

An
Bord
Pleanála

Board Direction
BD-010081-22
ABP-310263-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22/02/2022.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the nature and extent of the proposed development, the brownfield nature and established use of the site for quarrying and associated manufacturing activities, the planning history of the site, the availability of direct access to the national primary road network, to the existing rural character and pattern of development in the vicinity, and to the provisions of the Kerry County Development Plan 2015-2021, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area, or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, 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, as amended by the further plans and particulars received by the planning authority on the 9th day of March 2021 and by An Bord Pleanála on the 21st day of June 2021, 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. PA Condition No. 3

Reason: In the interests of clarity.

3. PA Condition No. 6

Reason: In the interests of environmental protection and public health.

4. PA Condition No. 4

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

5. During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location in the vicinity, shall not exceed –

- (a) An L_{ArT} value of 55dB(A) during the period 0700 to 1900 hours from Monday to Friday (inclusive) and 0700 to 1400 hours on Saturdays.
- (b) An L_{AeqT} value of 45dB(A) at any other time.

All sound measurements shall be carried out in accordance with ISO Recommendations R 1996, "Assessment of Noise with Respect to Community Responses" as amended by ISO Recommendations R 1996/1, 2 and 3 "Description and Measurement of Environmental Noise", as appropriate. The measurement time intervals to be used are one hour by day and 15 minutes by night. There shall be no tonal or impulsive element to the noise generated on site during the night time hours.

Reason: To protect the amenities of properties in the vicinity of the site.

- 6. Vehicles transporting material to and from the site, and accessing the site, shall use the N21, the N22 and the N23 only and HGVs associated with the asphalt plant shall not be allowed to use the local roads in the vicinity of the site.

All vehicles other than private cars and vans leaving the site shall pass through the wheelwash facility.

Reason: In the interests of traffic safety and in order to mitigate the extent of maintenance and upgrading works to the local road network necessitated by vehicular traffic accessing the site.

- 7. Water supply and drainage arrangements for the site, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. In this regard details for the protection of ground and surface water from contamination by run-off from the site shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

Reason: In the interests of the environmental protection.

8. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement, proposals for the quarterly monitoring of noise levels at nearby sensitive receptors. The results shall be submitted to the planning authority on a quarterly basis within one month of the end of the quarter being reported upon. On the basis of the results submitted over time, the planning authority may review the frequency of the monitoring and whether to engage a third party to carry out environmental monitoring on its behalf. Any recommendations arising from such monitoring shall be fully implemented and made available for public inspection at the offices of the planning authority and the costs of the monitoring shall be at the expense of the developer.

Reason: In the interests of environmental protection and public health.

9. 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. Dust monitoring shall be carried out three times a year (twice during the period May to September), or as otherwise agreed in writing with the planning authority. The results shall be submitted to the planning authority within one month of the end of the period being reported upon. On the basis of the results submitted over time, the planning authority may review the frequency of monitoring and whether to engage a third party to carry out environmental monitoring on its behalf. Any recommendations arising from such monitoring shall be fully implemented and made available for public inspection at the offices of the planning authority and the costs of the monitoring shall be at the expense of the developer.

Reason: In the interests of public health and residential amenity.

10. All overground tanks containing liquids (other than water) shall be contained in waterproof bunded areas, which shall be of sufficient volume to hold 110 per cent of the volume of the largest tank within the bund. All water contaminated with hydrocarbons, including stormwater, shall be discharged via a grit trap and three-way oil interceptor with sump to a watercourse. The sump shall be provided with an inspection chamber and shall be installed and operated in accordance with the written requirements of the planning authority.

Reason: In order to protect ground water.

11. The proposed mitigation measures shown on Drawing No. FI 2, and as detailed in the Visual Appraisal submitted to the planning authority on 9th day of March 2021, shall be completed prior to the operation of the asphalt plant. The existing screen planting and earthen berms along the external boundaries of the developer's landholding shown on the said drawing shall be retained on site. All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced within the next planting season with others of a similar size and species, unless otherwise agreed with the planning authority.

Reason: In the interests of the visual amenity.

12. PA Condition No. 15

13. Construction and demolition waste shall be managed in accordance with a construction and demolition waste management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice

guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interests of sustainable waste management.

14. A comprehensive waste management plan to include Hazardous Waste (if any) shall be submitted to and agreed in writing with the planning authority prior to commencement of the development.

Reason: In the interests of environmental protection and public health.

15. Comprehensive details of the proposed external lighting system to serve the development shall be submitted to and agreed with the planning authority, prior to the commencement of development.

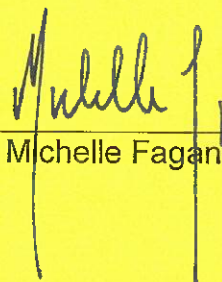
Reason: In the interests of amenity and public safety.

16. 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 of the Development Contribution Scheme made under section 48 of the Planning 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.

Board Member



Michelle Fagan

Date: 22/02/2022

Note: In not agreeing with the Inspector's recommendation to limit the start time of the operation of the development to 0700 Mondays to Saturday, it is considered that, the restriction of activity between the hours of 0600 and 0700 to starting up operations only as set out in Condition No. 4, together with compliance with the noise limits imposed by Condition 5 of this grant of permission, would limit activity sufficiently to avoid nuisance or serious injury to the residential amenities of property in the vicinity of the site.

