



An  
Bord  
Pleanála

## Board Order PL 06F.248402

### Planning and Development Acts 2000 to 2017

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F16A/0471**

**Appeal** by Roadstone Limited care of SLR Consulting Ireland of 7 Dundrum Business Park, Windy Arbour, Dublin against the decision made on the 29<sup>th</sup> day of March, 2017 by Fingal County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Decommissioning of the existing concrete, crushing and screening plant and erection and operation of a proposed concrete plant consisting of concrete mixer plant, conveyors, four number aggregate silos, eight number cement silos, tip in bin, two number water storage tanks, and a control cabin (circa 849.2 square metres) (with a maximum height of 23.0 metres), a truck wash out (circa 187.0 square metres), aggregate storage bays (152.0 square metres) and ancillary facilities (connections to existing water discharge system, electricity supplies and proposed downward lights) on a hardstanding area with a reduced floor level to 23 metres OD over circa 0.94 hectares of the site and a proposed overburden storage area within the quarry (circa 0.58 hectares) with an overall application area of circa 2.25 hectares at the existing quarry landholding (Q/05/005). It is proposed to operate the concrete plant between the hours of 0200 and 2200 from Monday to Saturday and on 20 occasions per year outside these hours with prior agreement from Fingal County Council, all at Feltrim Quarry, Feltrim, Swords, County Dublin.

## Decision

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND condition number 2 so that it shall be as follows for the reason set out and ATTACH a further condition (21) so that it shall be as follows for the reason set out.

2. The planning permission shall expire on permanent cessation of extraction of stone from the quarry site, following which the concrete plant and all associated features shall be removed within a period of six months and the site shall be restored in agreement with the planning authority.

**Reason:** In the interest of visual amenities and orderly development.

21. 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.

## **Reasons and Considerations**

1. Having regard to the nature and scale of the proposed development within an established quarry site, to the planning history and the existence of a concrete plant which is proposed to be decommissioned following commencement of the proposed new concrete plant, to the regulation of noise and dust emission limits and monitoring and mitigation requirements, as set out in particular under condition numbers 5, 8 and 9 attached to the decision to grant permission and to the provisions of Section 7.5 of the “Development Management Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in June, 2007) in relation to the use of temporary permissions, it is considered reasonable to amend condition number 2 to allow for a longer term duration of the proposed development. It is also considered reasonable to attach a new condition (condition number 21) requiring payment of a development contribution under section 48 of the Planning and Development Act, 2000, as amended.
2. It is considered that the proposed development with the amended condition number 2 and the addition of a new condition (condition number 21) would not seriously injure the residential amenities of the area by virtue of excessive noise or dust emissions during the day or night time operations proposed and would, therefore, be in accordance with the proper planning and sustainable development of the area.

