Recycling or reclamation of other inorganic materials</b>

## **INTERPRETATION**

<b>Act</b>	The Waste Management Acts, 1996 to 2006
<b>Agreement</b>	Agreement in writing
<b>Application</b>	The application by the Permit Holder for this waste permit, including any other material submitted to Wicklow County Council in writing by this Permit Holder between the date of the application and the date of grant of this Permit.
<b>Appropriate Facility</b>	A waste management facility, duly authorised under relevant law and technically suitable.
<b>Condition</b>	A condition of this permit. In any case where this permit refers to a numbered condition, the reference shall be taken to mean the condition and any sub-condition therein which the context of the reference requires that reference is made to.
<b>Drawing</b>	Any reference to a drawing or drawing number means a drawing or drawing number contained in the application, unless otherwise specified in this permit.
<b>Emission</b>	As defined in Section 5(1) of the Act.
<b>Environmental Pollution</b>	As defined in Section 5(1) of the Act.
<b>European Waste Catalogue (EWC)</b>	The EWC is a harmonised, non-exhaustive list of wastes drawn up by the European Commission and published as Commission Decision 94/3/EC and any subsequent amendment published in the Official Journal of the European Community.
<b>Incident</b>	Any reference to an incident in this permit means <ol style="list-style-type: none"><li>(1) Any nuisance caused by the activity.</li><li>(2) Any emergency.</li><li>(3) Any material delivery not covered by this permit.</li><li>(4) Any indication that environmental pollution has or may have taken place.</li></ol>
<b>Permit Holder:</b>	<b>Roadstone Dublin Ltd, Belgard, Fortunestown, Tallagh, Dublin 24</b>

## **Part 2 Conditions**

### **Condition 1: Scope**

- 1.1 For the purpose of these conditions the site is that outlined in red on Drawing 1 entitled "Existing Site Layout Plan" which covers a total area of 1.9 hectares.
- 1.2 This permit shall only apply to the site operational layout plan described in Condition 1.1 and detailed on drawing entitled "Operational Layout Plan". This Waste Permit is strictly non-transferable.
- 1.3 This permit is for the purposes of the Waste Management (Permit) Regulations 1998 only and no conditions in this permit shall be construed as negating the Permit Holders statutory obligation or requirement under any other enactments or regulations (i.e. Planning Acts).
- 1.4 This permit shall expire **36** months from the date of grant.
- 1.5 The maximum permitted finished levels shall be in accordance with those shown on the Drawing 3 entitled "Cross Sections".
- 1.6 Within three months of operations commencing, the permitted site shall be audited to ensure compliance with all permit conditions. Non-compliance with any of the permit conditions shall result in closure of the site until agreed conditions are met.

<b>Reason:</b> <i>To clarify the scope of this Permit.</i>
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### **Condition 2: Management of the Activity**

- 2.1 The Permit Holder shall be responsible for ensuring that the waste activities shall be controlled, operated and maintained in strict accordance with the terms of the application as modified and/or controlled by the conditions attached to the permit.
- 2.2 The Permit Holder shall establish procedures to ensure that corrective action is taken should any condition of this permit not be complied with. Wicklow County Council shall be notified of any such breach by telephone/fax and full details shall be forwarded in writing on the next working day.
- 2.3 The Permit Holder shall hold and maintain a copy of this permit at the site for inspection at all reasonable times.

- 2.4 The Permit Holder shall familiarise all staff, employees, leasees and agents associated with the site of the provisions and conditions of this permit.
- 2.5 The Permit Holder shall ensure that a person in charge, a site caretaker, shall be available on site at all times when the facility is in operation.
- 2.6 The hours of operation of the site shall be strictly adhered to and shall be as follows:
- Monday to Friday 0800- 1800 inclusive (excluding Bank and National holidays) and between the hours of 0830 and 1300 on Saturday.
- 2.7 The access gate shall be locked at all times other than during operational hours as set out in Condition 2.6. The access gate shall also be locked when the site is unattended.
- 2.8 The Permit Holder shall ensure that the facility is operated in compliance with the Safety, Health and Welfare at Work Act 2006 and associated regulations.
- 2.9 Where Wicklow County Council considers non-compliance with any conditions with the conditions of this permit has occurred, it may take action where it considers necessary.
- 2.10 Any run off resulting from the deposition of material associated with the permitted site shall be treated sufficiently in the existing water management system so as not to have any adverse effect on the Killough River. Failure to do so will result in immediate closure of the permitted site until sufficient measures are put in place to rectify the situation.**

***Reason: To make provision for management of the facility on a planned basis.***

### **Condition 3: Notification and Record Keeping**

- 3.1 The Permit Holder shall notify Wicklow County Council within seven days of
- The imposition of any requirement on the Permit Holder by order under section 57 or 58 of the Waste Management Acts 1996 to 2006 or
  - Any Conviction of the Permit Holder for an offence prescribed under Section 34(5) or 40(7) of the Waste Management Acts 1996 to 2006.
- 3.2 The Permit Holder shall maintain a written record for each load of material entering or leaving the site in an official site register.
- 3.3 Records shall be kept on site in a site register and shall include the following information:
- (i) Name of the carrier.



- (ii) Description and origin of the material in each load.
- (iii) The dates and times of all waste deliveries to the site and vehicle registration numbers.
- (iii) The quantity of the materials, estimated in tonnes and recorded in loads.
- (iv) Where loads are removed or rejected, details of the material and the place to which they were removed.

3.4 The Permit Holder shall immediately notify Wicklow County Council by telephone/fax of any incident which occurs as a result of the activity on the site, and which:

- (i) has the potential for environmental contamination of surface water or groundwater, or
- (ii) poses an environmental threat to air or land, or
- (iii) requires an emergency response by the Council

Full details shall be forwarded in writing on the next working day.

3.5 The Permit Holder shall maintain a written record of all complaints of an environmental nature related to the site. Each such record shall be contained on the site register and shall include the following information:

- (a) Date and time of complaint.
- (b) Name of complainant.
- (c) Details of the nature of the complaint.
- (d) Action taken on foot of the complaint.
- (e) Response to each complainant.

3.6 The Permit Holder shall submit a comprehensive Annual Environmental Report (AER) to the Council on the activities no later than the 28<sup>th</sup> day February in each year. Should the Permit duration date have expired before this day, an Environmental Report shall be submitted within one month from the date of activities ceasing. The Environmental Report shall include such information as that requested in an AER.

The Annual Environmental Report will include details of:

- (a) The management and staffing structure of the facility.
- (b) Any convictions or impositions as outlined above.
- (c) Summary of waste handled at the facility during year.
- (d) Reportable incidents, if any, under the Waste Management Acts (1996 to 2006).
- (e) Details of all complaints.
- (f) A written summary of compliance with all of the conditions attached to this Waste Permit.

***Reason: To provide for the notification of incidents and to provide for the keeping of records.***

#### **Condition 4: Site Infrastructure**

- 4.1 Within one month of the date of the grant of this Permit the Permit Holder shall provide and maintain a Site Notice Board at the entrance to the facility. The minimum dimension of the identification board shall be 1200mm by 750mm. The Board shall clearly show:
- (a) The name, address and telephone number of the Permit Holder.
  - (b) The permit number and date of grant of the permit.
  - (c) The normal opening hours of the facility.
  - (d) The name, address and telephone number of Wicklow County Council.
- 4.2 The site, site entrance and access roads shall be maintained to the satisfaction of Wicklow County Council. Roadways shall be maintained to ensure the safe movement of vehicles within the facility. No traffic queuing shall be allowed on the public road. No new roadways shall be constructed using demolition and construction waste without the prior approval of Wicklow Co. Council.
- 4.3 If required by Wicklow County Council, water monitoring stations shall be established, numbered and indicated by suitable markers.
- 4.4 Adequate precautions shall be taken to prevent unauthorised access to the site.

***Reason: To provide for the protection of the environment.***

#### **Condition 5: Materials Acceptance and Handling**

- 5.1 Only the following inert material may be accepted throughout the site in accordance with the EWC codes 17 05 04 and 20 02 02 – Soil and Stones. No other wastes are permitted onto the site. The Permit Holder shall ensure that adequate steps are taken to prevent acceptance of any other waste types.
- 5.2 The maximum tonnage of waste shall not exceed **150,000** tonnes for the duration of this Permit.
- 5.3 All materials entering the site shall be inspected prior to tipping and materials deemed suitable shall be permitted onto the site. Any contaminated material shall be moved to the Waste Quarantine Area, from where it shall be removed off-site by the contractor to an appropriate facility.
- 5.4 The Permit Holder shall incur all cost for the removal of unsuitable material.
- 5.5 This permit is solely for the recovery of soil materials to restore the land that is the subject of this application. This permit does not constitute a disposal activity.

- 5.6 The site shall be adequately secured so as to avoid “fly tipping”. The Permit Holder shall remove any such material within 24 hours to an appropriate facility. A maximum of **35** trucks per day may enter and deposit material on the site. Records of these depositions shall be kept in strict accordance with Conditions 3.2 and 3.3 of this Permit.
- 5.7 The Permit Holder shall not allow any over-spill of waste or surface water run-off from non-vegetated areas beyond the site perimeter or into any watercourses or drains. Interceptor drains and settling ponds shall be regularly cleared of fine silts and clay.
- 5.8 The Permit Holder shall ensure that all contractors delivering to the site currently hold a valid Waste Collection Permit from the relevant Local Authority and is legally entitled to collect and transport waste material.

***Reason: To provide for the acceptance and management of materials authorised under this permit.***

#### **Condition 6: Environmental Nuisances**

- 6.1 The Permit Holder shall ensure that the waste activities on the site shall be carried out in such a manner so as to not to have an adverse effect on the drainage of adjacent lands, on watercourses, on field drains or any other drainage system.
- 6.2 The road network in the vicinity of the site shall be kept free of any debris or litter caused by vehicles entering or leaving the site. Any debris or dirt shall be removed without delay. A road sweeper shall be available on the site to ensure that public roads are kept clean at all times.
- 6.3 Wheel washing shall be provided to prevent materials being carried onto the road or alternatively the entrance haul road shall be long enough and of sufficient quality so as to prevent materials being carried as far as the public roadway. The Permit Holder shall take adequate steps to ensure that no material of any sort can fall or be blown from vehicles delivering waste to the site.
- 6.4 Vehicles shall not be permitted to queue or park on the public road. Provision shall be made within the confines of the site for turning vehicles.
- 6.5 In dry weather appropriate measures shall be taken to reduce/eliminate airborne dust nuisance.
- 6.6 Any loose litter accumulated within the site and its environs shall be removed and appropriately disposed of at an appropriate facility on a daily basis.

**Reason:** *To provide for the control of nuisances.*

### **Condition 7: Emissions and Environmental Impacts**

- 7.1 The Permit Holder shall ensure that all operations on the site are carried out in a manner such that air emissions or odours or noise do not result in significant impairment of or significant interference with amenities or the environment beyond the boundary.

**Reason:** *To control emissions from the site and provide for the protection of the environment.*

### **Condition 8: Restoration and Aftercare**

- 8.1 Reseeding of completed sections to shall be undertaken as soon as is feasible to stabilise surfaces and reduce runoff from exposed face.

**Reason:** *To provide for the restoration of the site.*

### **Condition 9: Environmental Monitoring**

- 9.1 Authorised staff of Wicklow County Council shall have access to the site at all reasonable times, for the purpose of their functions under the Waste Management Acts, 1996 to 2006, including such inspections, monitoring and investigations as are deemed necessary by the Council.
- 9.2 If required by Wicklow County Council, the Permit Holder shall carry out such monitoring at such locations and frequencies, as shall be specified from time to time by Wicklow County Council, at his own expense.
- 9.3 If required by Wicklow County Council, the Permit Holder shall at his own expense, within one month of issue of this permit, have carried out water quality tests at a well close to the site and agreed with Wicklow Co. Co. and thereafter carry out repeat tests at such intervals as requested by Wicklow Co. Co.
- 9.4 If required by Wicklow County Council, the Permit Holder shall at his own expense make available a suitable excavator for the purposes of excavating trial holes in the waste material deposited on the site, and shall arrange for the excavator to carry out whatever works are required by the Council on the site.

**Reason:** *To provide for a satisfactory monitoring system.*

### **Condition 10: Contingency Arrangements**

- 10.1 Unless otherwise notified in writing by Wicklow County Council in the event that any monitoring, sampling, complaints or observations indicate that an incident has, or may have, taken place the Permit Holder shall immediately:

- (a) Identify the date, time and place of the incident.
- (b) Carry out an immediate investigation to identify the nature, source and cause of the incident and any emission.
- (c) Isolate the source of the emission.
- (d) Evaluate the environmental pollution, if any caused by the incident.
- (e) Identify and execute measures to minimise the emissions/malfunctions and the effects thereof.
- (f) Provide a proposal to Wicklow County Council for its agreement within two weeks to (i) identify and put in place measures to avoid recurrence of the incidents and (ii) identify and put in place any other appropriate remedial action.

***Reason: To provide for the protection of the environment.***

### **Condition 11: Charges and Financial Provision**

- 11.1 The Permit Holder shall pay a total contribution of **€11,000** to Wicklow County Council towards the cost of inspecting, monitoring or otherwise performing any functions in relation to the permit activity. The Permit Holder shall pay Wicklow County Council **prior to issuance of the Permit. Upon payment, the Permit will be released to the Permit Holder so that operations may commence. No Activities may take place at the site until such time as the Permit is released.**
- 11.2 In the event that the frequency or extent of monitoring or other functions carried out by Wicklow County Council need to be increased for whatever reason the Permit Holder shall contribute such sums as are determined by Wicklow County Council to defray costs.
- 11.3 If requested the Permit Holder shall enter into an agreement with the relevant Area Engineer at any time with regard to meeting some of the costs related to maintenance of the local road network during the life span of the permit.

***Reason: To provide for adequate financing for monitoring and financial provision for measures to protect the environment.***

**Waste Permit is dated 20<sup>th</sup> September, 2007.**

**Signed:** \_\_\_\_\_  
**BRYAN DOYLE,**  
**DIRECTOR OF SERVICES**

## Calary Quarry, Kilmacanogue, Co. Wicklow

Proposed Inert Soil Recovery Facility  
And Backfilling of Calary Quarry

Appropriate Assessment: Stage 1 Screening Assessment

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SLR Ref: 501.00180.00109.3

May 2016

**roadstone**

Version No: 1

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## 1.0 INTRODUCTION

### 1.1 Background

This report presents an Appropriate Assessment : Stage 1 Screening Assessment to identify any likely significant effects on Natura 2000 sites from the proposed development and operation of an inert waste recovery facility to facilitate the proposed restoration of an existing quarry void by backfilling it to former ground level using imported inert soil and stone at Calary Quarry in Killough Upper, Kilmacanogue, Co. Wicklow.

The assessment has been prepared by SLR Consulting Ireland (SLR) on behalf of Roadstone Limited in support its planning application and waste licence application (WLA) for the restoration and backfilling of Calary Quarry.

### 1.2 Appropriate Assessment Overview

The requirements for an Appropriate Assessment are set out under Article 6 of the EU Habitats Directive (92/34/EEC), transposed into Irish law through The European Communities (Birds and Natural Habitats) Regulations 2011 and 2013. These regulations require a Competent Authority to make an Appropriate Assessment of the implications for Natura 2000 sites and their conservation objectives, before deciding to undertake, or give consent, permission or other authorisation for, a plan or project which:

- i. is not directly connected with or necessary to the management of that site; and
- ii. is likely to have a significant effect thereon, either individually or in combination with other plans and projects.

The European Commission's methodological guidance<sup>1</sup> promotes a four stage process, as set out below, to complete an Appropriate Assessment:

- Stage 1 – Screening for Appropriate Assessment;
- Stage 2 – Appropriate Assessment;
- Stage 3 – Alternative Solutions; and
- Stage 4 – The 'IROPI Test' (Imperative Reasons of Overriding Public Interest).

A person applying for any such consent, permission or other authorisation must provide such information in Stage 1, as the Competent Authority may reasonably require, for the purposes of the assessment or to enable them to determine whether an Appropriate Assessment is required.

In considering whether a plan or project will adversely affect the integrity of any Natura 2000 site or sites, the Competent Authority should consider whether the effects of the proposal on the site or sites, either individually or in combination with other plans or projects, is likely to be significant in terms of the conservation objectives and in respect of each interest feature for which the site was designated a Special Area of Conservation (SAC) under Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive), or classified a Special Protection Area (SPA) under Council Directive 2009/147/EC on the Conservation of Wild Birds (The Birds Directive) that codifies Directive 79/409/EEC.

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<sup>1</sup> European Communities (2002). *Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites. Methodological Guidance on the Provision of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*. European Communities, Luxembourg.



In the light of the conclusions of the assessment, and in consideration of Imperative Reasons of Overriding Public Interest (IROPI), the Competent Authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the Natura 2000 site.

### **1.3 Purpose of this Report**

This report has been produced to provide a screening statement, as required under Stage 1 of the Appropriate Assessment process, and includes all relevant information to the Competent Authority (in this case Wicklow County Council / Environmental Protection Agency) in order for each to determine whether the proposed inert soil recovery facility at Calary Quarry and the restoration and backfilling of the existing quarry void is likely to have a significant effect on the integrity of any Natura 2000 site, or sites, within its zone of influence and whether there is a requirement for an Appropriate Assessment (Stage 2 Assessment) to be undertaken.

### **1.4 Ecologist and Experience**

The Screening Assessment has been conducted by Steve Judge, an Associate Ecologist with 14 years' experience in ecological consultancy and a member of the Chartered Institute of Ecology and Environmental Management (CIEEM). All work produced is subject to technical review and Quality Assurance.

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## 2.0 METHODOLOGY

### 2.1 Baseline Data Collection

Baseline information was gathered through a combination of

- desk-based study,
- site visits and inspections made on 10<sup>th</sup> February, 20<sup>th</sup> March and 16<sup>th</sup> April 2015 and
- technical assessments consistent with current standard methodologies and published best practice guidelines,

in order to provide relevant data to allow an assessment of likely significant effects of the proposed inert soil recovery facility at Calary Quarry and the restoration and backfilling of the existing quarry void using imported soil and stone on any individual Natura 2000 site, or sites, within the zone of influence of this project.

The principal source of information on Natura 2000 sites and key qualifying features used in compiling this report was publically accessible information obtained from the website of the National Parks and Wildlife Service (NPWS)<sup>2</sup> and other relevant sources which provide data on current baseline conditions at the site of the proposed development and within its potential zone of influence.

### 2.2 Assessment Likely Significant Effects

Under the Habitat Regulations, the first test that has to be considered is whether the development, either alone or in combination with other relevant projects and plans, would be likely to have a significant effect. Effects are judged to be significant where they affect the integrity of the site with respect to the conservation objectives of the features for which a Natura 2000 site was designated / classified as being of European importance.

The purpose of a Stage 1 assessment is firstly to screen out those aspects of the proposal that can be considered not likely to have a significant effect, and secondly to screen the key qualifying features of the designation that are not likely to be significantly affected by the project.

In order to undertake an appropriate screening, the guidance produced by the NPWS in 2009<sup>3</sup> has been followed in order to:

- characterise the potential impacts to the qualifying interests of any Natura 2000 site or sites that may result from the proposed project at Calary Quarry;
- assess the likely significance of potential impacts on the qualifying interests of any Natura 2000 site or sites within the zone of influence of the proposed project; and
- assess the risk of an adverse effect on the integrity of the site or occurring to a qualifying interest feature for which the site is of European interest.

The methodology for the assessment of impacts is derived from the guidelines published by the Chartered Institute of Ecology and Environmental Management (CIEEM)<sup>4</sup>. Impacts are characterised in terms of whether specific hazards emanating from the project are likely to have potential significant effects on the integrity of a defined ecosystem and/or conservation

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<sup>2</sup> <http://www.npws.ie>

<sup>3</sup> NPWS (2009 revised February 2010). *Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities*. Department of the Environment, Heritage and Local Government, Dublin.

<sup>4</sup> Institute of Ecology and Environmental Management (2006). *Guidelines for Ecological Impact Assessment in the United Kingdom*.

status of individual habitats or species for which a site is of European interest, and on the site as a whole.

### **2.3 Ascertaining the Threat to Site Integrity**

The Competent Authority will be required to determine whether the operation of an inert soil recovery facility at Calary Quarry and the restoration and backfilling of the existing quarry void would adversely affect the integrity of any Natura 2000 site, or sites, in light of the conservation objectives for that particular site or sites. The integrity of a site is defined as:

*“The integrity of a site is the coherence of its ecological structure and function, across its whole area, which enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was designated / classified.”*

Further to the above, an adverse effect on integrity can also be defined as one that is likely to prevent the site from making the same contribution to favourable conservation status for the relevant features as it did at the time of its designation / classification.

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### 3.0 DESCRIPTION OF THE PROJECT

#### 3.1 Location and Setting

The site of the proposed project is located at an existing quarry on the lower western slope of the Great Sugar Loaf Mountain, in the townlands of Killough Upper and Glencap Commons North, approximately 2.3km south west of Kilmacanogue village and 4.4km south of Enniskerry, Co. Wicklow, as shown on Figure 1.

The application site for the proposed project covers approximately 8.6 hectares (ha) out of total landholding of 25.45ha. The application site comprises a deep, steep-sided quarry void that has gradually become flooded since the cessation of dewatering operations in 2010.

The landscape surrounding the quarry is dominated by the Great Sugar Loaf Mountain, an outcrop of rock rising to 501mAOD to the east of the application site. The Wicklow Mountains to the west of the quarry are separated from it by the steep-sided river valleys of the Killough and Dargle Rivers. The mountain areas typically comprise open heathland / upland grassland mosaics whilst the river valleys comprise farmland predominantly under permanent pasture, interspersed by blocks of semi-natural broadleaved woodland, coniferous plantation woodland and scrub on the steeper valley slopes. Small rural settlements and properties are scattered along the public roads and rural lanes which traverse the local landscape.

#### 3.2 Outline Description of Project

The project involves the development and operation of an inert soil recovery facility which will facilitate the restoration and backfilling of Calary Quarry using imported inert soils, stone and minor quantities of virgin aggregate (for haul road construction).

The planning application seeks permission for the following:

- the importation and recovery of up to 3,300,00 tonnes (1.83 million cubic metres) of inert soil and stone and minor quantities of recovered construction and demolition waste to backfill / infill the existing quarry void to a final ground profile of approximately 290mOD on the eastern side of the quarry to approximately 250mOD on its western side;
- construction of a dedicated waste inspection and quarantine shed and provision of in-site storage container and
- associated ancillary infrastructure (to include list site offices and welfare facilities, weighbridge, car parking, fuel storage facilities, site drainage and on-site water management and treatment systems).

It is anticipated that the backfilling operations and restoration of Calary Quarry would take in the region of 10 to 12 years to complete.

The site will operate from 06:00 to 18:00hrs Monday to Friday and 08:00 to 14:00 on Saturday. No operations will take place outside these times or bank holidays.

The project is anticipated to generate an average daily total (AADT) of 12 heavy goods vehicle (HGV) movements in and out of the site per hour through the importation of inert soil and stone wastes. The main route to and from the proposed facility will be along the R755 Regional to Junction 8 of the N11 National Primary Road at Kilmacanogue.

The quarry void will be de-watered prior to receiving any imported waste materials. All water will be discharged via the existing discharge point to the Killough River, in compliance with the conditions attaching to an existing discharge licence issued by Wicklow County Council on 7<sup>th</sup> October 2008 (Ref. No. WPL87). Before the commencement of any dewatering operations however, new settlement ponds and a hydrocarbon interceptor will be installed at the application site to treat any run-off before its discharge off-site.

Once operational, all incidental rainfall, surface water run-off and minor groundwater inflow volumes will be allowed to naturally recharge into the ground or directed into sumps where it will be discharged from the application site in compliance with the terms of the existing discharge licence (though these would be superseded by any waste licence issued by the EPA).

Full details of the proposed development are provided within in Chapters 1 and 2 of the Environmental Impact Assessment submitted in support of the proposed project.

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#### 4.0 NATURA 2000 SITES

There are a total of 12 Natura 2000 sites within a 15km radius of the project site at Calary Quarry. These sites are listed Table 1 and their locations in relation to the project site shown in Figure 1.

**Table 1 : Natura 2000 Sites within a 15km of the Project Site**

Natura 2000 Site	Site Code	Location at Closest Point to Project Site
Glen of the Downs SAC	000719	2.3km south east
Wicklow Mountains SPA	004040	2.5km west southwest
Wicklow Mountains SAC	002122	3.2km west
Knocksink Wood SAC	000725	4.6km north
Carriggower Bog SAC	000716	4.6km south
Bray Head SAC	000714	5.2km east northeast
Ballyman Glen SAC	000713	5.4km north
The Murrough Wetlands SAC	002249	8.7km south east
The Murrough SPA	004186	9.5km south east
Rockabill to Dalkey Island SAC	003000	11.6km north northeast
Dalkey Islands SPA	004172	13.7km north northeast
Glensamole Valley SAC	001209	14.7km north west

#### 4.1 Potential Zone of Influence of Project and Screening of Natura 2000 Sites

Based on the size and nature of the proposed project at Calary Quarry, it is considered that the maximum distance for which the project should be evaluated in terms of Natura 2000 sites is up to a maximum radius of 2km from the application site, unless, there are any potential source-pathway-receptor links between the proposed project and any Natura 2000 site(s) outside this distance.

At a distance greater than 2km, and in the absence of any potential source-pathway-receptor link, it is considered that no Natura 2000 sites would be affected by any direct loss of habitat or impacted by any effects arising from disturbance (i.e. noise, vibration and human and visual disturbance), the effects of dust deposition or traffic emissions.

The Killough River, which would directly receive any approved discharge from dewatering of the existing flooded quarry void or any surface water run-off / groundwater inflow arising during the operation of inert soil recovery facility and the Glenree River do not flow through, or have any hydrological connectivity with any Natura 2000 sites.

Based on the above, it is considered that all of the following Natura 2000 sites can be screened out from any further assessment at this stage, as there will be no source-pathway-receptor link between the project and these Natura 2000 sites:

- Glen of the Downs SAC;
- Wicklow Mountains SAC;
- Knocksink Wood SAC;
- Carriggower Bog SAC;

- Bray Head SAC;
- Ballyman Glen SAC;
- The Murrrough Wetlands SAC;
- The Murrrough SPA;
- Rockabill to Dalkey Island SAC;
- Dalkey Islands SPA; and
- Glensamole Valley SAC.

At a distance of 2.5km from the proposed project site, it is considered that there is the possibility of connectivity between Calary Quarry and the qualifying birds species for which the Wicklow Mountains were classified as a SPA. This is based on the distance these species may travel beyond the boundary of the SPA. Therefore the Wicklow Mountains SPA is deemed as relevant and screened-in as part of this assessment.

## 4.2 Wicklow Mountains SPA

### 4.2.1 Site Description

Wicklow Mountains SPA (covering c.30,027ha) is an extensive upland site dominated by blanket bog, heath and upland grassland, but which also contains some native oak woodland. These habitats support good examples of upland and woodland bird communities.

### 4.2.2 Qualifying Interests

The Wicklow Mountains qualify as a SPA under Article 4 of the Birds Directive because they regularly supports populations of European importance including:

- Merlin (*Falco columbarius*); and
- Peregrine (*Falco peregrinus*).

### 4.2.3 Conservation Objectives

The overarching conservation objective for the Wicklow Mountain SPA is to maintain or restore the favourable conservation status of a bird species of Special Conservation Interest for this SPA<sup>5</sup>.

The favourable conservation status of a species is achieved when:

- the population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats; and
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future; and
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

### 4.2.4 Site Vulnerabilities

The site vulnerabilities, including any key pressures or trends within and around the Wicklow Mountains SPA, taken from the Natura 2000 Standard Data Form for this site, that have been identified as impacting upon the site, may be summarised as:

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<sup>5</sup> NPWS (2015). *Conservation Objectives for Wicklow Mountains SPA [004040]*. Generic Version 4.0. Department of Arts, Heritage & the Gaeltacht.

- agriculture:
  - grazing,
- silviculture, forestry,
- mining, extraction of materials and energy production:
  - peat extraction,,
- transportation and service corridors:
  - paths, tracks, cycling tracks.
- human intrusions and disturbance:
  - walking, horse-riding and non-motorised vehicles.

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## 5.0 HAZARDS AND POTENTIAL EXPOSURE (SCREENING ASSESSMENT)

This section identifies the potential hazards (i.e. the pathways) through which the proposed project could affect the interest features of the Wicklow Mountains SPA and whether the exposure to a particular hazard is likely to have a significant effect as a stand-alone project.

The main purpose of this stage is to screen out those aspects of the project that can be considered not likely to have a significant effect, as well as those qualifying features of the Wicklow Mountains SPA that are not likely to be significantly affected from the exposure to a potential hazard and/or pathway. This is essentially a risk assessment to decide whether a more detailed assessment is required, and if so, the scope of the issues and features to be addressed. If it cannot be concluded with confidence that adverse effects are unlikely, then under the precautionary principle, it is assumed that the issue requires more detailed consideration.

Significant effects are defined in terms of changes to the baseline conditions of one or more the qualifying interest features for which the Wicklow Mountains SPA was classified as being of European importance, whether negative or positive, and which are likely to be directly and indirectly attributable to the proposed project at Calary Quarry, as a stand-alone project.

### 5.1 Hazard Identification and Potential Exposure

To assess the connectivity of Calary Quarry with the qualifying birds species of merlin and peregrine for which the Wicklow Mountains SPA is of European importance, guidance published by Scottish Natural Heritage (SNH)<sup>6</sup> has been used to determine the core ranges for these species.

Table 2 provides a summary of an initial screening of potential connectivity between Calary Quarry and the qualifying bird species of the Wicklow Mountains SPA. Please note that for the purpose of this screening exercise, the distances have been measured from the boundary of the SPA and not from any recorded individual nesting sites for the relevant species which are at a greater distance from the quarry than the boundary of the SPA.

**Table 2: Assessment of Potential Connectivity between Calary Quarry and Wicklow Mountains SPA**

	Receptor	Core Ranges	Potential Connectivity with Calary Quarry
Distance Between Alternative Nest Sites	Merlin	Generally 500m, but can be up to 1.5km	No connectivity and screened out
	Peregrine	Mean distance of 3km and maximum distance of 6.5km	Potential connectivity and screened in
Foraging Range From Nest Site During Breeding Season	Merlin	Within 5km	Potential connectivity and screened in
	Peregrine	Core range of 2km	No connectivity and screened out

<sup>6</sup> Scottish Natural Heritage (2013). *Assessing Connectivity with Special Protection Areas (SPAs)*. Scottish Natural Heritage.

A review of the potential hazards, based on the scale and nature of the project and on the potential connectivity with the Wicklow Mountains SPA, that might affect the interest features for which this Natura 2000 site was classified, has identified the following potential hazards and which are carried forward for further assessment in Section 6:

- direct loss of potential peregrine alternative nesting site;
- loss, damage, disturbance and fragmentation of potential merlin foraging habitat; and
- noise and visual disturbance.

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## **6.0 ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS OF PROJECT**

### **6.1 Direct Loss of Potential Peregrine Alternative Nesting Site**

#### **6.1.1 *Peregrine Breeding Sites within the Wicklow Mountains SPA***

The Wicklow Mountains currently holds 20 known breeding sites for peregrines with a further 20 confirmed breeding sites in Co. Wicklow. The peregrine population is considered stable but monitoring has shown that fluctuates which appears to be linked with weather conditions during the period when eggs are young hatching.

Peregrines in Wicklow are site faithful and tend to re-use traditional sites each year, although there may be alternative nesting ledges at any particular site which birds may move between.

There are no known peregrine nesting sites within the mean core distance of 3km of Calary Quarry. The nearest recorded site is at the cliffs at Powerscourt lying outside the Wicklow Mountains SPA at a distance of 3.3km from Calary Quarry. Other confirmed breeding sites in proximity to Calary Quarry include Raven's Glen at over 5km, North East Bray head site at 6.5km and Ballyvolan at over 11km.

#### **6.1.2 *Status of Peregrine at Calary Quarry***

As far as can be ascertained, there have been no historical records of peregrines breeding at Calary Quarry.

The exposed rock faces at Calary Quarry were assessed as providing suitable nest-sites for peregrine on the initial site visit made in February 2015. Based on this assessment, three further site visits were made to the site on 20<sup>th</sup> March, 16<sup>th</sup> April 2015 and 19<sup>th</sup> May 2015 to record any signs of occupation by this species. During each visit, a minimum of three hours of observation was undertaken to identify any peregrines at the quarry site or flying over adjacent areas, indicating potential territory occupancy by this species.

On 20<sup>th</sup> March 2015, a male peregrine was recorded calling from a ledge on the eastern quarry wall and confirmed territorial occupation of Calary Quarry. In addition, two further peregrines were observed flying over the land to the east of the quarry site, on the lower slopes of the Great Sugar Loaf Mountain.

No peregrines were recorded as present or any evidence found to indicate nesting on 16<sup>th</sup> April 2015 or 19<sup>th</sup> May 2015.

#### **6.1.3 *Assessment of Effects on Peregrine***

The backfilling of the quarry void will result not result in any loss of any confirmed site used for breeding purposes by peregrines. As quarry at Calary has not been or is currently used for breeding by peregrines then no effects are predicted on the population status of this species at the Wicklow Mountains SPA and wider surrounding area as result of the proposed project.

**Table 3: Summary of Assessment of Significance of Loss of Peregrine Alternative Nesting Site in Light of Conservation Objectives for this Species**

Conservation Objectives	Assessment of Significance in Light of Conservation Objectives
Population dynamics data on the peregrine indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats.	No likely significant effects predicted
The natural range of peregrine is neither being reduced nor is likely to be reduced for the foreseeable future.	No likely significant effects predicted
There is, and will probably continue to be, a sufficiently large habitat to maintain the peregrine population on a long-term basis	No likely significant effects predicted

## 6.2 Habitat Loss, Damage, Disturbance and Fragmentation of Potential Merlin Foraging Habitat

The habitat requirements for merlin are wide open areas, with an abundance of small birds to hunt and are often typically associated with open moorland which provides suitable foraging and ground nesting habitat but which may also utilise abandoned corvid nests in trees.

Calary Quarry is assessed as providing low quality foraging opportunities for merlin, with the habitats not supporting the abundance of small birds for prey, and the site being too confined by the quarry walls to provide optimum conditions for this species to chase its prey.

Given the availability of alternative and extensive higher quality foraging habitat in the wider surrounding area, and particularly on the Great Sugar Loaf Mountain, it is considered that the loss of 8.6a of low quality foraging habitat at Calary Quarry will not have any effects on the distribution, or on the status, of the local population in light of conservation objectives for this species (Table 4).

**Table 4: Summary of Assessment of Significance of Loss of Potential Merlin Foraging Habitat in Light of Conservation Objectives for this Species**

Conservation Objectives	Assessment of Significance in Light of Conservation Objectives
Population dynamics data on the merlin indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats.	No likely significant effects predicted
The natural range of merlin is neither being reduced nor is likely to be reduced for the foreseeable future.	No likely significant effects predicted
There is, and will probably continue to be, a sufficiently large habitat to maintain the merlin population on a long-term basis	No likely significant effects predicted

### **6.2.1 Effects of Noise and Visual Disturbance on Peregrine and Merlin**

It is recognised that assessing the impacts of disturbance to birds is difficult and that there are no environmental standards that can be applied for birds, unlike for human beings. There has been a wide range of studies into disturbance and its consequences for birds, but the responses by individual and groups of birds is complex and can be dependent upon a number of environmental variables as well as between individual sites. However, it is generally accepted that noises of 70dB (likely disturbance threshold for many bird species) or greater can have an impact on bird species at a distance of up to 300m from its source, for high level and discontinuous disturbance.

Certain species of birds are likely to be more vulnerable to noise and visual disturbance than others. Analysis of the responses of certain bird species to disturbance has found that passive, low-level and continuous disturbance is likely to lead to habituation by birds to such disturbance, whereas active, high level and discontinuous disturbance is likely to lead to the displacement of some bird species from the area, except for only the very tolerant species<sup>7</sup>.

Under AQTAG09<sup>8</sup> where specific noise from industry, or industrial related activity, measured at the habitat / nest site is below the levels of 55dB LAeq,1hr, it is considered unlikely that it will have an adverse impact.

A noise assessment carried out as part of the Environmental Impact Assessment predicts that there will be no changes in existing ambient noise levels as a result of the operation of the inert soil recovery facility and backfilling of the quarry void at Calary. It also predicts that the resultant L<sub>Aeq,1hr</sub> noise levels on the Great Sugar Loaf Mountain would be at 48dB.

The operation of the inert soil recovery facility and backfilling of the quarry void will increase noise level within the quarry site itself, which is likely to have an impact on this area of territory used by peregrines. However, this species has shown that it can become inured to the effects of a certain degree of human disturbance, with peregrines often occupying and nesting in active quarries and urban areas. It is very unlikely therefore that the levels of disturbance generated at the application site would significantly change the territorial behaviour or would affect the distribution and status of the local peregrine population.

With no changes predicted in disturbance to the areas adjacent the quarry site and with noise levels predicted to be at 48dB on the Great Sugar Loaf Mountain, it is assessed that any peregrines and/or merlins with territories extending across wider surrounding areas will already be somewhat habituated to the existing ambient noise levels and no effects on the distribution or on the status of the local population in light of conservation objectives for these species are predicted (Table 5).

<sup>7</sup> Hockin, D., Ounsted, M., Gorman, M., Hill, D., Keller, V. And Barker, M.A. (1992). *Examination of the Effects of Disturbance on Birds with Reference to its Importance in Ecological Assessments*. Journal of Environmental Management Vol 36 pp 253-286.

<sup>8</sup> Ormerod, L., Goodlad, N. and Horton, K. (2005) AQTAG09 – *Guidance on the Effects of Industrial Noise on Wildlife*. Air Quality Technical Advisory Group.

**Table 5: Summary of Assessment of Significance of Disturbance on Peregrine and Merlin in Light of Conservation Objectives for these Species**

Conservation Objectives	Assessment of Significance in Light of Conservation Objectives
Population dynamics data on the peregrine and merlin indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats.	No likely significant effects predicted
The natural range of peregrine and merlin is neither being reduced nor is likely to be reduced for the foreseeable future.	No likely significant effects predicted
There is, and will probably continue to be, a sufficiently large habitat to maintain the peregrine and merlin population on a long-term basis	No likely significant effects predicted

### 6.3 Summary of Screening Assessment

Based on the assessment above, it is assessed that the proposed development and operation of an inert soil recovery facility at Calary Quarry to facilitate the restoration and backfilling of an existing quarry void using imported inert soil and stone, will not have any stand-alone significant effects on the Wicklow Mountains SPA or on any of the qualifying bird species for which this site has been classified as being of European importance. It is therefore considered that no further assessment is required for the proposed project at Calary Quarry as a stand-alone project.

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## 7.0 AVOIDANCE AND MITIGATION

As no effects are predicted on any Natura 2000 sites no specific avoidance and mitigation measures are proposed in respect of this project over and above those measures included within the overall scheme design.

However, Roadstone Limited will ensure the operation of the inert soil recovery facility and backfilling operations at Calary Quarry will be undertaken in accordance with “best practice” and appropriate guidelines, for example the Department of the Environment, Heritage and Local Government (DoEHLG) Quarries and Ancillary Activities – Guidelines for Planning Authorities<sup>9</sup>, the EPA’s Environmental Management in the Extractive Industry guidelines<sup>10</sup> and the Irish Concrete Federation (ICF) Environmental Code<sup>11</sup>, and in a sensitive manner and with all due regard to current legislation in respect to the Wicklow Mountains SPA and its qualifying bird species especially in regards to the peregrine falcon.

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<sup>9</sup> Department of the Environment, Heritage and Local Government (2004). *Quarries and Ancillary Activities – Guidelines for Planning Authorities*. DoEHLG.

<sup>10</sup> Environmental Protection Agency (2006). *Environmental Management Guidelines – Environmental Management in the Extractive Industry (Non-Scheduled Minerals)*. EPA, Wexford.

<sup>11</sup> The Irish Concrete Federation (2005). *Environmental Code. 2<sup>nd</sup> Edition*. ICF, Dublin.

## 8.0 IN-COMBINATION ASSESSMENT

It is a requirement of The European Communities (Birds and Natural Habitats) Regulations 2011 that, when considering whether a plan or project will adversely affect the integrity of a Natura 2000 site that it must take into account in-combination effects with other current or reasonably foreseeable plans and projects.

There is no single agreed method for addressing the issue of in-combination effects, however, current practice and available guidance suggests a staged approach, which takes into account the following:

- i. if it can be clearly demonstrated that the plan or project will not result in any effects at all that are relevant to the integrity of a Natura 2000 site, then the plan or project should proceed without considering the in-combination test, further; or
- ii. if there are identified effects arising from the plan or project, even if they are perceived as minor and not likely to have a significant effect on the integrity of a Natura 2000 site alone, then these effects must be considered 'in-combination' with the effects arising from other plans and projects.

From the screening assessment undertaken here, it is considered that it can be clearly demonstrated that proposed development and operation of an inert soil recovery facility at Calary Quarry to facilitate the restoration and backfilling of an existing quarry void using imported inert soil and stone will not have any effects on any Natura 2000 site as a stand-alone project. Therefore it is considered that there is not a requirement in this case to undertake any further assessment in-combination with other plans and projects.

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## 9.0 SUMMARY AND CONCLUSIONS

This assessment has considered the potential effects associated with the proposed development and operation of an inert soil recovery facility for the restoration and backfilling of Calary Quarry on Natura 2000 sites within a 15km radius.

The assessment has concluded that the development and operation of the recovery facility and the backfilling of the quarry void will have no effect on the integrity of any Natura 2000 site, or on any of the qualifying habitats and/or species for which a site has been designated or classified as being of European importance, either as a stand-alone development or in combination with other plans or projects.

Based in the findings from this assessment, it is considered there is not a requirement to proceed to a Stage 2 Natura Impact Assessment for the development and operation of the proposed inert soil recovery facility at Calary Quarry which will facilitate its restoration and backfilling to former ground level using imported soil and stone.

### 9.1 Natura Impact Statement –Summary

A summary of the NIS and findings of no significant effects in line with the methodology set out in the 'Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites. Methodological Guidance on the Provision of Article 6(3) and (4) of the Habitats Directive 92/43/EEC' is provided in Table 6.

**Table 6: Finding of No Significant Effects Report**

<b>Name of project or plan</b>	Inert Soil Recovery Facility at Calary Quarry, Kilmacanogue, Co. Wicklow.
<b>Name and location of Natura 2000 site(s)</b>	<p>The following sites lie within a 15km radius of the proposed project site:</p> <ul style="list-style-type: none"> <li>• Glen of the Downs SAC [000719], 2.3km south east at closest point;</li> <li>• Wicklow Mountains SPA [004040], 2.5km west southwest;</li> <li>• Wicklow Mountains SAC [002122], 3.2km west;</li> <li>• Knocksink Wood SAC [000725], 4.6km north;</li> <li>• Carriggower Bog SAC [000716], 4.6km south;</li> <li>• Bray Head SAC [000714], 5.2km east northeast;</li> <li>• Ballyman Glen SAC [000713], 5.4km north;</li> <li>• The Murrough Wetlands SAC [002249], 8.7km south east;</li> <li>• The Murrough SPA [004186], 9.5km south east;</li> <li>• Rockabill to Dalkey Island SAC [003000], 11.6km north northeast;</li> <li>• Dalkey Islands SPA [004172], 13.7km north northeast; and</li> <li>• Glensamole Valley SAC [001209], 14.7km north west.</li> </ul>

Based on the size and nature of the proposed project it is considered that the maximum potential zone of influence, in the absence of any source-pathway-receptor link, would be up to a 2km radius of the project site.

All of the above sites are considered to lie outside the potential zone of influence of the proposed project, based on a 2km radius around the application site, with no potential environmental pathways linking the project site to any of these Natura 2000 sites, with the exception of Wicklow Mountains SPA.

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	<p>At a distance of 2.5km from the proposed project site, it is considered that there is the possibility of connectivity between Calary Quarry and the qualifying birds species for which the Wicklow Mountains were classified as a SPA. This is based on the distance these species may travel beyond the boundary of the SPA. Therefore the Wicklow Mountains SPA is deemed as relevant and screened-in as part of this assessment.</p>
<b>Description of the project/plan</b>	<p>The project involves the development and operation of an inert soil recovery facility to backfill the quarry void at Calary Quarry using imported inert soils, stone and minor quantities of recovered construction and demolition waste.</p> <p>The planning application seeks permission for the following:</p> <ul style="list-style-type: none"><li>• the importation and recovery of up to 3,300,00 tonnes (1.83 million cubic metres) of inert soil and stone and minor quantities of recovered construction and demolition waste to backfill / infill the existing quarry void to a final ground profile of approximately 290mOD on the eastern side of the quarry to approximately 250mOD on its western side;</li><li>• construction of a dedicated waste inspection and quarantine shed and provision of in-site storage container and</li><li>• associated ancillary infrastructure (to include site offices and welfare facilities, weighbridge, car parking, fuel storage facilities, site drainage and on-site water management and treatment systems).</li></ul> <p>It is anticipated that the backfilling operations and restoration of Calary Quarry would take in the region of 10 to 12 years to complete.</p> <p>The site will operate from 06:00 to 18:00hrs Monday to Friday and 08:00 to 14:00 on Saturday. No operations will take place outside these times or bank holidays.</p> <p>The project is anticipated to generate an average daily total (AADT) of up to 12 heavy goods vehicle (HGV) movements per hour through the importation of inert soil waste materials. The main route to and from the facility will be along the R755 Regional Road to Junction 8 of the N11 National Primary Road at Kilmacanogue.</p> <p>The quarry void will be de-watered prior to receiving any imported waste materials. All water will be discharged via the existing discharge point to the Killough River, in compliance with emissions limits set by an existing discharge licence issued by Wicklow County Council (Ref. No. WPL87). Before the onset of any dewatering operations, new settlement ponds and a hydrocarbon interceptor will be installed will be installed at the application site to treat any run-off before its discharge off-site.</p> <p>Once operational, all incidental rainfall, surface water run-off and groundwater inflows will be allowed to naturally recharge into the ground or directed into sumps where it will be discharged from site in compliance with the terms of the existing discharge licence (though these would be superseded by any waste licence issued by the EPA).</p>
<b>Is the project or plan directly connected with or necessary to the management of the site?</b>	No

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**Are there other projects or plans that together with the project or plan being assessed could affect the site?**

No

***The assessment of significance of effects***

**Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 sites**

The development and operation of an inert soil recovery facility to facilitate restoration and backfilling of Calary Quarry will have no effects on the integrity of the Wicklow Mountain SPA, or on its qualifying bird species including:

- merlin; and
- peregrine.

for which this site is of European importance and in light of the conservation objectives for the SPA or individual qualifying bird species, either as a stand-alone project or in-combination with other plans and projects.

**Explain why the effects are not considered significant**

The project will not result in any direct land take or reduction in habitat area of Wicklow Mountains SPA.

The project will not result in the loss of any confirmed alternative nesting site for peregrine and/ or merlin within the mean core ranges of these species around the Wicklow Mountains SPA.

The project will not result in any significant loss of potential foraging habitat for merlin or peregrine mean core ranges of these species around the Wicklow Mountains SPA which would impact on the local population status of these species.

The operation of the inert soil recovery facility and backfilling of Calary Quarry is not predicted to increase overall ambient noise levels where there would be any effects on the territorial behaviour of peregrines and merlins that may include the quarry at Calary and wider surrounding areas including the Great Sugar Loaf Mountain.

**List of agencies consulted: provide contact name and telephone or e-mail address**

Mr Michael Murphy, Dept. Of Arts, Heritage & the Gaeltacht  
 Tel: (053) 911 7516

***Data collected to carry out the assessment***

<b>Who carried out the assessment</b>	<b>Sources of data</b>	<b>Level of assessment completed</b>	<b>Where can the full results of the assessment be accessed and viewed?</b>
Steve Judge Senior Ecologist MCIEEM (SLR employee)	NPWS	Stage 1 – Screening Assessment  Review of desk-top information relating to the Natura 2000 sites and qualifying features.  The assessment is qualitative and is based on best practice and professional experience.	This document.

## 10.0 CLOSURE

This report has been prepared by SLR Consulting Ireland (SLR) with all reasonable skill, care and diligence, and taking account of the manpower and resources devoted to it by agreement with the client. Information reported herein is based on the interpretation of data collected and has been accepted in good faith as being accurate and valid.

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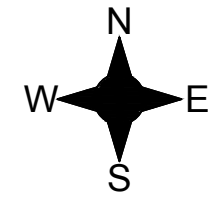
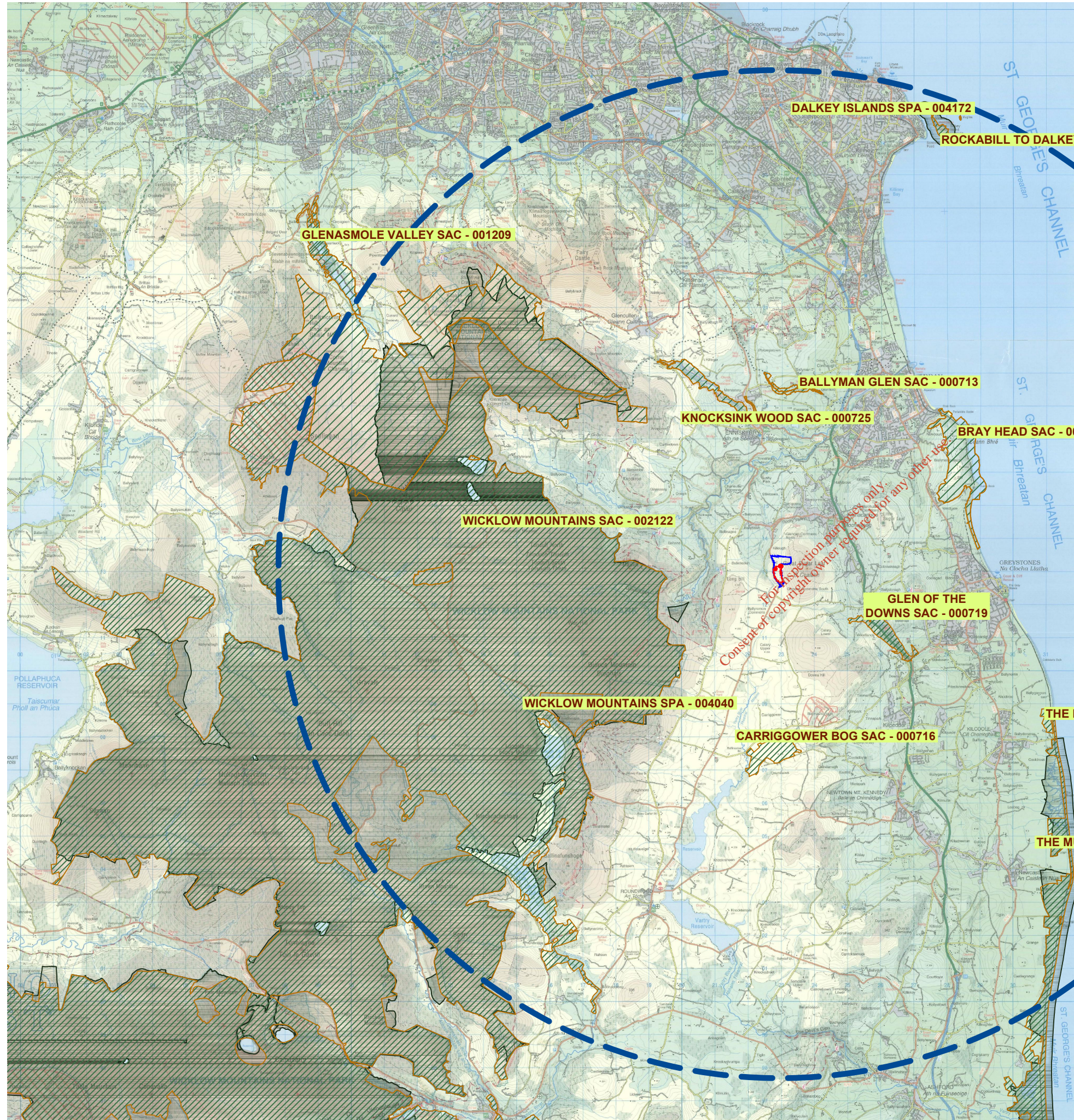
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**NOTES**

1. ORDNANCE SURVEY IRELAND LICENCE NO. SU 0000716 (C) ORDNANCE SURVEY IRELAND & GOVERNMENT OF IRELAND
2. MAPPING FROM ORDNANCE SURVEY DISCOVERY SERIES MAPPING - MAP NO'S 68, 69, 76 & 77

**LEGEND**

	ROADSTONE LIMITED LAND INTEREST (c.25.4 Hectares)
	PLANNING APPLICATION AREA (c.9.1 Hectares)
	15KM RADIUS FROM PLANNING APPLICATION AREA
	NPWS - SPECIAL AREA OF CONSERVATION (SAC)
	NPWS - SPECIAL PROTECTION AREA (SPA)

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**ROADSTONE LIMITED  
 APPROPRIATE ASSESSMENT  
 INERT SOIL WASTE RECOVERY FACILITY  
 CALARY QUARRY,  
 KILMACANOGE, CO. WICKLOW  
 LOCATION OF PROJECT AND  
 NATURA 2000 SITES**

**FIGURE 1**

Scale 1:125,000 @ A3 Date MAY 2016



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