

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

South Dublin County

An Bord Pleanála Reference Number: 06S.QD.0004

Planning Register Reference Number: SDQF15A/6

Associated Substitute Consent Reference Number: 06S.SU.0129

WHEREAS Kilsaran Concrete trading as Kilsaran Build care of SLR Consulting Ireland of 7 Dundrum Business Park, Windy Arbour, Dublin, made an application to An Bord Pleanála on the 30th day of November, 2015, pursuant to section 37L of the Planning and Development Acts, 2000 to 2015, to further develop a quarry at Aghfarrell, Mountseskin and Ballinascorney Upper, Brittas, County Dublin, in accordance with plans and particulars lodged with the Board:

NOW THEREFORE, the Board, in accordance with section 37N of the said Act, and based on the Reasons and Considerations set out below, decided to grant permission to further develop the quarry, in accordance with the following conditions.

REASONS AND CONSIDERATIONS

In making its decision the Board had regard, inter alia, to the following:

- (a) the provisions of the Planning and Development Act, 2000, as amended, and in particular Section 37L,
- (b) the 'Quarry and Ancillary Activities, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2004,
- (c) the provisions of the South Dublin County Development Plan 2016-2022,
- (d) the Environmental Impact Statement submitted with the application for further development,
- (e) the report and the opinion of the planning authority under section 37L(12)(a),
- (f) the submissions made in accordance with regulations made under Article 270 of the Planning and Development (Amendment) (No. 2) Regulations 2015,
- (g) the report of the Board's Inspector, including in relation to potential significant effects on the environment,
- (h) the planning history of the site,
- (i) the pattern of development in the area,
- (j) the nature and scale of the development the subject of this application for further development, and
- (k) An Bord Pleanála Reference Number 06S.SU.0129 - application for substitute consent at the subject site.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with, or necessary to, the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the Wicklow Mountains Special Protection Area (Site Code 004040) and Poulaphouca Reservoir Special Protection Area (Site Code 004063), or any other European site, in view of the sites' Conservation Objectives.

Environmental Impact Assessment

The Board considered that the Environmental Impact Statement submitted with the application, the report, assessment and conclusions of the Inspector with regard to this file and other submissions on file, was adequate in identifying and describing the direct and indirect effects of the proposed development. The Board completed an Environmental Impact Assessment, and agreed with the Inspector in his assessment of the likely significant effects of the proposed development, and generally agreed with his conclusions on the acceptability of the mitigation measures proposed and residual effects. The Board adopted the report of the Inspector. The Board concluded that, subject to the implementation of the mitigation measures proposed, and subject to the following conditions, the effect of the proposed development on the environment would be acceptable and the proposed development would be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, including the mitigation measures described in the Environmental Impact Statement, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This grant of permission to further develop the quarry shall be for a period of 20 years from the date of this order. The site restoration works described in the Environmental Impact Statement shall be completed within two years of the cessation of quarrying on the site.

Reason: To enable the effects of the development to be reassessed in the light of the operation of the permission to further develop the quarry and the circumstances then obtaining.

3. No more than 500,000 tonnes of material may be extracted from the site in any period of 12 months regardless of whether such extraction is authorised by this permission to further develop the quarry or by any other consent, approval or permission.

Reason: To clarify the scope of the permission in accordance with the details submitted in connection with the application

4. Overburden storage and quarry restoration shall be carried out on the applicant's landholding in accordance with Plan B described in Chapter 2 of the Environmental Impact Statement.

Reason: To achieve a greater level of restoration of the landholding after the operation of the quarry there ends with more opportunity for ecological recolonisation.

5. The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. This shall include the following:
- (a) Proposals for the suppression of on-site noise.
 - (b) Proposals for the on-going monitoring of sound emissions at dwellings in the vicinity.
 - (c) Proposals for the suppression of dust on site.
 - (d) Details of safety measures for the land above the quarry, to include warning signs and stock proof fencing.
 - (e) Management of all landscaping.
 - (f) Monitoring of ground and surface water quality, levels and discharges.
 - (g) Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.

Reason: In order to safeguard local amenities.

6. The quarry and all activities occurring therein, shall only operate between 0600 hours and 2000 hours, Monday to Friday and between 0600 hours and 1400 hours on Saturdays. No activity shall take place outside these hours or on Sundays, Bank or Public Holidays.

Reason: In order to protect the amenities of property in the vicinity.

7. During the operational phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed:
- an LArT value of 55 dB(A) during 0800 and 2000 hours. The T value shall be one hour.
 - an LAeqT value of 45 dB(A) at any other time. The T value shall be 5 minutes.

Reason: In order to protect the amenities of property in the vicinity.

8. (a) Blasting operations shall take place only between 1000 hours and 1800 hours, Monday to Friday, and shall not take place on Saturdays, Sundays, Bank or Public Holidays. Monitoring of the noise and vibration arising from blasting and the frequency of such blasting shall be carried out at the developer's expense by an independent contractor who shall be agreed in writing with the planning authority.
- (b) Prior to the firing of any blast, the developer shall give notice of his intention to the occupiers of all dwellings within 500 metres of the site. An audible alarm for a minimum period of one minute shall be sounded. This alarm shall be of sufficient power to be heard at all such dwellings.

Reason: In the interest of public safety and residential amenity.

9. (a) Vibration levels from blasting shall not exceed a peak particle velocity of 12 millimetres/second, when measured in any three mutually orthogonal directions at any sensitive location. The peak particle velocity relates to low frequency vibration of less than 40 hertz where blasting occurs no more than once in seven continuous days. Where blasting operations are more frequent, the peak particle velocity limit is reduced to eight millimetres per second. Blasting shall not give rise to air overpressure values at sensitive locations which are in excess of 125 dB (Lin)max peak with a 95 per cent confidence limit. No individual air overpressure value shall exceed the limit value by more than 5 dB (Lin).
- (b) A monitoring programme, which shall include reviews to be undertaken at annual intervals, shall be developed to assess the impact of quarry blasts. Details of this programme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any quarrying works on the site. This programme shall be undertaken by a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority following this annual review.

Reason: To protect the residential amenity of property in the vicinity.

10. (a) Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details to be submitted shall include monitoring locations commencement date and the frequency of monitoring results, and details of all dust suppression measures.
- (b) A monthly survey and monitoring programme of dust and particulate emissions shall be undertaken to provide for compliance with these limits. Details of this programme, including the location of dust monitoring stations, and details of dust suppression measures to be carried out within the entire quarry complex, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any quarrying works on the site. This programme shall include an annual review of all dust monitoring data, to be undertaken by a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority, following this annual review.

Reason: To control dust emissions arising from the development and in the interest of the amenity of the area.

11. Prior to the commencement of development the developer shall submit and agree in writing with the planning authority a scheme to control the traffic generated by the proposed development and its impact on the public road. The scheme shall include details of the following:
- (a) The number and type of vehicular movements to and from the quarry.
- (b) The routes taken by various vehicles coming and going from the site, and in particular restrictions on the type and weight of vehicles, if any, using the bridge over the Dodder on the regional road R114.

- (c) Restrictions upon the timing, direction and type of vehicular movements from the quarry in order to mitigate the impact of those travelling to and from the school at Brittas.
- (d) Repair and maintenance that the developer may carry out upon public roads in lieu of the special contribution required under condition number 14 below.

The details agreed under the scheme shall be incorporated into an agreement between the developer and the planning authority for the regulation of the development and use of the site that is authorised by this permission made under section 47 of the Planning and Development Act 2000, as amended. This agreement shall be subject to a five year review during the period of the permission to further develop the quarry, at the discretion of the planning authority.

Reason: In the interest of the safety and convenience of road users.

- 12. (a) The developer shall monitor and record groundwater, surface water flow, noise, ground vibration, and dust deposition levels at monitoring and recording stations, the location of which shall be agreed in writing with the planning authority prior to commencement of development. Monitoring results shall be submitted to the planning authority at annual intervals for groundwater, surface water, noise and ground vibration.
- (b) On an annual basis, for the lifetime of the facility (within two months of each year end), the developer shall submit to the planning authority five copies of an environmental audit. Independent environmental auditors approved of in writing by the planning authority shall carry out this audit. This audit shall be carried out at the expense of the developer and shall be made available for public inspection at the offices of the planning authority and at such other locations as may be agreed in writing with the authority. This report shall contain:
 - (i) A written record derived from the on-site weighbridge of the quantity of material leaving the site. This quantity shall be specified in tonnes.

- (ii) An annual topographical survey carried out by an independent qualified surveyor approved in writing by the planning authority. This survey shall show all areas excavated and restored. On the basis of this a full materials balance shall be provided to the planning authority.
- (iii) A written record of all complaints, including actions taken in response to each complaint.
- (c) All incidents where levels of noise or dust exceed specified levels shall be notified to the planning authority within two working days. Incidents of surface or groundwater pollution or incidents that may result in groundwater pollution, shall be notified to the planning authority without delay.
- (d) Following submission of the audit or of such reports, or where such incidents occur, the developer shall comply with any requirements that the planning authority may impose in writing in order to bring the development in compliance with the conditions of this permission to further develop the quarry.

Reason: In the interest of protecting residential amenities and ensuring a sustainable use of non-renewable resources.

13. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the disturbance or removal of topsoil,
 - (b) employ a suitably-qualified archaeologist who shall monitor the stripping of topsoil, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

14. Subject to the provisions of condition number 11 (d), the developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of maintenance and restoration works to the R114 which would benefit the proposed development. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board for determination. The contribution shall be paid in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission to further develop the quarry.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to the Board for determination.

Reason: To ensure the satisfactory restoration of the site in the interest of visual amenity.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.