

17 April 2009

REGISTERED POST

SEAN KELLY  
c/o Tom Phillips and Associates  
The Chancery  
3-10 Chancery Lane  
Dublin 8

**PLANNING AND DEVELOPMENT ACT 2000**

**Planning No: 20082323**

**Applicant: SEAN KELLY**

**Proposed: RETENTION FOR DEVELOPMENT ON A SITE OF 5.52 HECTARES. RETENTION AND CONTINUED OPERATION, INCLUDING EXTENSION OF THE EXISTING SAND AND GRAVEL PIT TO PROVIDE A FINAL OVERALL EXTRACTED AREA OF 3.45 HECTARES AND TO A DEPTH OF 60 METRES OD. RETENTION IS ALSO SOUGHT FOR THE EXISTING MOBILE SAND AND GRAVEL SCREENING PLANT; LOADING AREAS; AND VEHICLE PARKING AREAS. THE SAND AND GRAVEL PIT WILL BE SERVED BY THE EXISTING ON SITE HAUL ROUTE FROM THE EXSITING VEHICULAR ACCESS POINT ALONG THE L-7003-1 COUNTY ROAD. THE PROPOSED DEVELOPMENT ALSO INCLUDES AN EXTENSION TO THE EXISTING ON-SITE HAUL ROUTE AND NEW EGRESS POINT ALONG THE L-7003-1 COUNTY ROAD; A WHEELWASH, AREAS OF STOCKPILING; LANDSCAPING; AND ALL OTHER SITE DEVELOPMENT WORKS ABOVE AND BELOW GROUND, INCLUDING THE RESTORATION OF THE FINAL PIT VOID (EXTRACTIVE AREA).**

**Location: BALLINROOAUN, CASTLE ELLIS**

*A Chara,*

I wish to refer to the above application for **PERMISSION FOR RETENTION** under the above Act, and to your response to our request for further

information, received on 23 March 2009. To enable your application to be considered, it will be necessary for you to clarify the following and submit your response:

1. The applicant is advised that it is the opinion of the Development Applications Unit of the Department of Environment Heritage and Local Government that the documents submitted do not form a normal Appropriate Assessment as per Article 6 of the Habitats Directive in relation to the adjacent Screen Hills candidate Special Area of Conservation (site code 000708). The applicant is advised to consult with the National Parks and Wildlife Service prior to submitting an Appropriate Assessment in accordance with Article 6 of the Habitats Directive.
2. Clarification of this further information request must be submitted to the Planning Authority to provide adequate time to issue a decision on 12th May 2009.

Note: The applicant is advised that this request for further information does not necessarily indicate that permission would be subsequently granted.

3. Having regard to the revised ecological report and restoration plan submitted it is considered that applicant failed to demonstrate with certainty that the proposed development would not negatively impact on the ecological status of the SAC or NHA. It is considered that this would be contrary to the Precautionary Principle which is enshrined in the Wexford County Development Plan 2007-2013. Please therefore submit clarifying information to support the claims that the proposed development will not impact negatively on the S.A.C./pN.H.A.
4. The applicant is advised that the restoration of the existing and proposed areas plan is deemed inadequate. Please note that:
  - ' the nature of any impact on rare plants is not clarified in terms of duration, probability of success in retaining population, significance in terms of local population
  - ' there is no plan for removal or transplanting of rare plants from the development site during operation
  - ' the restoration proposal for the damaged lands does not contain any soil analysis to examine the specific features of the dry heath soil at local level (topsoil depth, nutrient status, base status), thus to ensure

restoration of habitat with similar processes

' there is no reference to exclusive use of topsoil harvested on-site

' there is no differentiation made in the use of topsoil that has been subjected to nutrient enrichment by fertilising and topsoil that retains natural nutrient status

' there is no reference to feasibility of any form of suitable habitat management (grazing, mowing, control of invasive scrub) on the restored lands having regard to their nature.

' Inadequate information has been provided with regard to the methods for laying/spreading soil.

5. The Planning Authority notes that the report detailing the impacts of the proposed development on the geomorphological feature has failed to indicate the significance of the geomorphological feature nor the significance of any impacts on same. Please submit clarifying information to demonstrate the same. Please also submit your proposals to mitigate associated impacts.
6. It is noted that the applicant refers to the re-grading of the face to resemble the kettle/kame topography but that the sections submitted show a steeply sloped and stepped, geometric, face. This is considered as inappropriate, please clarify this issue and submit revised drawings as appropriate. The applicant is advised that any revised proposed should be accompanied by a revised report on the stability of the slopes, availability of volumes required etc.
7. The Planning Authority has significant concerns that the proposed final face of the pit subsequent to mitigation would be subject to slump and rain water erosion particularly having regard that there will be no planting to stabilise the slope. This would have serious implications as it would mean that neither the visual nor ecological mitigation measures would be successful. Please clarify this issue and supply supporting data and methods. The ecological report should also address this possible instability having regard to the proposed natural regeneration of the site.
8. The groundwater assessment submitted is inadequate as it fails to demonstrate whether there are further ground-water fed oligatrophic lakes downstream of the proposed development which could be impacted by a deterioration in groundwater quality. Please submit revised proposals to demonstrate the same.

9. The applicant is advised that the proposals to provide lay-bys are inappropriate as the proposals are not included within the site edged red and that they appear to encroach on private property. Furthermore the details submitted are insufficient. Please submit revised proposals. The applicant is advised to consult with the Area Engineer prior to the submission of any further such proposals. Unless it is agreed that the Area Engineer will carry out these works all alterations carried out must be included within the site edged red and the consent of all relevant owners to include the lands within the site edged red and to carry out the works must be submitted. It will also be necessary to erect site notices at all locations it is proposed to alter the road.

The applicant is advised that clarification items listed above must be submitted by the 30th April 2009.

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**NOTE: That 6 no. copies of all documentation must be submitted. All plans/maps/drawings/ specifications must bear the full name and address of the person by whom they were prepared. In accordance with Article 33(4) of the Planning and Development Regulations 2001, please note that where there is a failure to reply to this request for further information within 6 months of the date of the request the application shall be declared to be withdrawn.**

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Please note that **Deirdre Kearns**, Executive Planner, is dealing with this matter and can be contacted at the *Planning Department*, tel. **(053) 917 6500** if you have any queries. Any queries regarding applications in the Enniscorthy area should be directed to the Planner in the Enniscorthy Office on **(053) 923 3212**.

*Mise, le meas,*

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N. McDonnell, S.E.O.,  
Planning & Development