

Muiriosa Cassells

From: Bord
Sent: Wednesday 13 June 2018 16:16
To: procbordemail
Subject: FW: 20171532 SEAN & MICHAEL KELLY - Appeal Response
Attachments: 20171532 Appeal Response.pdf

Importance: High

From: Abigail Nuzum [mailto:Abigail.Nuzum@wexfordcoco.ie]
Sent: Wednesday 13 June 2018 16:13
To: Bord <bord@pleanala.ie>
Cc: Niamh Lennon <Niamh.Lennon@wexfordcoco.ie>
Subject: 20171532 SEAN & MICHAEL KELLY - Appeal Response
Importance: High

Good afternoon,

Please find attached a copy of the planner's comments on the following appealed application:

ABP Ref: ABP-301615-18

Planning Ref: 20171532

Applicant: SEAN & MICHAEL KELLY

Proposal: PERMISSION FOR A PERIOD OF 20 NO. YEARS ON A SITE OF C.8.45 HECTARES PERMISSION IS SOUGHT FOR THE EXTENSION OF THE EXISTING QUARRY (PERMITTED UNDER WEXFORD COUNTY COUNCIL REG. REF. 20082323) ONTO ADJOINING LANDS TO THE WEST COMPRISING AN EXTRACTION AREA OF C. 5.83 HECTACRES. THE QUARRY EXTENSION IS SOUGHT TO A MAXIMUM DEPTH OF C. 38 METRES OD AND WILL BE EXTRACTED AT A RATE OF C. 100,000 TONNES PER ANNUM. THE PROPOSED DEVELOPMENT INCLUDES ALL ANCILLARY SITE DEVELOPMENT, AREAS OF STOCKPILING, LANDSCAPING AND BOUNDARY TREATMENT WORKS ABOVE AND BELOW GROUND, INCLUDING THE PROGRESSIVE RESTORATION OF THE FINAL PIT VOID (EXTRACTIVE AREA) TO ORIGINAL LEVEL THROUGH THE IMPORTATION OF INERT SOILS. AN ENVIRONMENTAL IMPACT STATEMENT (NOW REFERRED TO AN ENVIRONMENTAL IMPACT ASSESSMENT REPORT (EIAR) WILL BE SUBMITTED TO THE PLANNING AUTHORITY WITH THE APPLICATION.

Location: BALLINROOAUN (ED CASTLE ELLIS), CASTLE ELLIS

Hard copy follows by registered post.

Please acknowledge receipt of this submission, as today is the last date for submissions on same.

Kind regards

Abi

Abigail Nuzum
Planning
Wexford County Council
County Hall
Carricklawn
Wexford

053 919 6486

T? an t-eolas sa r?omhphost seo agus in aon chomhad a ghabhann leis r?nda agus ceaptha le haghaidh ?s?ide an t? n? an aon?in ar seoladh chuige iad agus na h?s?ide sin amh?in. Is tuairim? n? dearctha? an ?dair amh?in aon tuairim? n? dearctha? ann, agus n? g? gurb ionann iad agus tuairim? n? dearctha? Comhairle Contae Loch Garman. M? bhfuair t? an r?omhphost seo tr? earr?id, ar mhiste leat ? sin a chur in i?l don seolt?ir n? le postmaster@wexfordcoco.ie. Scanann Comhairle Contae Loch Garman r?omhphoist agus ceangalt?in le haghaidh v?reas, ach n? r?tha?onn s? go bhfuil ceachtar d?obh saor ? v?reas agus n? glacann dliteanas ar bith as aon dam?iste de dhroim v?reas.

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An Bord Pleanála
64 Marlborough Street
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A.B.P. Ref: ABP-301615-18

Planning Ref: 20171532

Applicant: SEAN & MICHAEL KELLY

Location: BALLINROOAUN (ED CASTLE ELLIS), CASTLE ELLIS

Proposal: PERMISSION FOR A PERIOD OF 20 NO. YEARS ON A SITE OF C.8.45 HECTARES PERMISSION IS SOUGHT FOR THE EXTENSION OF THE EXISTING QUARRY (PERMITTED UNDER WEXFORD COUNTY COUNCIL REG. REF. 20082323) ONTO ADJOINING LANDS TO THE WEST COMPRISING AN EXTRACTION AREA OF C. 5.83 HECTACRES. THE QUARRY EXTENSION IS SOUGHT TO A MAXIMUM DEPTH OF C. 38 METRES OD AND WILL BE EXTRACTED AT A RATE OF C. 100,000 TONNES PER ANNUM. THE PROPOSED DEVELOPMENT INCLUDES ALL ANCILLARY SITE DEVELOPMENT, AREAS OF STOCKPILING, LANDSCAPING AND BOUNDARY TREATMENT WORKS ABOVE AND BELOW GROUND, INCLUDING THE PROGRESSIVE RESTORATION OF THE FINAL PIT VOID (EXTRACTIVE AREA) TO ORIGINAL LEVEL THROUGH THE IMPORTATION OF INERT SOILS. AN ENVIRONMENTAL IMPACT STATEMENT (NOW REFERRED TO AN ENVIRONMENTAL IMPACT ASSESSMENT REPORT (EIAR) WILL BE SUBMITTED TO THE PLANNING AUTHORITY WITH THE APPLICATION.

A Chara,

The issues raised in the two appeals were fully considered by the Planning Authority in reaching a decision on the application. I would itemize the issues raised as follows;



1. Protected terrestrial mammal species identified on adjoining lands under Plan Ref 20180234 which was refused

Comment as follows;

Plan Ref 20180234 was an application for a one off rural house north of the subject application site. I note in the planners report for Plan Ref: 20180234 that the application did not include any ecological impact assessment report and was refused for a number of reasons.

I consider the topic of Biodiversity and flora and fauna has been adequately addressed in Chapter 6 of the EIA submitted with Plan Ref: 20171532

The main points are summarised below:

- Statements regarding the methodology and personnel used in preparing the chapter (5no. surveys undertaken from August to December 2015)
- Reference to consultations, including written scoping advice (copy included), from the Development Applications Unit of the National Parks and Wildlife Service in 2015;
- Description of habitat types on site:
 - Improved agricultural grassland
 - Dry meadows grassy verge
 - Acid grassland
 - Hedgerows
 - Scrub
 - Active Quarries and Mines
 - Exposed sand till
 - Recolonising bare ground
- Mammal survey
 - Rabbits abundant
 - Evidence of foxes visiting the site but no dens recorded
 - Badgers are known to occur in the wider area but there was no evidence of badger setts or signs of extensive badger use (eg. paths, latrines) of the site
 - Domestic cat and dog and brown rat recorded on trail camera
 - Hedgehog may occur locally
 - Bat survey
 - Pipistrelle (Common and Soprano), Leisler's, Myotis species, Brown Long-Eared bats recorded at the site
 - Habitats on the site used by foraging and commuting bats
 - No evidence of bat roosts within existing ditches/ buildings on/around the site
- Avian survey
 - 37 species identified (inc. Meadow Pipet, Herring Gull, Peregrine Falcon, Buzzard and Kestrel);

- No record of wildfowl or wintering waders on site (site in close proximity to Wexford Slobbs)
- Broad diversity of species but numbers present relatively small
- Summary of the Screen Hills and Slaney River Valley SACs and The Raven and Wexford Harbour and Slobbs SPA
- Screening for Appropriate Assessment
 - Prepared by Ecology Ireland Wildlife Consultants
 - Conclusion: No significant effects on the key relationships that define the structure or function of the Screen Hills SAC, The Raven SPA, Wexford Harbour and Slobbs SPA, Slaney River Valley SAC

The following statements are made (summarised):

- No Annex 1 habitats within the site
- Habitats which would be lost (grassland/recolonising bare ground/grassy verge) are not particularly rare
- Limited loss of hedgerows
- Flora species identified on site not particularly rare (none included in Flora Protection Order 1999)
- Agricultural land to be lost is not of high botanical importance
- No impacts on compensatory lands set aside further to permission 20082323.
- No mammals of conservation concern would be affected
- Neutral impacts on birds

The following is stated with respect to proposed mitigation (summarised):

- Annual walkover by ecologist and report to WCC to ensure all mitigation measured being employed
- Hedgerows to be retained and planted at the overall boundaries of the site
- Restoration /landscaping will create new habitats
- No night-time lighting of the development – operations generally within daylight hours
- Topsoil will be stored appropriately
- Landscaping works will take place outside of nesting season
- Landscaping works will be supervised by an ecologist
- Bat boxes will be installed
- A vertical sand face will be retained for sandmartins
- Impacts on air and water will be controlled and monitored.
- Residual impacts on birds, mammals and other fauna will be highly localised and slight in the short-medium term and neutral imperceptible in the longer term

2. Concerns over the health and safety of the site as no signage to prevent and deter unauthorized or accidental access.

Comment as follows; I also note that that on entry into the quarry there are a number of appropriate safety signs displayed in a conspicuous position.

3. Screen Hills as an area of landscape and geological importance

Comment as follows;

The GSI's view is that the well-preserved topography of the Screen Hills area is of international importance owing to the number and variety of best expressed kame and kettle landforms lying side by side in a relatively small area. Screen Hills is listed as a County Geological Site (CGS) and NHA ('Designation recommendation') within the current Wexford CDP 2013-19, with appropriate policies to protect (e.g Objective NH02), and is documented within the Geological Heritage Audit of County Wexford (final draft with Wexford CC).

An internal provisional report, dated 15/3/2009, notes the impracticalities of designating the entire Screen Hills area as an NHA due to its size (11km x 13km in area).

The view of the IGH programme, as stated in the Screen Hills Site Report of the 'Geological Heritage Audit of County Wexford' (final draft 14/7/17 with Wexford CC), is that a part of the area, shown in the site report map, is recommended as a Geological NHA and that the 'most prominent kames, in terms of elevation and scale, should be protected':

Site Importance - County Geological Site; recommended for Geological NHA

The site is unique in the number and variety of kame and kettle forms which lie side by side in a relatively small area. The site is of international importance.

Management/promotion issues

This is an excellent site in terms of macro-scale Quaternary glacial geomorphology and should be promoted as unique amongst landscape elements, within both the Wexford County Development Plan, and in Landscape Characterisation. The most prominent kames, in terms of elevation and scale, should be protected.

GSI's statement (email 4/8/17; Section 7.0 Appendix A) that if the Ballinrouan Quarry development includes a full and entire restoration of the landform topography as currently existing (as of July 2017) 'this would not be considered counter to the goals of the [GSI's] IGH programme' was conditional on the fact that GSI would need to see the details of this before making our final comments - 'we would be happy to consider this once prepared'.

GSI Comments in relation to the proposed progressive full restoration and mitigation methods [Sections 3.3.1, 3.3.3.1, 4.3.2, 7.4.4 and 11.5]

As the significant geoheritage value of this kame-kettle topography is entirely inherent in its overall surface expression, GSI would emphasise the fact that in

order to fulfil a full and entire restoration to 2017 landform topography, any proposed extraction would be dependent on a successful application for an Inert Waste Licence. GSI would therefore be concerned about guarantees on how this condition would be met.

The surface of the 'restored to previous levels' will be prone to settlement and preferential gulying during heavy rainfall, which commonly happens with newly planted land, especially when there are small amount of fines in the subsoils. After a number of years this could potentially result in a scoured surface, especially as there are relatively high slope angles over much of the proposed extraction area.

The re-profiling measures outlined (sections 11.5.1 to 11.5.3) will need to be repeated after three years as there will be much settlement of the topsoil and inert material below.

In relation to these settlement issues, ongoing and post-monitoring of restored ground levels, will be crucial. Any settlement and potential gulying will need to be assessed and remediated, as appropriate, to pre-excitation levels.

Email correspondance from Sarah Gatley GSI dated 16th March 2018 stating 'GSI is staisified from the available documentation that all efforts are being made to ensure a succesfull restoration, subject to the conditions and GSI site visits. In realtion to the Applicants response 2.2.1 GSI would require that the final restoration work is checked against the original topographical survey (carried out in July 2017 bu Coastway Surveys Ltd) by Wexford County Council.

4. Sand migration

I note the submission from The HSE stating *'There is no evidence of sand creep from the quarry onto adjoining land and dust readings are within normal limits. Dust mitigation is practiced...*

....This is a low impact quarry provided all mitigations outlined are carried out.'

It is considered that the reduction in the area of extraction from that previously proposed has now given additional separation distance of the quarry edge from adjoining landowners lands to the northern part of the proposed area of extraction. The permitted area of extraction under Plan Reg:20082323 was only 20m from the boundary on elevated land. The proposed quarry area is about 100m in places from this boundary however to the northeastern corner the quarry edge was significantly less than the 100m. Following a further information request *Revised drawings by AGECE Engineering Consultants were submitted which demonstrates the north-west corner of the proposed extraction area has been amended to ensure a minimum separation distance of 100m from adjoining landholdings.* In conjunction with the mitigation measures and conditions of the

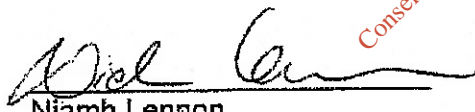
permission the concerns regarding dust generation affecting lands outside of the ownership of the applicant are addressed.

5. Non- Compliance/Enforcement

Planning Officer Graeme Hunt Pers. Comm. confirmed that the applicant is considered substantially compliant to date with the operating Planning Permission Ref: 20082223. The remaining outstanding bond amount agreed with the planning authority was paid in 2018. There are no outstanding enforcement issues relating to this site and there is an active compliance file relating to on-going environmental monitoring conditions. It is noted on file that Brendan Cooney Senior Executive Scientist considered the results were within the limits specified.

It is considered that there is sufficient information contained within the EIAR and the Further Information response received 21st February 2018. In conjunction with the other documents submitted with the planning application, referral responses received evidence from visits to the site and examination of previous planning files etc, there is deemed to be sufficient information available to enable an assessment to be made of the impacts on the environment of the proposed development.

Providing that the mitigation measures included in the EIAR are adhered to, it is considered that there will be no significant impacts on the environment as a result of the construction, operational phase and restoration of the proposed extension to the existing sand and gravel pit. Based on the information provided there are no adverse or residual impacts on the receiving environment predicted as a result of the proposed development.



Niamh Lennon
(MSc Ecol, Dip EIA/SEA Mgmt, BSc EVP)
Executive Planner

Date: 13/06/18

Muiriosa Cassells

From: Bord
Sent: Wednesday 13 June 2018 17:36
To: procbordemail
Subject: FW: KCC Obs - Third Party Appeal against Decision to Grant 17/535 Harmony Solar
Attachments: Scanned from a Xerox Multifunction Device.pdf

From: Joanne Percival [mailto:jpercival@kildarecoco.ie]
Sent: Wednesday 13 June 2018 17:23
To: Bord <bord@pleanala.ie>
Subject: KCC Obs - Third Party Appeal against Decision to Grant 17/535 Harmony Solar

Please find attached the Planning Authority's observations in relation to the above.

Regards

Joanne Percival
Staff Officer
Planning Dept.
Kildare Co. Co.

From: <jpercival@kildarecoco.ie>
To: "jpercival@kildarecoco.ie" <jpercival@kildarecoco.ie>
Date: 13/06/2018 17:21
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Déanann Comhairle Contae Chill Dara iarracht ríomhphoist a chosaint ó víris. Mar sin féin, moltar duit gach ríomhphost a scanadh, mar ní ghlacann an Chomhairle aon dliteanas i leith damáiste do do chórais.

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