

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

South Dublin County

Planning Register Reference Number: SD16A/0268

An Bord Pleanála Reference Number: PL 06S.247419

APPEAL by Kilsaran Concrete (Ballinascorney) Limited trading as Kilsaran Build of Piercetown, Dunboyne, County Meath against the decision made on the 16th day of September, 2016 by South Dublin County Council to refuse permission for the proposed development.

PROPOSED DEVELOPMENT: (1) Addition of a cold feed recycled asphalt plant (RAP) to existing approved asphalt plant (planning register reference number H.2433), (2) recovery of RAP material (road planings and uncontaminated returned asphalt – EWC 17 03 02) through the proposed RAP addition to the asphalt plant totalling 10,000 tonnes per annum, (3) recovery of 6,000 tonnes per annum of imported concrete waste EWC 17 01 01 through periodic crushing to produce a construction fill material at Ballinascorney Quarry, Brittas, County Dublin. The application area is 1.1 hectares.

DECISION

GRANT permission for the above proposed development in accordance with the plans and particulars lodged with the said council, based on the reasons and considerations under and subject to the conditions set out below.

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.

REASONS AND CONSIDERATIONS

Appropriate Assessment Screening

In conducting a screening exercise for appropriate assessment, the Board considered the location of the proposed development in an operating quarry, its nature, which will not significantly alter quarry operations, the nature of the materials involved, the modest scale of the proposed development in the context of the existing quarry activity, the documentation and submissions on file generally, including the Appropriate Assessment Screening Report, the submission made to An Bord Pleanála on the 16th day of December, 2016 by the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, the separation distances to European Sites, and the assessment of the Inspector in relation to the potential for effects on such Sites. In undertaking the screening exercise, the Board accepted the analysis and conclusions of the Inspector. The Board was also satisfied that the conclusions of the Inspector in relation to water quality apply equally in relation to the potential for connectivity between the proposed development and the European Sites in Dublin Bay, as a result of the part-diversion of the Brittas River via the Brittas Lakes, the River Camac and the River Liffey, and also had regard to the substantial distance involved. The Board, therefore, concluded that, by itself and in combination with other plans or projects in the vicinity, the proposed development would not be likely to have significant effects on European Sites in light of the conservation objectives for those Sites.

Environmental Impact Assessment

Having regard to the location of the proposed development in an operating quarry, its nature and characteristics, which will not significantly alter quarry operations, the modest scale of the proposed development in the context of the existing quarry activity, the characteristics and scale of the potential impacts of the proposed development, the documentation and submissions on file generally, and the provisions of Schedule 5 and Schedule 7 to the Planning and Development Regulations, 2001, as amended, the Board is satisfied that the proposed development would not be likely to have significant effects on the environment, and concurred with the overall analysis set out in the Inspector's entire report in this regard. The Board, therefore, concluded that the submission of an environmental impact statement was not required.

Conclusions on the Proper Planning and Sustainable Development of the Area

Having regard to the nature of the proposed development, which incorporates an extension of the existing asphalt and aggregate operations within an operating quarry and which provides for the sustainable recovery of material, to the relatively modest scale of the development in the context of the considerable overall site operations, to the pattern of development in the area including distances to dwellings, and to the substantial planning, permitting and licensing history of the overall site, including the bitumen macadam plant granted by An Bord Pleanála under 6/5/33733 (planning authority register reference number H.2433), the refusal of permission by An Bord Pleanála under PL06S.243526 (planning authority register reference number SD14A/0056) for a development similar to that proposed and the reason therefor, the grant of substitute consent in respect of the quarry under 06S.SU0129, and the grant of permission for the further development of the quarry by An Bord Pleanála under 06S.QD0004, it is considered that, subject to compliance with the conditions set out below, the proposed development would not result in risks to the environment, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience, would not seriously injure the amenities of the Dublin Mountains Area or of property in the vicinity, and would be in accordance with the provisions of Section 11.1.1 of the South Dublin County Council Development Plan 2016 – 2022 in relation to non-conforming uses. 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, 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. The development hereby permitted shall cease on the 19th day of October, 2036, unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of orderly development in the Dublin Mountains Area.

3. The development hereby permitted shall operate generally in accordance with the terms and conditions set out under 06S.QD.0004.

Reason: In the interest of orderly development, protection of the environment, and protection of neighbouring residential amenity.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and protection of the environment.

5. Any lighting system installed shall be designed and installed to minimise potential glare and light spillage to the written satisfaction of the planning authority.

Reason: To protect the amenities of the area.

6. 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 the 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.

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

Dated this day of 2017.