

**WEXFORD COUNTY COUNCIL PLANNING AUTHORITY**

**PLANNING AND DEVELOPMENT ACT 2000**

**NOTIFICATION OF GRANT OF PLANNING PERMISSION**

Further to Notification of Decision on the application described in the Schedule to this Notice the application has now been determined as set out therein and is hereby **GRANTED** in accordance with the drawings and documents submitted.

Signed on behalf of Wexford County Council James Deib

Date 24/09/09

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**SCHEDULE**

**PARTICULARS OF PLANNING APPLICATION**

PLANNING REG. NO.: 20082323

DATE OF APPLICATION: 19 September 2008

APPLICANT: SEAN KELLY  
Ballinrooan  
Screen  
Co Wexford

TYPE OF APPLICATION: PERMISSION FOR RETENTION

PROPOSED DEVELOPMENT: 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 EXISTING 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).

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LOCATION: BALLINROOAUN, CASTLE ELLIS

DECISION: GRANTED subject to CONDITIONS **as listed hereinafter.**

DATE OF DECISION: 17 June 2009

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## CONDITIONS AND REASONS THEREFOR

1. This permission relates to the plans and documentation submitted to the Planning Authority on the 19th September 2008 and the further information date stamped 23rd March 2009 and 21st May 2009. The development shall be retained in accordance with the documentation submitted, except as otherwise required by the conditions of this permission.

### REASON:

To ensure the proposed development accords with the permission and that effective control is maintained.

2. The period of the extraction at this quarry shall be for a maximum of 7 years from the notification of decision date of this permission. The duration of the permission is further extended for a period of 6 months for the carrying out of the works required under the closure plan referred to in Condition No. 26. Restoration and habitat management within the area of extraction and management of the 'compensation area' referred to in Condition No. 3 shall continue for so long as is agreed in accordance with restoration and management plans required under Condition No. 3.

### REASON:

In the interests of orderly development and to ensure that there is no net damage to the natural heritage in the area

3. Within 4 months of the date of the notification of decision on this application the applicant or proposed developer or his/her/their heirs shall enter into an agreement with the planning authority pursuant to this condition and pursuant to Section 47 of the Planning and Development Acts 2000. The agreement shall contain an undertaking and covenant to dedicate and maintain an area of land on the applicants landholding as 'compensation habitat' (hereafter referred to as the 'compensation area') and to provide and implement a long-term management and restoration plan for the entire of the extracted areas and the compensation area.

The agreement shall be accompanied by appropriate land registry folio maps and the management and restoration plan shall include details of:

- a) A detailed survey for rare plants across the whole of the extracted area and the compensation area;
- b) The compensation area shall be equal or greater to the combined area of impact on the existing c.S.A.C. and p.N.H.A. and the c.S.A.C. compensatory area shall be outside the existing SAC.
- c) The phasing and timing of the restoration works and the phasing of the management of both the extracted areas and the compensation area;
- d) Full details of the nature and extent of, and methods and specifications for, the management and restoration works for the combined extracted areas and compensation area.
- e) Details of survey and monitoring works which will be required to demonstrate the success of the restoration and management of the extracted areas and the success of the management of the compensation areas in achieving the required ecological status together with appropriate indicators which shall be agreed with the Planning Authority.
- f) The applicant shall submit annual updates and a final report (the latter at an agreed time) on progress of the restoration and management works in the extracted areas and the success of the same and the details of the success of the management of the

compensation area. The success of both shall be determined by reference to the indicators identified at e) above. If the results indicate that the restoration or management plan is not successful or fully successful then the restoration and management plan shall be amended and implemented accordingly.

g) Appropriate management within the combined areas area shall include but not be limited to low intensity grazing management, manual control of scrub where grazing is not successful, no supplementary feeding, no storage or dumping of agricultural waste, rare plant translocation or seed collection from Proposed Natural Heritage plot.

h) Restoration proposals shall use soil exclusively harvested in the site and shall incorporate details of the soil analysis results from the report prepared by Roger Goodwillie dated May 2009.

i) An undertaking to carryout all of the above.

j) That these works will be carried out ongoing notwithstanding any cessation of quarrying at the site in advance of the date of the expiry of permission at the site.

References to the extracted area in this condition include both the areas extracted to date (including the SAC) and those proposed. All reports shall be prepared by suitably qualified professionals.

The details of the agreement shall be registered as a burden on the property and shall be binding on any subsequent landowners, assignees and heirs.

The cost of the agreement shall be borne by the applicant/developer.

REASON:

To maintain the natural heritage of the area

4. No development shall be carried out in the 'compensation area' referred to in Condition No. 3 notwithstanding whether such works would be deemed as exempted development under the Planning & Development Act 2000-2007 and associated Regulations.

REASON:

To maintain the natural heritage of the area

5. The Developer shall pay to Wexford County Council a contribution in respect of works, consisting of the provision or improvement of public roads in the functional area of the Planning Authority. The contribution shall be payable immediately on issue of the final grant of permission and the amount shall be thirty thousand euro (€30,000.00).

REASON:

In accordance with the Development Contribution Scheme as provided for under the Planning and Development Acts 2000 to 2006.

6. The Developer shall pay to Wexford County Council a contribution in respect of works, consisting of the provision or improvement of community facilities in the functional area of the Planning Authority. The contribution shall be payable immediately on issue of the final grant of permission and the amount shall be eight thousand nine hundred and fifty euro (€8,950.00).

REASON:

In accordance with the Development Contribution Scheme as provided for under the Planning and Development Acts 2000 to 2006.

7. The developer shall pay to Wexford County Council an annual contribution towards the expenditure that was and/or is proposed to be incurred by the Local Authority in respect of

works which have facilitated or which will facilitate the proposed development. The amount of contribution shall be fifteen thousand euro (€15,000.00) The first contribution will be payable at the time of commencement of the development and each payment thereafter will be due on the 1st January each year for the duration of the permission. This contribution is in respect of road works.

REASON:

In accordance with Development Contribution Scheme as provided for under the Planning and Development Acts 2000 to 2006.

8. The developer shall pay to Wexford County Council an annual contribution towards the expenditure that was and/or is proposed to be incurred by the Local Authority in respect of works which have facilitated or which will facilitate the proposed development. The amount of contribution shall be three thousand four hundred and seventy two euro (€3,472.00) per annum. The first contribution will be payable at the time of commencement of the development and each payment thereafter will be due on the 1st January each year for the duration of the permission. This contribution is in respect of community facilities.

REASON:

In accordance with Development Contribution Scheme as provided for under the Planning and Development Acts 2000 to 2006.

9. Within 2 months of the date of notification of decision, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the Planning Authority to apply such security or part thereof to the satisfactory completion of the reinstatement, including all necessary demolition and removal. The amount of the security shall be two hundred thousand euro (€200,000.00) cash deposit or four hundred thousand euro (€400,000.00) bond from an insurance company.

REASON:

To ensure the satisfactory reinstatement of the site.

10. The connection to the public watermain shall be metered. The details of the connection to the watermain shall be agreed in writing with the Planning Authority within 3 months of the date of the notification of decision.

REASON:

In the interests of proper planning and development

11. The maximum extraction depth shall be 60m O.D.

REASON:

In the interests of public health and natural amenity.

12. The proposed works to provide lay-bys on the county road and the indicated set back of a wall in the village and the upgrading of the access lane shall be carried out in accordance with the details submitted within 4 months of the notification of decision date. The works shall be carried out and retained in accordance with details and specifications to be agreed with the planning authority within 2 months of the notification of decision. These works shall be overseen by of the Area Roads Engineer and the Planning Authority shall approve the contractor employed by the applicant to carryout these works.

REASON:

In the interest of traffic safety

13. Adequate vehicular queuing space shall be provided on the private lane between the public road and the entrance gates. Details of the same shall be agreed in writing with the Planning Authority within 3 months of the date of the notification of decision on this application.

REASON:

In the interests of traffic safety.

14. The works identified on the submitted plans to provide a safe access to the proposed development shall be completed prior to the commencement of development on the site.

REASON:

In the interests of traffic safety.

15. All services (electricity, telephone, etc) adjacent to and within the development shall be underground.

REASON:

In the interests of visual amenity.

16. Any damage to or interference with the roadside drainage shall be made good at the developer's expense, to the satisfaction of the Local Authority.

REASON:

In the interests of the proper planning and development of the area.

17. On-site operations associated with this development shall be carried out between 08.00 hours and 18.00 hours only Monday to Friday inclusive and between 08.00 hours and 13.00 hours on Saturday. There shall be no operations on Sunday or public holidays.

REASON:

In order to protect the amenities and properties in the vicinity of the site.

18. Night time artificial lighting of the development shall be confined to the minimum extent necessary for security and operational reasons, in both time and spatial terms.

REASON:

To limit light pollution in the interest of traffic safety.

19. a) Pumped water wheel and underbody washing facility shall be maintained and operated to the satisfaction of the Planning Authority. All vehicles carrying material off the site shall pass through the washing facility and shall be washed so that no material is deposited upon the public road system.

b) A fixed sprinkler system shall be installed at or near the exit gate to dampen down any dry load before it leaves the site to the satisfaction of the Planning Authority.

c) An adequate hose capacity shall be maintained in the pit area to damp down stockpiles and equipment during periods of dry, windy weather to prevent the emission of fugitive dust.

REASON:

To control emissions from the site and to prevent a traffic hazard as a result of vehicles

queueing on the public road in the interests of the proper planning and sustainable development of the area.

20. Noise emanating from the development measured at the facing elevation (outside) of any dwelling in the area shall not exceed, during the hours 0800-1800 Monday to Friday and 0800-1300 Saturday a level of 55dB(A)(Laeq 1 hour) and shall not exceed 45dB(A)(Laeq 1 hour) at all other times and bank holidays.

REASON:

In the interests of public health and residential amenity.

21. All plant and stockpiles shall be located on the lowest level of the extraction area at any time unless agreed in writing with the planning authority.

REASON:

In the interests of visual amenity.

22. All trucks leaving the facility shall be covered.

REASON:

In the interests of public health and residential amenity.

23. The total dust emission arising from the on-site operations when measured at any point along the site boundary or such boundary as are within the applicants ownership (as outlined in blue in accompanying drawings) shall not exceed 350 milligrams per square meter per day in accordance with German TA Luft Air Quality Standard.

REASON:

In the interests of public health and residential amenity.

24. All refueling and changing of engine and hydraulic oils and grease shall take place on a concrete hard stand with an appropriately designed bund lip. Details of the same shall be submitted to the planning authority for written approval within 3 months of the date of the notification of decision on this application.

REASON:

In the interests of the proper planning and sustainable development of the area

25. a) The developer shall submit annually for the lifetime of the permission, an aerial photograph which adequately enables the Planning Authority to assess the progress of the phases of extraction.

b) The developer shall submit annually for the lifetime of the permission, a map of the progression of the phased development of the quarry and of the quarry perimeter, surveyed against established perimeter beacons, the form and location of which shall be agreed with the Planning Authority prior to commencement of quarrying works.

REASON:

In the interest of orderly development and proper planning control.



26. Upon cessation of quarrying at the site or on the date of the expiration of permission for extraction at the site the applicant shall submit a closure plan which shall include:
- a) A report from a suitably qualified person with regard to public safety and any works required to ensure same;
  - b) A report from a suitably qualified person on any works required to existing drainage systems (including their decommissioning where appropriate);
  - c) A report from a suitably qualified person on any decontamination works required;
  - d) A timescale for implementation of the closure plan;
  - e) A waste management plan for the final closure of the quarry;
  - f) A details for the decommissioning and removal of any plant/machinery;
  - g) A management plan which deals with the management required for all the above aspects and details of the responsible persons.

All such works shall be completed within 6 months of cessation of quarrying on the site or the expiration of the permission which ever is the sooner unless agreed in writing with the Planning Authority.

**REASON:**

In the interests of the visual amenity and the proper planning and sustainable development of the area.

27. Within three months of the notification of decision, the developer shall submit to and for the written agreement of the Planning Authority a proposal for a working Environmental Management System (EMS) document for the development. This shall include provisions for the following unless agreed in writing with the Planning Authority:
- a) Proposals for the suppression of on-site noise;
  - b) Proposals for the suppression of dust on-site and on the access roads;
  - c) Proposals for the bunding of fuel and lubrication storage areas and details of emergency action in the event of accidental spillage;
  - d) Monitoring of ground and surface water quality and appropriate mitigation where necessary;
  - e) Full details of site manager, contact numbers (including out of hours), and public information signs on the entrance to the facility.

**REASON:**

In the interests of public health and environmental protection.

28. The developer shall increase or may decrease the frequency, or amend the locations, methods and scope of monitoring as required by this permission upon the written instruction/agreement of Wexford County Council and shall provide such information concerning such amendments as may be requested in writing by Wexford County Council. Such alterations shall be carried out within any timescale agreed with Wexford County Council.

**REASON:**

In the interests of the proper planning and sustainable development of the area.



29. Incidents of surface or groundwater pollution, or incidents that may result in groundwater pollution, shall be notified to the Environment and Planning Sections of the Local Authority without delay.

**REASON:**

In the interests of the proper planning and sustainable development of the area

30. a) Should any archaeological material be found during the course of quarrying or excavation work, such work shall immediately cease, and the operator shall immediately inform this Planning Authority. The operator shall employ an archaeologist, licensed under the National Monuments Act (1930 - 1994), to monitor all ground works associated with the find. Work may only resume when the archaeologist is on site to monitor the works.
- b) The archaeologist may also have work on the site in the vicinity of the find stopped, pending a decision as to how best to deal with the archaeology, (e.g. preservation in situ, or excavation). The developer shall also be subject to the requirements of the National Monuments Service with regard to any mitigating action (e.g. preservation in situ, or excavation) and shall facilitate the archaeologist in recording any material found.
- c) The National Monuments Service and the Planning Section, Wexford County Council shall be furnished with a report by the archaeologist on the results of the monitoring.

**REASON:**

In order to conserve the archaeological heritage of the site and to secure the preservation of any remains which may exist within the site.

31. a) Entrance gates to the site shall be locked shut at all times when the facility is closed/unsupervised, so as to prevent the entry of unauthorised persons and vehicles to the site.
- b) The extracted area shall be securely fenced. The applicants shall submit details of the proposed boundary fencing, including all proposed warning signage fixed to same, for written agreement within 3 months of this decision. The fencing and signs shall be erected within 6 months of the date of this order.
- c) The fencing and signage shall at all times during the life span of this permission be maintained in good working order.

**REASON:**

In the interests of public safety and which works are considered necessary for the purposes of the development.

32. Warning signs shall be provided as appropriate on the approaches to entrances to the proposed development on the applicants property, to the satisfaction of the Planning Authority and maintained at all time in satisfactory condition throughout the life of the proposed development. Details of the same shall be submitted to the Planning Authority within three months of this order and the signs shall be erected within 3 months of the applicant receiving the written approval of the Planning Authority for same.

**REASON:**

In the interest of traffic safety which works are considered necessary for the purposes of the development.

33. Any on-site lighting shall be cowled and directed away from adjoining dwellings, and shielded horizontally and vertically to prevent glare or light spillage outside the site. All external lighting shall be of the sodium type. No mercury vapour lamps are to be used on this site.

**REASON:**

To control emissions from the site in the interests of the proper planning and development of the area.

34. Management of waste materials, including the removal of hazardous/ potential hazardous materials at the site shall be undertaken in accordance with a Waste Management Plan, which has regard to the relevant statutory requirements and guidelines for such, to be submitted to for written agreement within 3 months of the notification of decision date of this permission.

REASON:

In the interests of the proper planning and sustainable development of the area.

**END OF SCHEDULE**

Please note you are now required to remove your site notice(s) immediately.

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WEXFORD COUNTY COUNCIL  
RECEIVED

16 APR 2009

PLANNING SECTION

19/11/08

04-Nov-2008

Wexford County Council  
PLANNING REPORT

Decision Due	19/04/2009
Application No.	20082323
Applicant	SEAN KELLY
Location	The site is located in the Townland of BALLINROOJAUN, CASTLE ELLIS
Description	<p><b>Development Proposal</b> - 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 80 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 existing vehicular access point along the I-7003-1 county road. The proposed development also includes an extension to the existing on-site haul route and new egress point along the I-7003-1 county road (this has been omitted from the proposals subsequent to further information) and the retention of a portion of this lane; a wheelwash, areas of stockpiling; landscaping; and all other site development works above and below ground, including the restoration of the final pit void.</p> <p>It is stated that the final overall extraction area will be 3.45ha and to a depth of 60 meters o.d. It is stated that approximately 35% of the site is presently open cut.</p> <p>The activity on site is comprised of extraction, screening using mobile screen plant and loading onto rigid and articulated trucks using a front loader.</p> <p>The site is located within the proposed NHA and the southern portion of the excavated area is located in the candidate SAC. It is important to note that this application does not include retention of the area with the SAC which remains outside the site edged red.</p> <p><b>Site Description</b> - The overall site is irregular in shape and undulating in a manner characteristic of the Kettle and Kame topography associated with the area. The site is located some distance from the public road. Views of the current extraction area site from the north are limited by the convex slope of the land to the north (however this is to be removed as part of the extension). The site is visible from the south west and from the south generally (Wexford harbour and the Slobs are viewed to the south of</p>

	<p>the site). The site generally falls north to south from the face and also falls away from the face in a north-westerly direction. There is a steep face running around the extracted area. The face is just approaching the highest point of this topographical feature.</p> <p><b>Site Size -</b> 5.52 – Proposed final extraction area 3.45 ha.</p> <p><b>Site/Area History -</b>  <b>Q19 - Refused</b>  <b>Enforcement Activity on site.</b></p>
<b>Pre- Planning</b>	<p>A meeting was attended by the applicants to discuss the unauthorised development and extension. The applicants were advised of the planning authorities concerns with regard to the proposed development.</p> <p>Two further meeting were held between the planning authority and the applicants/agents subsequent to the further information request.</p>
<b>Site Notice</b>	<p>Site Notice was visible and legible on site inspection on the 08/10/08. The revised site notice was visible and legible on 14/04/09.</p>

<b>Referrals</b>	<p>Referral response/s were received from the following:</p> <p>An Taisce: No report to date.</p> <p>Area Engineer: Recommends clarification of further information.</p> <p>Conservation Officer: No report to date.</p> <p>Heritage Council: No report to date.</p> <p>Roads Design Engineer who recommends that clarification of further information be requested with regard to sightlines.</p> <p>Brendan Cooney, Senior Executive Scientist, Environment Section: Notes that the extraction area appear to be greater than that stated and if it is over 5 ha. Would require an E.I.S. (In this regard I note that the area which is the subject of this application is 3.45 ha only). Notes that if permission is below 5ha then permission could be granted subject to standard quarry conditions and stated specific conditions.</p> <p>Development Applications Unit (National Parks &amp; Wildlife) who recommends that permission not be granted in its current format. See below for further details..</p>
	<p><b>County Development Plan 2007</b></p> <ul style="list-style-type: none"> <li>• Section 4.3.4 Extractive Industry</li> <li>• Section 4.3.5 Sand Pits</li> <li>• Section 10.11.3 Access to roads/sightlines</li> <li>• Section 10.14.0 Extractive Industry</li> <li>• Landscape Characterisation Policy Area</li> <li>• Section 9.4 Natural Heritage. NH1 – 'Prohibit development which would damage or threaten the integrity of these sites of international or national importance, designated for their habitat/wildlife or geological/geomorphological importance including proposed Natural Heritage Areas, candidate S.A.C.s, S.P.A.'s and Nature Reserves'.</li> </ul>

	<p>Also relevant:</p> <ul style="list-style-type: none"> <li>• Quarries and Ancillary Activities – Guidelines for Planning Authorities 2004, DOEHLG</li> <li>• Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development, 2003, EPA.</li> </ul>
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<b>Submissions/ Observations</b>	None recorded on APAS when checked on the 15/04/08
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<b>Conservation Area</b>	No.
<b>Protected Structure</b>	No.
<b>Registered Monument</b>	No.
<b>Zone of Archaeology</b>	No.
<b>NHA/ SAC / SPA</b>	The proposed development is located within a Natural Heritage Area. The proposed development is located adjacent to a candidate Special Area of Conservation. I note that part of the extracted area is within the SAC but that this does not form part of this application.

<b>Development Contributions</b>	<p><b>Roads:</b> &lt;75,000 cubic metres €15,000 per annum/&gt;75,000 cubic meters 30c per cubic meter per annum/minimum 15,000 per annum)</p> <p><b>Community Facilities:</b> 5c per cubic meter per annum for community facilities.</p>
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Further information was requested (in italics) as responded to as follows:

1. *The information provided by the applicant is inadequate to demonstrate the nature of the impact. Please therefore supply the following further information:*
  - a) *It is considered that the report submitted does not constitute an 'Appropriate Assessment' as required under Article 27 of the EU (Natural Habitats) Regulations 1997. Please submit revised report as appropriate. The applicant is requested to consult with the National Parks and Wildlife Service prior to the submission of this report and to prepare the report in accordance with their requirements.*
  - b) *It is noted that the Ecological Report concentrates on the damage done to the SAC to date and not that which will or may be caused by the proposed development to the SAC and NHA. Please therefore supply a revised report which addresses the same. It is also noted that the Ecological Report states that the lakes are 'perched' but that the Hydrogeological Report notes that at least one lake in the vicinity is in contact with the water table (confirmed in site synopsis for SAC). It is further considered that the method of predicting any impacts on the ecology of the site as a result of impacts on ground water is unclear and relevant evidence to demonstrate the same should be submitted. The significance of all plants should be clearly indicated and nature of any impact clarified (duration, probability, significance, reversibility, residuals, cumulative nature etc). The ecology report should also include an assessment of any impact the landscape planting, soil importation and contouring proposals contained in the landscape plan and the importation of inert material as outlined in the restoration plan may have on the habitats. The report should also include a comparison of the potential for impact reduction by restoring vegetation on site immediately as opposed to at the end of operations (i.e. the comparison of the 'restore now' alternative).*

Items a) & b) have been addressed in the form of a revised ecological report prepared by Roger Goodwillie. The ecological report addresses the nature of the impacts, including the residual impacts of the proposed development on the ecological status of the SAC/NHA and the significance of the species therein. The report also details the significance/rarity and protection status of species in the vicinity and/or on the site in table accompanying report. The applicants note:

- a. Potential pollutants arise as a result of oil to groundwater/surface water and sand migration to adjacent land. The former can be controlled through management measures and the latter has been found to have a positive impact on this habitat (reference to Roadstone, Kilmuckridge).
- b. That the adjacent lakes are perched and fed only by run-off. There will be no/minimal runoff from site (mitigation proposed).
- c. That the proposed development cannot effect the few lakes that are groundwater connected as it does not affect the height or direction of flow of groundwater.
- d. There will be no import of outside materials. Restoration will simply be to cover the slopes with topsoil sand/gravel and allow to regenerate from seeds in the soil. It is proposed to lightly graze the soil to provide disturbance which encourages the characteristic plants to grow. The only proposed planting is to connect existing hedgerows to provide wildlife corridors. The previously proposed woodland, berms etc have been removed.
- e. That there will be no extraction in the SAC
- f. That while there will be a 200m encroachment into the NHA which could be described as habitat loss the ground at present is without any significant diversity of species
- g. That the surroundings have two Redbook species which are frequent throughout the area and that there are no plants on the site on the Flora Protection Order 1999.

The report concludes that there will be no long term negative impact on any rare or protected species) and that there will be no negative impact on the conservation objectives of the SAC nor loss of or negative impact on oligotrophic lakes or dry heath. In terms of NHA disturbance it is noted that such disturbance would be likely to increase biodiversity.

The response from the Department of the Environment Heritage and Local Government recommend that the proposed development 'should not be granted consent in its current format'. They note that (emphasis added):

- The proposed development is within a landform and ecosystem that is extremely rare, being kame and kettle topography in sand, and requires extreme caution in consideration of any development.
- The documents submitted do not form a normal Appropriate Assessment as per Article 6 of

**Conclusion:**

Having regard to the further information submitted by the applicant and the consultee reports it is concluded that:

- the proposed development would have a negative impact in the short term on the ecological status of this protected area
- the long term impact on the ecological status of the site has been inadequately demonstrated, inadequately mitigated and may be negative
- that the long and short term impacts on the protected geomorphological landform would be negative
- that the proposed development, while in itself would not be visually obtrusive, would be visually inappropriate having regard to the rarity of and the protected status of this geomorphological form

It is noted that there are unresolved issues with regard to sight lines and improvements, which are required to the public road.

**Recommendation**

It is recommended that **Permission be Refused** for the following reasons.

If it is decided that it would be more appropriate to request the applicant to provide further clarification then the further information attached in Second Schedule would be appropriate.

*items outlined*

**Comments of Senior Planner :**

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**FIRST SCHEDULE**

**3 NO. REASONS ATTACHED TO PLANNING REG. NO. 20082323**

1. Having regard to the information submitted with regard to the planning application it is considered that the proposed development would damage and/or threaten a special ecological and geomorphological characteristics of the proposed Natural Heritage Area and the candidate Special Area Conservation. The proposed development would therefore be contrary to Objective NH1 of the County Development Plan 2007-2013 which states that the Planning Authority will 'Prohibit development which would damage or threaten the integrity of these sites of international or national importance, designated for their habitat/wildlife or geological/geomorphological importance including proposed Natural Heritage Areas, candidate S.A.C.s, S.P.A.s and Nature Reserves'.



2. The proposed development would be have a negative visual impact on the special and protected geomorphological character of this landscape which it is considered necessary to preserve. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
3. The proposed development would create a traffic hazard as the road network serving the proposed development is sub-standard in width, carrying capacity and alignment and the entrances proposed to serve the proposed development have inadequate sight-lines.

## SECOND SCHEDULE

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 NPWS service prior to submit an Appropriate Assessment in accordance with Article 6 of the Habitats Directive.
2. Having regard to the revised ecological report and restoration plan submitted it is considered that the 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 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.
3. The applicant is advised that the restoration of the existing and proposed areas area-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
4. 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.
5. It is noted that the applicant refers to the re-grading of the face to resemble the kettle/karne topography but that the sections submitted show a steeply eloped 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.

6. 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.
7. The groundwater assessment submitted is inadequate as it fails to demonstrate whether there are further ground-water fed oligotrophic lakes downstream of the proposed development which could be impacted by a deterioration in groundwater quality. Please submit revised proposals to demonstrate the same.
8. The <sup>applicant</sup> has failed to demonstrate that adequate sightlines are available at the junction of the proposed entrance and the public road. It is clear that this will involve alterations to lands outside your control. The works to provide sightlines must be included within the site edged red and the applicant must submit the consent of all relevant owners to include the lands within the site edged red (demonstrate locus standi) and to carry out the works.
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 the ~~the~~ further information must be submitted by the 30/04/09.

Clarification items listed above

  
Senior Executive Planner

Date:

WEXFORD COUNTY COUNCIL  
RECEIVED

13 NOV 2008

PLANNING SECTION

13/11

SCANNED

19/9

Wexford County Council  
PLANNING REPORT

Decision Due	13/11/2008
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Application No.	20082323
Applicant	SEAN KELLY
Location	The site is located in the Townland of BALLINROOAUN, CASTLE ELLIS
	If it is decided that it is preferable to seek further information due to the absence of adequate information to enable the planning authority to either make a decision or decide whether the application requires an EIS, then the following further information would be appropriate:

1. The information provided by the applicant is inadequate to demonstrate the nature of the impact. Please therefore supply the following further information:
  - a) It is considered that the report submitted does not constitute an 'Appropriate Assessment' as required under Article 27 of the EU (Natural Habitats) Regulations 1997. Please submit revised report as appropriate. The applicant is requested to consult with the National Parks and Wildlife Service prior to the submission of this report and to prepare the report in accordance with their requirements.
  - b) It is noted that the Ecological Report concentrates on the damage done to the SAC to date and not that which will or may be caused by the proposed development to the SAC and NHA. Please therefore supply a revised report which addresses the same. It is also noted that the Ecological Report states that the lakes are 'perched' but that the Hydrogeological Report notes that at least one lake in the vicinity is in contact with the water table (confirmed in site synopsis for SAC). It is further considered that the method of predicting any impacts on the ecology of the site as a result of impacts on ground water is unclear and relevant evidence to demonstrate the same should be submitted. The significant of all plants should be clearly indicated and nature of any impact clarified (duration, probability, significance, reversibility, residuals, cumulative nature etc). The ecology report should also include an assessment of any impact the landscape planting, soil importation and contouring proposals contained in the landscape plan and the importation of inert material as outlined in the restoration plan may have on the habitats.

- The report should also include a comparison of the potential for impact reduction by restoring vegetation on site immediately as opposed to at the end of operations (i.e. the comparison of the 'restore now' alternative).
- c) Please provide an assessment of the impact of the proposed development on the special geomorphological characteristics associated with the site and NHA. The applicant is advised to consult the GSI and supply a report by a suitably qualified geomorphologist (or equivalent).
  - d) It is considered that the visual impact assessment provided is flawed as it fails to recognise the special character and sensitivity of the landscape (Kettle and Kame Landscape) and in particular the landforms associated with the landscape. Please submit assessment including mitigation to address this. The applicant is advised that proposals which impinge on the skyline should be avoided. The applicant is also requested to note that it is considered that the addition of mounding and tree planting may obscure these special landforms and result in a visual impact in their own right. If the revised proposals result in a change to the site boundaries the proposed development should be re-advertised. Inadequate details have also been provided with regard to the height of mounding etc.
2. Please provide a revised traffic impact assessment report which assesses the impact of the proposed the entire haul route and makes proposals for amendments where required (including an assessment of all junctions as far as the Regional Road). The applicant is advised that if this involves alterations outside your control then you must submit the consent of the relevant landowners and include the works within the site edged red. The landowners permission to include the works within the site edged red should also be submitted (and should be accompanied by a map showing lands in the respective ownerships).
  3. It would appear that a large portion of the access road has been recently constructed and no record of any permission being granted for the same can be located. Please clarify. It may be necessary to amend the application to retain the same. Furthermore it is considered that the location of the new access road adjacent to a private residence is unacceptable and would cause a nuisance to the residents. Please submit revised proposals to address.
  4. It is noted that sightlines are inadequate at both the proposed entrance and the existing entrance. Please submit proposals to address. if this involves alterations outside your control then you must submit the consent of the relevant landowners and include the works within the site edged red. The landowners permission to include the works within the site edged red should also be submitted (and should be accompanied by a map showing lands in the respective ownerships).
  5. It is considered that the applicants proposals to use telephone communications to ensure that traffic will not meet on the access road and local roads are unacceptable. Please submit revised proposals as appropriate. The applicant is advised that road works in the vicinity of the site may be required. The applicant is requested to consult with the roads section in this regard prior to the submission of a response to this further information request.
  6. Please clarify whether it is proposed to excavate the entire area of the quarry to a depth of 65m OD.
  7. Please supply details of the volume of material to be removed from site, the volume removed to date, the proposed duration of the quarrying operations, phasing.

8. Please submit an assessment of the impact of infilling the site with inert material as proposed in the restoration plan on the hydrogeology of the area. Please also indicate the significant of the existence of a faultline in the vicinity and an assessment of the significant and probability of any possible impacts. Please also clarify the role of the sand/gravel itself in protecting the ground water aquifer (which has been deemed as moderate to high vulnerability). Please clarify whether this will result in an increase in pollutants such as nitrate to the groundwater/aquifer.
9. It is noted that the applicants have stated that there is no run-off on site, however run-off was noted on site on the day of the inspection by the planning authority. Please submit a revised assessment as appropriate.
10. Please include all mitigation and monitoring measures on the site layout plan.
11. The restoration plan is deemed as inappropriate and should be discussed with the NPWS and the planning authority prior to the submission of revised plans and particulars.
12. Please submit details to provide sanitary/toilet facilities on site. Such facilities should be in accordance with EPA Guidance.
13. The groundwater assessment is deemed as inadequate. Please submit evidence of the level of the water table and the quality of groundwater at the site.
14. Please provide full details of the wheelwash proposals for storage for water for 'damping down' and bunding for filling trucks, details of hardstand, silt traps etc.
15. Please submit an additional set of noise monitoring results taken at NSL1, 2, 3 & 4.

Deirdre Kearns  
Senior Executive Planner

Request Further Information  
as outlined

Emma Stone

13. Nov. 2008



WEXFORD COUNTY COUNCIL  
RECEIVED  
16 NOV 2008  
PLANNING SECTION

04-Nov-2008

Wexford County Council  
PLANNING REPORT

<b>Decision Due</b>	13/11/2008
<b>Application No.</b>	20082323
<b>Applicant</b>	SEAN KELLY
<b>Location</b>	The site is located in the Townland of BALLINROOAUN, CASTLE ELLIS
<b>Description</b>	<p><b>Development Proposal</b> - 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 o.d. 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 existing vehicular access point along the I-7003-1 county road. The proposed development also includes an extension to the existing on-site haul route and new egress point along the I-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).</p> <p><b>Description of the Proposed Development:</b> The proposed development relates to the retention of an unauthorised sand and gravel pit and associated plant and the extension of the area of extraction. Associated works include the use of the access road, the extension of the haul route and the creation of a new access, a screening berm, planting etc.</p> <p>It is stated that the final overall extraction area will be 3.45ha and to a depth of 60 meters o.d. It is unclear whether it is proposed to excavate the entire of the area to 60m o.d as the sections show the extended areas of the quarry as stepped. The overall site is 5.2ha. It is stated that approximately 35% of the site is presently open cut.</p> <p>The activity on site is comprised of extraction, screening using mobile screen plant and loading onto rigid and articulated trucks using a front loader. Limited information has been provided with regard to the volume of materials either extracted to date or to be extracted in future (only that contained in the traffic assessment). No details with regard to phasing or proposed duration of period of extraction have been provided.</p> <p>The site is located within the proposed NHA and the southern portion of the excavated area is located in the candidate SAC. <b>It is important to note that this application</b></p>

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Comment 6 - For information only. For planning or any other use.



	<p><b>does not include retention of the area with the SAC which remains outside the site edged red.</b></p> <p><b>Site Description</b> – The overall site is irregular in shape and undulating in a manner characteristic of the Kettle and Kame topography associated with the area. The site is located some distance from the public road. Views of the current extraction area site from the north are limited by the convex slope of the land to the north (however this is to be removed as part of the extension). The site is visible from the south west and from the south generally (Wexford harbour and the Slobbs are viewed to the south of the site). The site generally falls north to south from the face and also falls away from the face in a north-westerly direction. There is a steep face running around the extracted area. The face is just approaching the highest point of this topographical feature.</p> <p><b>Site Size</b> - 5.52 – Proposed final extraction area 3.45 ha.</p> <p><b>Site/Area History</b> -  <b>Q19 - Refused</b>  <b>Enforcement Activity on site.</b></p>
<b>Requirement for EIS</b>	<p>The prescribed classes of development for the purposes of Part 10 of the Planning and Development Regulations 2001 are contained in Schedule 5. Section 2(b) of Schedule 5 relates to 'Extraction of stone, gravel, sand or clay, where the area of extraction would be greater than 5 hectares'.</p> <p>The application is therefore deemed to be a 'sub-threshold' development which, Having regard to the potential for this application to have environmental effects on the adjacent SAC and the fact that the proposed development is located within a Natural Heritage Area, must be screened using the criteria set out in Schedule 7 to ascertain whether an EIS is required.</p> <p>If appropriate this should be added to the reasons for refusal laid out hereunder.</p>
<b>Pre- Planning</b>	<p>A meeting was attended by the applicants to discuss the unauthorised development and extension. The applicants were advised of the planning authorities concerns with regard to the proposed development.</p>
<b>Site Notice</b>	<p>Site Notice is visible and legible on site inspection on the 08/10/08</p>

<b>Referrals</b>	<p>Referral response/s were received from the following:</p> <p>An Taisce: No report to date.</p> <p>Area Engineer: No report to date.</p> <p>Conservation Officer: No report to date.</p> <p>Heritage Council: No report to date.</p> <p>Roads Design Engineer who recommends that further information be requested. Also note that the road network in the vicinity of the site is substandard.</p> <p>Ian Plunkett, Environment Technician: Recommends that further information is requested with regard to wastewater/toilet facilities, inadequacy of ground water</p>
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	<p>assessment, inadequate details with regard to the impact of surface water run-off when soil is removed, inadequate details with regard to noise, the wheelwash, water storage, bunding. Notes that EIS may be required having regard to the location of the SAC.</p> <p>Development Applications Unit (National Parks &amp; Wildlife) who recommends that permission not be granted.</p> <p>In summary this report states that:  The works to date have impacted on the dry heath habitat, a qualifying interest of the cSAC. The existing and proposed works have potential to impact on oligotrophic lakes, also a qualifying interest of the SAC and vulnerable to impacts on hydrology and water quality. The proposed development does not contain an 'Appropriate Assessment' as is required under Article 27 of the EU (Natural Habitats) Regulations 1997. It is noted that two of the plant species which are identified in the flora and fauna report are rare and are listed in the Irish Red Data Book for vascular plants. The proposed development would also result in a loss of 3.45ha of habitat from the p.NHA. I note that no reference is made to the ecological or geomorphological importance of the site.</p> <p>That department recommends that permission should not be granted for this development.</p> <p>I note that the report does not state what the impact of the proposed development on the Red Book plant population would be or whether the loss of 3.5ha of the NHA would be significant to the integrity of the overall NHA.</p>
	<p><b>County Development Plan 2007</b></p> <ul style="list-style-type: none"> <li>• Section 4.3.4 Extractive Industry</li> <li>• Section 4.3.5 Sand Pits</li> <li>• Section 10.11.3 Access to roads/sightlines</li> <li>• Section 10.14.0 Extractive Industry</li> <li>• Landscape Characterisation Policy Area</li> <li>• Section 9.4 Natural Heritage. NH1 – 'Prohibit development which would damage or threaten the integrity of these sites of international or national importance, designated for their habitat/wildlife or geological/geomorphological importance including proposed Natural Heritage Areas, candidate SACs, SPAs and Nature Reserves'.</li> </ul> <p>Also relevant: DOEHLG</p> <ul style="list-style-type: none"> <li>• Quarries and Ancillary Activities – Guidelines for Planning Authorities 2004, DOEHLG</li> <li>• Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development, 2003, EPA.</li> </ul>

<b>Submissions/ Observations</b>	None recorded on APAS when checked on the 06/11/08
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<b>Conservation Area</b>	No.
<b>Protected</b>	No.

<b>Structure</b>	
<b>Registered Monument</b>	No.
<b>Zone of Archaeology</b>	No.
<b>NHA/ SAC / SPA</b>	The proposed development is located within a Natural Heritage Area. The proposed development is located adjacent to a candidate Special Area of Conservation. I note that part of the extracted area is within the SAC but that this does not form part of this application.

<b>Development Contributions</b>	<b>Inadequate information submitted to calculate levies</b>  <b>Roads:</b> <75,000 cubic metres €15,000 per annum/>75,000 cubic meters 30c per cubic meter per annum/minimum 15,000 per annum) <b>Community Facilities:</b> and 5c per cubic meter per anum for community facilities.
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<b>Issues</b>	<p><b>Principle</b> The Council recognises that sandpits contribute to the development of the national and local economies by the proper use and management of natural resources for the benefit of the community and the creation of employment opportunities.</p> <p>However having regard to the Precautionary Principle, the potential impacts and the deficiencies in the data supplied (as outlined below) I consider that the proposed development would be contrary to Objective NH1 of the County Development Plan 2007 which aims to 'Prohibit development which would damage or threaten the integrity of these sites of international or national importance, designated for their habitat/wildlife or geological/geomorphological importance including proposed Natural Heritage Areas, candidate SACs, SPAs and Nature Reserves'.</p> <p><b>Impacts on SAC/NHA:</b> The proposed development is located within the proposed Natural Heritage Area and adjacent to a designated SAC (site code 000708 Screen Hills).</p> <p>Special Areas of Conservation were established under the EU Habitats Directive and protect habitats and species of international importance. Natural Heritage Areas were established under the Wildlife Act 2000. These are sites which are of national importance by reason of their flora, fauna, geological or geomorphological importance.</p> <p><b>Impacts on Ecology:</b> The SAC contains two habitats listed on Annex 1 of the EU habitats Directive; the oligotrophic lakes and the dry heath formations. The many lake basins mark the position of former iceblocks in the acidic sandy moraine. The lakes in the SAC are of two types: those which are lowlying and in contact with the water table are influenced by what happens in the wider area and those which are suspended above the height of the regional water table and are affected by what happens in the area immediately around them.</p> <p>Dry heath in the SAC is extensive and species rich. The heath vegetation in this SAC differs from most heaths elsewhere due to the virtual absence of heather and in the</p>
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presence of a diverse range of annual species. I note that the site synopsis for this SAC states that 'substantial populations of the following Red Data Book Species have been found at this very important and complex site and in on and adjoining the moraine; slender Cudweed (*Logfia minima*) Heath Cudweed (*Omalotheca sylvatica*), Hairy Birds-Foot-trefoil (*Lotus subbiflorus*) and Birdsfoot (*Ornithopus perpusillus*). Musk Thistle (*Cardus nutans*) and other Red Data Book species, is also present in large numbers'.

The ecological report which accompanies the planning application states that part of the active quarry is within the SAC.

Baseline data for the site obviously does not include the original baseline information relating to this site as that has been removed as a result of the quarrying. The report notes that:

- The pit itself is bare of plant life but that away from the active face the sides of the pit on the banks of the overburden and waste around the southern edged are becoming colonised by annuals and small perennials. Species listed here include Redbook species (eg. Birdsfoot). It is noted that there are also longer lived species and that they generally grow small due to lack of nutrients.
- Where there are richer conditions where topsoil has been added there are many more species including Redbook species (eg. Musk thistle)
- The remainder of the field is stated as being improved grassland which has been altered at the edged of the pit. Additional species in this area include Hairy Birdsfoot and it is stated that this will colonise any disturbed ground. Details are also provided of the species in hedgerow to the north corner of the pit.
- It is noted that the maize field to the south, which is inside the SAC but does not form part of this application, include a number of additional species including viola (which I also noted in the area of extension). This section also notes that it is of interest to note that the place in which Birdsfoot is most common is at an upturned area of sod.
- The report notes that all plant species seen on the quarry site are relatively frequent in the area (it is unclear if this relates to just the extracted area or the wider area) and none are included in the Flora Protection Order 1999. The report states that three species on the site deserve note; Birdsfoot which is rare and restricted in Ireland to the eastern and southern coast with Wexford and Carlow being the only Counties in which it grows inland. Musk Thistle is more widespread in the Country but only looks native in Wexford and Mouse Ear is purely coastal in Ireland (though not in Britain).

It should be noted that the ecological report does not state that the above species are Redbook Species but that this has been noted by cross-referencing the report with the Site Synopsis.

In terms of that portion of the quarry within the SAC the report notes that it should be restored. It is noted in the application that this should take place by contouring and allowing the area to self-seed. It is noted that no 'wildflower mixes' area appropriate and no topsoil should be imported. It is noted that many of the 'typical species' are present in seeds in the soil and will reappear once the habitat is corrected. I note it does not say all species. It is unclear what the residual impact will be. However as stated this is outside the area of this application.

The ecological report concludes that:

- Much of the flora of the dry hills depends on disturbance for its survival (I note it doesn't say all the species) and that this may be produced in a number of ways such as grazing, tillage or excavation.
- The current operation has obviously had negative physical impacts on the habitat in the SAC but that the evidence is that these were not species rich sites. It also suggests that no particularly rare species has been lost or is at risk.

- Apart from habitat loss the report notes that the development is unlikely to have had a significant effects on the greater SAC through hydrology or other impact as; rainfall penetrates directly into the soil and the base of the quarry is above the seasonal watertable there is no net effect on direction or flow of groundwater and ; the hydrogeological conditions show that local ponds are isolated from or perched above the general watertable by impermeable layers and not fed from this area. However it would appear from the hydrogeological report 6.6.2.1 that the not all the lakes are perched and that the watertable does meet the lakes at certain locations (e.g. 500m south of the sandpit). I also note that the SAC site synopsis notes that some of the lakes in this SAC are in contact with the watertable.
- It is noted that the main potential impacts of such a quarry is that the substrate is opened up for more rapid penetration of substances to groundwater. It is noted that this risk is reduced when vegetative cover is restored.
- The report concludes that conservation objectives of the SAC are to maintain the Annex 1 habitats for which the site is listed (dry heath and oligotrophic lakes) the general biodiversity of the site. The report notes that the development has not prejudiced these objectives in the long term.
- The report notes that, as well as removing some habitat, the extraction has given an opportunity for some of the most 'typical plant species' to grow and multiply. However I note that these are not or may not be the most special species.

I note that the report states that the development is most unlikely 'to have had' significant effects on the SAC and that the development 'has not' prejudiced these objectives in the long term'. In this regard I am uncertain that the ecological report has assessed the impacts of the continued operation and extension of the quarry. I consider that inadequate information has been provided with regard to the significance of the species on site likely to be effected and the nature of and significance of the impact (e.g. with regard to the impact on hydrology and its impacts on biodiversity, whether impacts will be fully reversible, probability or duration of the impact) to enable the planning authority to conclude that the proposed development would not threaten the special characteristics of the SAC (and pNHA).

I also consider that while the proposed development is outside the SAC the risk to the SAC will continue as long as the overburden is removed as it has a contiguous watertable. I note that the ecological report notes that the risk will be reduced when vegetation is restored but I am not satisfied that it has been demonstrated that that the sand itself is not important in protecting the groundwater and thus the SAC or that this risk should be allowed to continue until such vegetation is restored.

I also note that the restoration plan includes for the infill of inert material and that this has not been addressed in the ecological assessment and I consider that this needs to be assessed in terms of its impact on the hydrogeology and ecology of the area.

A report has been submitted by the Development Applications section of the DOEHLG. This report notes that:

**Impact on Geomorphology/landform:**

The NHA is characterised by the glacial landscape known as the 'kettle and kame' landscape created as a result of moraines of the Midlandian Glacial period. The term kettlehole refers to the lakes in hollows between the hills.

The proposed development has resulted in the erosion of a landform which has been designated as being of national interest. I consider this inappropriate. This has not been adequately addressed in the Environment Report.

The Site Synopsis for the NHA is not available and I am advised that the GSI have yet to carryout the appropriate surveys in Wexford.

**Soils/Hydrology/hydrogeology:**

A study was carried out by BMA GeoServices Ltd. The survey comprised a desk study and walk-over survey. It is stated that the field work include monitoring of water levels and a well survey (it was noted that there are no wells). The level of the water table was not determined but is stated that it is likely to be 30aOD (the level of a lake 500m south).

**Local drainage:**

It is stated that the consulting engineers observed no run-off from the site (due to rapid percolation) and that this was confirmed by the owner.

**Bedrock Geology:**

The report states that the site is underlain by a bedrock geology green-grey and occasionally purple greywacke sandstones and siltstones of the Newtown Formation of the Cambrian Age. The Regional Faultline is orientated northeast and southwest and such a fault is located 200-300m south of the proposed site. The implications of this have not been outlined.

**Quaternary Geology:**

It is stated that the whole area from Castlebridge to the north of Blackwater is covered by Glaciofluvial sand and gravels.

**Depth to bedrock:** It is stated that this information is not available and further investigations would have to be carried out to establish this.

**Hydrogeology:**

No sample of groundwater was taken to determine the quality of the water in the bedrock aquifer.

With regard to groundwater vulnerability the report notes that 'considering that the quarry floor will be at 60m OD and the water table at 30aOD and taking into account the very permeable nature of the subsoil material the vulnerability of the bedrock aquifer should be deemed as moderate to high'.

Groundwater flow is stated to be likely to flow south-east i.e. towards Wexford Harbour.

The report states that there will be no reduction in or impact on groundwater quantity in the vicinity of the site as it will operate above the watertable and as the existing conditions are already very permeable.

It is stated that the removal of the subsoil and unsaturated sand would render the groundwater more vulnerable to spills etc. It is stated that, upon cessation, the land will be returned to agriculture and consequently there will be no long term risk to groundwater. However the applicants have not referred to the importation of inert material referred to in the restoration plan. Nor addressed whether there may be an increased chance of nitrates or fertilisers from agriculture infiltrating the groundwater as a result of the removal of the overburden.

It is stated that there will be no impact on surface water quantity or quality as there is no runoff. However run-off was observed by myself and the environment section during site visits.

Mitigation measures are proposed in the form of management and monitoring measures. In this regard I note that these measures have not been included on the site layout plan (e.g. area for fueling trucks).

The environment section have reviewed the proposed development and recommend that further information is requested.



### **Landscape:**

The site is located in a scenic landscape which is a good example of the of the Kettle and Kame Landscape for which this area is renowned.

The methodology for carrying out the landscape assessment in accordance with appropriate guidelines has been thoroughly executed. I consider that the locations from which the sandpit will be visible have generally been identified notwithstanding the fact the Zone of Visual Influence was not produced using computer modelling.

However I disagree with the conclusions of the assessment as:

- The assessment has failed to identify or attribute significance to the special character of the landscape, that is, the Kettle and Kame landscape
- The assessment acknowledges that the removal of the 'ridgeline' presents a substantial negative impact but states that this will not be reduced in the long term by planting to mitigate. The report considers that the introduction of this new landscape feature (woodland habitat) will be positive in an area which comprises mainly open gently undulating agricultural land. However I consider that this is not appropriate as it is uncharacteristic of this special landscape
- This introduced habitat may also impact on the existing habitats and the impact of planting proposals or berms etc do not seem to have been considered by the consulting ecologist (failure to address interaction between impacts).
- The assessment does not consider alternatives and in particular that it would be possible to excavate on this landholding without effecting the ridgeline/skyline.
- I consider that inadequate information has been provided with regard to the berm (height/construction) and planting (numbers, species, girth etc).

I consider that this landscape is worthy of preservation from due to its special character.

### **Noise**

Noise levels from existing pit measured at a number of locations including the side boundaries and closest sensitive receptors. The results of the survey indicate that noise level do not exceed the DoEHLG's recommended level, that is, noise level at sensitive locations should not exceed a Laeq (1 hour) of 55dBA by day. Night time noise not exceed 45dba.

It is unclear what operations were taking place on site at the time these measurements were taken and I note that a similar development (Sanrose, Ballymurn) predicted noise levels from topsoil stripping and screening berm construction will result in a noise level of 68dB (A) leq and 53 dB (A) Leq for extraction at the proximal sensitive receptors. It is also unclear whether the noise levels take account of the noise levels associate with the vehicular entrance associated with the new entrance which is adjacent to a dwelling.

### **Air Quality**

Dust monitoring and modelling were carried out and mitigation has been proposed. It is noted that some of the mitigation proposed is vague (i.e. 'all roads within the site will be well surfaced'). The dust monitoring results submitted indicate that that deposition levels are below the recommended standards.

### **Traffic impact**

The site is accessed from the L-7003-1 and is 1km to the east of Screen Village. The speed limit in the vicinity of the site is 80kph and the road is stated in the Environmental report as being generally 4.5m in width.

Traffic surveys carried out by the applicants at the site noted 3 vehicles entering and 7 vehicles exiting the pit in the morning peak hour and 2 vehicles entering and 3 vehicles exiting in the evening peak. It is estimated that there are/will be generally 25 vehicles entering the site and 25 exiting the site per day (17 rigid & 8 artics). During the peak months of June, July, October and November there will be 30 entering and 30 exiting. The applicants state the junction at the entrance to the site operates within capacity.

The haul route is stated as being the local road from which the site is accessed onto, then taking a turn right onto another county road at Screen Village and the entering the R741 approx. 2.5km north. The applicants have not assessed the junctions on the haul route. The applicant states that drivers operate a telephone system to minimise the chances of drivers meeting on the County Roads of the Haul Route.

It is unclear whether the private access road is permitted. It would appear from the recent maps that approximately half of it has been recently constructed. This has not been included in the description.

I note that the report from the Roads Section states that sightlines have not been adequately demonstrated and that the facility is located in a poor location in terms of road network. It is stated that the road network is very narrow and is not capable of taking the large vehicles this development is generating.

**Archaeological Heritage:**

A desk study and site survey was carried out by the applicants. No geophysical or intrusive testing was carried out. No Recorded monuments or areas of significance were identified. It is unclear whether this was carried out by a suitably qualified professional, however having regard to the absence of recorded monuments in the vicinity of the site it is considered that this is acceptable.

**Waste Management**

Details of waste or waste management proposal submitted and are generally acceptable.

**Environmental Monitoring Plan**

There does not appear to be an existing EMP in place at the sandpit nor is one proposed.

**Restoration**

It is proposed to return the site to agricultural use.

I am not satisfied that the restoration plan proposed is appropriate. The landscape will be contoured in layered banks and there would be a berm planted on a high point on the site. Neither of these would be characteristic of this special landscape. The berm may present a geometric feature on the skyline and as such may have a negative visual impact in its own right. It is difficult to assess this as it has not been included on the sections. It is stated that as works cease that the lands will be built up to provide a more gentle slope to match the landscape.

The restoration plan does not seem to have been informed by the ecologist and I am not satisfied that the restoration works or planting proposed is appropriate or that it would not impact on the biodiversity of the site and the wider SAC. As stated above I also note that the restoration plan includes for the infill (no detail of volume) of inert material and raising of the land and the provision of 'fertile soils' and I consider that this needs to be assessed in terms of its impact on the ecology of the area. The ecology report notes that soil should not be brought in from outside the site into the SAC as it would contain nutrients that would not support the natural regeneration of the site. In this regard however I note that the restoration plan relates to the area covered by this application only which excludes the SAC.




	<p>I note that the applicants state that a closure plan is included but that there is no such plan included.</p> <p><b>Appropriate Assessment:</b> The applicant has included what is described as 'An appropriate assessment' under Section 6(3) &amp; (4) of the Habitats Directive. However this assessment is based on the baseline data which is deficient as outlined above.</p> <p>I also note that the applicant states that the 'southern portion of the application site' is located in the SAC. This appears to be a typing error as the SAC is outside the site in red and the works to this area have not been included within the description.</p> <p><b>Impact on amenities:</b> The two entrances should be moved as they are both located too close to residential dwellings in separate ownership (a farm directly opposite the current entrance and dwelling beside the new entrance. I consider that the impact from noise would impact on the residential amenities of these dwellings.</p>
<p><b>Conclusion</b></p>	<p>It is considered that:</p> <ul style="list-style-type: none"> <li>• Inadequate information has been submitted to enable the planning authority to assess the nature, significant or probability of impacts of the proposed development on the SAC, NHA and public health.</li> <li>• The proposed development would be contrary to the Objective NH1 of the County Development Plan 2007 as it would damage and/or threaten the integrity of an NHA and may damage and/or threaten the integrity of an SAC.</li> <li>• The proposed development would have a negative visual impact by virtue of the erosion of the skyline in a landscape which is considered as worthy of preservation.</li> <li>• The road network surrounding the site is substandard in width and alignment and that inadequate sightlines are available at the junction of the existing entrance and inadequate information has been provided with regard to the provision of adequate sightlines at the existing or proposed entrances. The proposed development would therefore represent a traffic hazard.</li> <li>• It is considered that the existing and proposed entrances onto the public road would have a negative impact on the residential amenities of adjacent dwellings by virtue of noise and general disturbance.</li> </ul>
<p><b>Recommendation</b></p>	<p>It is recommended that <b>Permission be Refused</b> for the following reasons.</p>

<b>Comments of Senior Planner</b>	
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**FIRST SCHEDULE**

**4 NO. REASONS ATTACHED TO PLANNING REG. NO. 20082323**

1. The applicant has failed to provide adequate information to the planning authority to with regard to the nature, significance or probability of impacts of the proposed development on the SAC, NHA and public health. Having regard to the 'Precautionary Principle' the proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to the information submitted with regard to the planning application it is considered that the proposed development would be damage and/or threaten a proposed Natural Heritage Area and may damage and/or threaten a candidate Special Area of Conservation. The proposed development would therefore be contrary to Objective NH1 of the County Development Plan 2007-2013 which states that the Planning Authority will 'Prohibit development which would damage or threaten the integrity of these sites of international or national importance, designated for their habitat/wildlife or geological/geomorphological importance including proposed Natural Heritage Areas, candidate SACs, SPAs and Nature Reserves'.
3. The proposed development would be have a significant negative visual impact on the special character of this landscape which it is considered necessary to preserve. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
4. The proposed development would create a traffic hazard as the road network serving the proposed development is sub-standard in width, carrying capacity and alignment and the entrances proposed to serve the proposed development have inadequate sightlines.



**Date: 07-Nov-2008**

**Senior Executive Planner**

copy report sent to director 07/11