

The Secretary  
An Bord Pleanála  
64 Marlborough Street  
Dublin 1

**AN BORD PLEANÁLA**  
TIME 15.57 BY Couziel  
**12 JUN 2018**  
LTR DATE \_\_\_\_\_ FROM LC  
PL \_\_\_\_\_

Tuesday, 12<sup>th</sup> June 2018  
[By Hand]

Dear Sir/Madam

**Re: First Party Response to 3<sup>rd</sup> Party Appeals with regard to the *Notification of Decision to Grant Permission* for the extension of an existing quarry at Ballinrooaun, Screen, Co. Wexford**

**An Bord Pleanála Reference:  
Wexford County Council Planning Register Reference**

**ABP-301615-18  
20171532**

## 1.0 INTRODUCTION

### 1.1 Purpose of this Submission

The Applicant, Sean and Michael Kelly, Ballinrooaun, Screen, Co. Wexford has retained Tom Phillips + Associates<sup>1</sup> to prepare this First Party Response to the Third Party Appeals submitted by Aidan Cash and by Elizabeth and James Cash, regarding the above referenced development. The Cash Appeals are all from the same family, which own land adjoining the existing quarry and essentially comprise a single Appeal on the family's behalf.

The Response is being submitted within the period specified by the Board (by 13<sup>th</sup> June 2018). We have provided a response to the Third Party Appeals in Section 2 below. For ease of reference we have responded to items raised in the order they appear in the Appeal and have consolidated the response to where issues overlap in each appeal.

#### ***The Applicant produces a High Quality Sand Product***

Due to the nature of the sand within the existing quarry (with a high shell content as a result of glacial marine origin), the sand is particularly sought after for use in a number of construction, sport and leisure developments. This particular Wexford sand is used in a number of high quality construction products (i.e plastering, white plastering sand,

<sup>1</sup> 80 Harcourt Street, Dublin 2.



grout materials, dry sand), horticulture, and notably equestrian and sporting facilities (golf course, sports fields).

The sand deposit is particularly recognised in the equestrian and sporting industry as a quality product. This is due to the unique combination of relative high shell content (lime) with high permeability making the sand ideally suited for an underlayer below grassed sporting areas as it provides both nutrient-feed to the grass whilst allowing underdrainage preventing water-logging of the surface. The Applicant currently supplies this sand to a wide range of clients both nationally and internationally and it is considered that the demand for this high quality material will increase over the next number of years, resulting in the need for extraction into the adjoining lands.

## 2.0 RESPONSE TO OBSERVATIONS ON APPEAL

### 2.1 Aidan Cash Appeal

The Appeal submitted by Aidan Cash generally relates to 2 No. issues, a reason for refusal relating to an adjoining residential application by a member of the Cash family, with regard to the potential impact on mammal presence on the lands, and perceived 'health and safety' concerns.

Having regard to the first issue, Wexford County Council (WCC) refused permission for 5 No. reasons for a proposed one-off rural dwelling on lands to the north of the quarry extension (WCC. Reg. Ref. 20180234) in April 2018. It is clear from the reasons given by WCC that this dwelling was poorly located within the overall landholding and did not provide for the requisite supporting documentation required to determine the application properly. The Appellant is attempting to link the 2<sup>nd</sup> reason of refusal to the proposed quarry development. The reason for refusal highlighted that

*'In the absence of an ecological report the application has failed to demonstrate that the proposed development would not impact on a protected species and its habitat.'*

In this regard, we note the planning application as submitted to WCC for the proposed quarry development included an Environmental Impact Assessment Report (EIAR) which included an Ecology chapter and an Appropriate Assessment Screening Report which concluded that the scheme would not adversely impact on protected species or habitats within Natura 2000 sites. It is also noted that neither the NPWS nor the WCC Environmental Department raised concerns in this regard.

Having regard to 'health and safety' concerns and warning signage at the existing quarry, it is noted that the area is clearly fenced off between the Applicant's and the Cashes lands and given the commentary in both Appeals the Appellants are clearly aware of the relevant ownership boundaries and the quarry location. Notwithstanding the above, the Applicant has no issue with placing additional warning signage along the northern boundary of the lands between the proposed extension area and the Cashes



lands to highlight the location of the quarry. Furthermore, the Health Service Executive (HSE) commented on the application by way of consultation with WCC and stated that 'this is a low impact quarry' and did not highlight any concerns with the proposed development.

We request that Board to dismiss the issues raised in the Aidan Cash Appeal as they have clearly already been addressed in full in the planning application and EIAR prepared for the proposed scheme.

## 2.2 Elizabeth and James Cash Appeal

This Appeal has been prepared by Mahon and Fox on behalf of Elizabeth and James Cash. At the outset, we highlight that the Appeal is mostly a repetition of previous observations made in relation to the previous refusal of a similar type of development by An Bord Pleanála. In this regard we note that this application fully addresses the Reasons of Refusal outlined in the recent application for extension of the sand and gravel quarry which formed part of the subject site under WCC Reg. 20160261 and An Bord Pleanála (ABP) Ref. 26.246680. The Appellant also refers to historical enforcement cases in relation to the existing operation of the quarry. It should be noted that any queries raised by WCC were addressed by the Applicant and it is considered that the enforcement file has remained open in error. The Applicant has engaged with WCC and it is understood that this file will be closed imminently.

It is stated by the Appellant that *the current application... seeks yet again to further extend the existing quarry, along with a significant expansion (of the extractive operation)*. The Applicant has had specific regard to the reasons of refusal highlighted by ABP with regard to landscape and visual assessment and geological/geomorphological concerns. The Applicant has withdrawn the proposed quarry extension from the high point of the subject site (in a southerly direction) and proposes to fully restore the geomorphological topography of the lands, which involved significant consultation with the Geological Survey of Ireland (GSI).

The Appellant refers to a number of photos taking in May 2016 which they claim illustrates the particular issue of wind-blown sands on their land impacting on their livelihood. With respect, this issue was brought up by the Appellant in the previous application on the site. In summary, the Applicant provided the response below:

*'We refer to the aerial image below taken by the Appellant of the site on 26<sup>th</sup> July 2016 which clearly illustrates the buffer zone between the extraction area of the existing quarry and the Observers lands to the north (left of quarry below). The proposed quarry will extend into the lands where cattle are grazing. We also highlight that the Observers lands are shown in use for planting crops, which are thriving, which clearly shows the claims of an adverse impact on these lands is untrue. WCC were invited to the quarry last year, given the operators good working relationship with the planning authority, were WCC confirmed the 20m buffer zone is in place. '*



Drone Image From West of Existing Quarry (26<sup>th</sup> July 2016)

The existing and proposed quarry development does not and will not impact on the adjoining lands. It is clearly illustrated that these lands are continuously used for agricultural purposes. Furthermore, in the previous application on the site, the ABP Inspector commented that:

*'I am satisfied that the development would not give rise to significant adverse effects on residential receptors in the area...'*

*In conclusion I submit that taking the totality of evidence together it would be reasonable for the Board to conclude that the proposed development would not adversely affect the use of lands in the area.'*

ABP considered that there were no grounds for refusal in relation to impact on the adjoining lands from the previous development. The proposed development is located further away from the Appellants lands and therefore could not impact on these lands. We request the Board to dismiss these claims as there are unfounded and have previously been demonstrated to be inaccurate.

The Appellant goes on to refer to the previous reasons for refusal of the 2016 application having regard to Development Plan Policies L03, L04 and L05, which relate to landscape and visual impacts, and Policy ED09 which relates to extractive industry



development which could impact on designated areas where significant detrimental impacts cannot be satisfactorily mitigated. It is claimed that that the proposed development contravenes these Development Plan policies.

Having regard to Policies L03, L04 and L05 (and L06) and the potential landscape and visual impact of the proposed development we refer to the Landscape and Visual Impact (LVIA) assessment submitted as part of the EIAR, prepared by Macroworks and Section 3.2.2 of the Planning Report submitted with the planning application. This confirms that the proposed extension area has been substantially reduced and does not encompass the higher level of the previous application site which would be considered to be the most visible part of the Screen Hills area. The upper most part of the application site has been moved c. 90 – 100 m further south from the previous application boundary location to reduce visual impact.

We refer the Board to the LVIA carried out which considers that:

*'In relation to landscape impacts, in spite of notable protection/conservation designations - at a county and national level – in the vicinity, the proposed quarry extension has numerous robust features that will help it be absorbed into the surrounding landscape character. This has meant that while the wider study area possesses a generally high sensitivity, the immediate site context has Low-negligible sensitivity. The 20-year operational life of the quarry represents an extension of an adjacent existing land use (i.e. quarry and sand pit) and one that is a long-established land use in this part of County Wexford.*

*Upon restoration, the proposed development is expected to have a Moderate-slight landscape impact within 1km of the extended quarry, but Slight-imperceptible landscape impacts elsewhere within the study area.*

*In terms of visual impacts, nine viewpoints have been used for the purposes of the visual impact appraisal. Photo-realistic visualisations (photomontages) have been prepared for each viewpoint to illustrate the nature and extent of visibility of the proposed quarry extension. Of the nine viewpoints, two-thirds were less than 1.2km from the site.*

*The highest level of visual impact magnitude during operational phases was deemed Low-negligible, which applies to just four viewpoints. At all other locations the magnitude of visual impact during operational stages was deemed to be Negligible. Following the restoration phase from year 20, the visual impact significance of all nine viewpoints was classed as being imperceptible.*

*Consequently, it is not considered that any significant landscape and visual impacts will result from the proposed development. Rather, the proposed Development is well screened and all landscape and visual impacts are at the low or lowest end of the spectrum.'*



The proposed development has addressed the previous reason for refusal in relation to LVIA and the Appellants claims in this regard are misguided and based upon the previous proposals on the subject site. We request the Board to dismiss this argument as this issue is no longer relevant to the proposed development as it has been addressed in the redesign of the proposal and it has been demonstrated that there is no adverse visual impact on the surrounding landscape as a result of the proposed development.

The Appellant also outlines the importance of the Screen Hills in relation to landscape and their geological/geomorphological importance, as identified by the GSI. Further to the refusal of the 2016 Application on this site, the Applicant and Design Team entered into consultation with the GSI to discuss their concerns in relation to the development of these lands and how best to address any potential issues in relation to the mitigation of impacts on the Screen Hills proposed Natural Heritage Area (pNHA) and any features of geological heritage interest.

A meeting was held between the GSI and the Applicants design team where a presentation was made to the GSI illustrating that the existing landform at the site could be fully restored to existing levels. This requires the importation of inert soils to site (further discussed in the planning application and EIAR) which will be capped with the stripped subsoil and topsoil from the site. As detailed in correspondence (included in image below), the GSI outlined that:

*'...if the proposed Ballinrooan Quarry development includes 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 IGH programme, and would therefore not be objected to by GSI and we would be happy to consider this once prepared.'*

It is therefore considered that the proposed full and entire restoration of the landform to existing levels (through the importation of inert soil) is in accordance with the proposals as discussed with the GSI and the proposed development will not adversely impact on the geological heritage of the Screen Hills pNHA and is therefore not counter to Policy ED09 of the County Development Plan.



**From:** [Koen Verbruggen](#)  
**To:** [Turlough Johnston](#)  
**Cc:** [Sarah Gatley](#); [Robbie Meehan](#); [Parkes, Matthew](#)  
**Subject:** Ballinrooaun Quarry development proposal, Wexford  
**Date:** 04 August 2017 15:00:52  
**Attachments:** [Image001.png](#)

Turlough,

Thank you to you and your colleagues for attending the meeting last week, Tuesday 25<sup>th</sup>, at GSI, which I think was very useful in allowing us to explain the rationale and working of the Irish Geological Heritage (IGH) programme and discussing the issues and options in relation to the Screen Hills in Wexford.

As explained the IGH Programme has identified a portion of the Screen Hills area as a County Geological Site, the well-preserved topography of which is of international importance owing to the number and variety of best expressed kame and kettle landforms which lie side by side in a relatively small area. Therefore, as discussed at the meeting, if the proposed Ballinrooaun 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 IGH programme, and therefore would not be objected to by GSI and we would be happy to consider this once prepared.

Regards,  
Koen



**Koen Verbruggen** Director Geological Survey

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Tá eolas sa teachtaireacht leictreonach seo (agus b'fhéidir sa chomhaid ceangailte leis) a d'fhéadfadh bheith príobháideach nó faoi rún. Is le h-aghaidh an duine/na ndaoine nó le h-aghaidh an aonáin atá ainmnithe thuas agus le haghaidh an duine/na ndaoine sin amháin atá an t-eolas. Murab ionann tusa agus an té a bhfuil an teachtaireacht ceaptha dó bíodh a fhios agat nach gceadaítear nochtadh, cóipeáil, scaipeadh nó úsáid an eolais agus/nó an chomhaid seo. Más trí earráid a fuair tú an teachtaireacht leictreonach seo cuir, más é do thoil é, an té ar sheol an teachtaireacht ar an eolas láithreach. Deimhnítear leis seo freisin nár aims odh víreas sa phost seo tar éis a scanadh.

Correspondence from Koen Verbruggen (Director, GSI) and Turlough Johnston (Managing Director, AGECE Consulting Engineers) outlining agreed approach to restoration of existing landform at Application Site

We further note the correspondence on the planning application file to WCC, from Sarah Gatley of the GSI (email dated 16<sup>th</sup> March) which states that:

*'In relation to the above RFI, Geological Survey Ireland is satisfied from the available documentation that all efforts are being made to ensure a successful full restoration, subject to the conditions and GSI site visits.'*



It is clear from the Applicants correspondence with the GSI and further correspondence between the GSI and WCC that the Applicant has had regard to the comments made previously by ABP in relation to the development of these lands and has engaged with the GSI to seek a resolution on this matter. The proposed development provides for the extraction of the reserves at this location and the full restoration of the landform through the importation of inert materials. This proposal is fully supported by the GSI and the Planning Authority and represents an appropriate design solution to avail of the substantial reserves available at this location.

The Appeal also includes a section entitled '*Factors From Previous Assessment by An Bord Pleanála*' where parts of the previous ABP Inspectors Report are selectively quoted to again highlight the important status of these lands having regard to landscape and geology.

We again reiterate the Applicant has gone to great lengths to address the previous reasons of refusal on the site, including engagement with the GSI and WCC to discuss these issues. It is considered that the detail outlined in the planning application, EIAR and Response to Further Information has fully addressed any outstanding issues with regard to the development of these lands for the provision of a sand and gravel quarry and the subsequent progressive restoration of the landform over the period sought in the application.

#### 4.0 CONCLUSION

The Applicant's existing quarry at Ballinrooan, Screen, Co. Wexford produces high quality sand that represents an important resource in the local area, nationally and internationally. The existing quarry has been carefully operated in accordance with the conditions attached with the planning permission granted in 2009 (Reg. Ref. 20082323). The proposed development for the extension of the sand and gravel quarry onto the adjoining lands and the progressive restoration of the void to existing levels will ensure that this resource is safeguarded to meet future demand whilst simultaneously protecting ecology and the visual amenity of the area.

Having regard to the:

- Provisions of the current development plan for the area in relation to the extraction industry;
- Established use of the existing quarry site and agricultural nature of the adjoining lands;
- Extent of the remaining mineral resource and high quality mineral resource on adjoining lands and the extent of existing capital investment at the site;
- Level of existing employment at the site and contribution to the local economy;
- Assessment of impacts and proposed mitigation in the enclosed *Environmental Impact Assessment Report* and *Appropriate Assessment Screening*, which predict that there are no significant negative impacts on





- the environment or protected *Natura 2000* sites as a result of the construction and operation of the proposed development; and
- Assessment of the previous application by Wexford County Council and An Bord Pleanála and the Reasons for Refusal outlined in relation to the most recent application at the application site, which have now been fully addressed in the proposed development, including correspondence and meeting with the Geological Survey of Ireland

It is considered that the proposed development would not injure the amenities of the area, would not be prejudicial to public health, would be acceptable in terms of traffic safety, would not impact negatively on the landscape or visual amenity of the area and would be in accordance with the proper planning and sustainable development of the area.

We therefore request the Board dismiss the claims made by the Appellant and uphold the decision of Wexford County Council to grant planning permission for the proposed quarry development at Ballinrooaun, Screen, Co. Wexford.

We look forward to receiving an early and favourable response on this matter and would be happy to clarify any issue arising.

**Stephen Barrett**  
**Associate**  
**Tom Phillips + Associates**

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