

PLANNING AND DEVELOPMENT ACTS 2000 (as amended)

SCANNED

PLANNING REGISTER NO: Q019

ORDER NO: **16778/012**

ORDER: In exercise of the powers, functions and duties vested in the County Manager by Section 149 of the Local Government Act, 2001, which were, on the 16th July, 2012, delegated to me by the County Manager pursuant to Section 154 of the Local Government Act, 2001, it is hereby ordered that the decision of the Wexford County Council on the application described in the Schedule to this Order is as shown therein, and that the appropriate notifications be issued pursuant to Section 261A of the Planning & Development Act of 2000 (as amended)

Signed by me at the County Hall, Wexford, on **16th** August 2012

EAMONN HOKK

DIRECTOR OF SERVICE

SCHEDULE

SECTION 261A(3) – Quarries – Substitute Consent

QUARRY REF : **Q019**

NAME OF OPERATOR: **SEAN KELLY**

ADDRESS OF OPERATOR:



LOCATION OF QUARRY: **BALLYROOAUN, SCREEN**

DECISION: Required to submit an application to An Bord Pleanála for Substitute Consent for the quarry development. The application for substitute consent shall be made in accordance with Section 177E of the Planning & Development Act 2000-2010, as amended and the Planning & Development Regulations, 2001-2012 and shall be accompanied by a remedial Natura Impact Statement of the quarry development, undertaken in accordance with Section 177F and Section 177G of the Planning & Development Act 2000-2010, as amended.

DATE OF DECISION: **16th** August 2012

SCANNED



Wexford County Council

Re: Registration of a quarry under Section 261, of the Planning and Development Act, 2000.

Quarry Registration No: 19

Applicant(s): Mr. Sean Kelly

Location: Ballinroonaun, Castle Ellis, Screen, Enniscorthy, Co-Wexford.

Site Inspection

The subject site was inspected on the 20th day of December 2005.

Site Location

The site is located in the rural area of Castle Ellis, Screen, Enniscorthy. The quarry is accessed from a county road over a narrow agricultural laneway servicing the applicants agricultural lands in the area. Sightlines at the point where the laneway joins the public road are substandard in either direction. There are no dwellings located within 300m of the site of the quarry.

Planning History

There is no recorded planning history relating to the granting of permission for quarrying/extraction at this site. The applicants have stated that quarrying commenced at this site in the 1940's, with the quarry been used periodically since then with sand being extracted for construction of local dwellings. It has also been stated that the pit has been in more continued use since 1999. This intensification of use has not been permitted.

Special Provisions

Having regard to the GIS mapping system, the site is located within a designated National Heritage Area (NHA), Screen Hill, reference NHA-WX-36. The quarry is bound to its rear by a Special Area of Conservation (SAC), Screen Hill, reference SAC-WX-17.

On-site Quarrying Activity

The area to which the quarry application related is stated as being 4.5 hectares of which the applicant has stated that the extraction areas is 4.5 hectares. Having inspected the site it was evident that an area less than the 4.5 hectares stated on the application form has been extracted. The main form of extraction from the site is sand. No noise, dust or water quality details were submitted as part of this registration process as the applicant stated they are N/A. The proposed finished floor level of the quarry was not submitted.

The applicant has indicated that c. 10 truck loads are removed from the site each day. Sand was been removed by tractor and trailer upon site inspection.

Sand was been stored outside of the indicated quarry site upon inspection. Back filling had also been undertaken on an area with spoil close to the sand storage area. The indicated quarry area is larger than that which was active upon site inspection.

Recommendation:

It should be noted that significant quantities of sand have been removed from the site since 2000. This is evident from the 'Orthophoto/aerial photograph'. This intensification of use is not permitted. An application for retention and continuation of use will be required in that regard. A note has been attached to the end of the further information request advising the applicant of same.

Insufficient information has been submitted in regard to this registration application. Further information as listed below is accordingly required.

When making the decision you are advised that the statutory six month period for issuing public notice of the registration of the quarry in accordance with Section 261 (4) (a) was not undertaken.

1. You are required to submit sections at 20 metre intervals through the site (south west to the north east) showing;
 - (a) Existing ground levels,
 - (b) Existing extracted levels, and,
 - (c) Final proposed extracted levels.

As part of your response to this item you are also required to submit,

- (i) the proposed volume of material to be excavated,
- (ii) the time period proposed for this extraction,
- (iii) extraction records from the existing quarry showing the average and maximum extraction per month and per year over the previous 10 years, and,
- (iv) supportive evidence to substantiate the stated extraction rates.

Note: Levels submitted are to be relative to O.D. and given in metres and/or feet.

2. You are required to confirm how any spoil generated as result of activities at the site are currently disposed of/stored. You are required to clearly distinguish between any temporary and permanent spoil heaps. Maps as appropriate are to be submitted.
3. You are required to clarify;
 - (a) what purpose the aggregate material is be used for, and,
 - (b) the location (if any) where it is processed for further usage.
4. (a) You are required to submit your detailed Closure Plan for the site, accompanied by a detailed certified Schedule of Costs for implementing proposed closure plan and measures to ensure that adequate finances are available to ensure that proposed restoration works are implemented.
(b) You are required to give details of all restoration works on the site which have been implemented to date.
5. Having regard to the notes attached to this item, you are advised that the existing agricultural lands which do not form part of the quarry area and cannot be included within the boundaries of this application. Revised maps as appropriate are required in this regard.

Note: You are advised that a "quarry" means an excavation or system of excavations made for the purpose of, or in connection with, the getting of minerals (whether in their natural state or in solution or suspension) or products of minerals, being neither a mine nor merely a well or bore-hole or a well and bore-hole combined.

"Mine" and "quarry" include, respectively, any place on the surface surrounding or adjacent to the shafts of the mine or to the quarry occupied together with the mine or quarry for the storage or removal of the minerals or for the purposes of a process ancillary to the getting of minerals, including the breaking, crushing, grinding, screening, washing or dressing of such minerals but, subject thereto, does not include any place at which any manufacturing process is carried on.

6. Sand was being storey in an area outside of this quarry application (to the west). Back filling has also being undertaken on lands north of this storage area. Please clarify under which grant of permission both of these items were undertaken. In the event that both of these items are unauthorised you are required to submit your proposals to regularise these issues.

Footnote: You are advised that the intensification of use of the quarry since an unknown date in the year 2000 or after as evident from site inspection and aerial photography from the year 2000, constitutes an intensification of use. This intensification of use was not permitted and is therefore unauthorised. The Section 261 process does not regularise unauthorised quarries and associated works or intensification of use. This registration application has been referred to the enforcement section for follow up action.

Footnote: You are required to forward your response to this request for information within six weeks upon receipt of this request to Mr. Niall McDonnell, Senior Executive Officer, Planning Department, Wexford County Council

You are advised that if you fail to provide information in accordance with this request for further information, the Quarry shall be unauthorised development.


Assistant Planner

Date: 11/2/2006

Senior Executive Planner

Date: _____

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