



Planning and Development Acts 2000 to 2020

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD20A/0137

Appeal by Quinn Concrete Limited care of Thornton O'Connor Town Planning of Number 1 Kilmacud Road Upper, Dundrum, Dublin against the decision made on the 31st day of July, 2020 by South Dublin County Council to refuse a permission for the proposed development.

Proposed Development: A Concrete Batching Plant comprised of a single storey administrative building (130 square metres); an aggregate storage structure consisting of five number tipping bays (486 square metres); a fully covered aggregate tip-in hopper with fully covered aggregate conveyor belts; fully enclosed aggregate storage bins (87 square metres); a covered batch conveyor; three number cement silos; a fully enclosed concrete batching tower with a built-in control room (150 square metres); a truck wash down area (285 square metres); a truck refuel area (180 square metres); a truck wheel wash area (40 square metres); a weighbridge area (72 square metres). The development will also include 16 number car parking spaces (including one number accessible space); bicycle parking facilities to accommodate six number bicycle parking spaces; an ESB substation (9 square metres); hard and soft landscaping; boundary treatments and all associated site

development works above and below ground, all at a site measuring 0.537 hectares at Unit 612, Jordanstown Road, Greenogue Business Park, Rathcoole, County Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars 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

Having regard to the provisions of the South Dublin County Council 2016-2022, including the zoning objective for the site to provide for enterprise and employment, whereon industry-general and industry-special land uses are permitted in principle and noting also that uses not listed within the land use zoning tables will be considered on a case-by-case basis, and having regard to the pattern of the development in the area, the existing road network in the vicinity of the site, and to the nature, scale and extent of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not materially contravene the

zoning objective for the site, would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board did not share the view of the Inspector that the reference in the development plan zoning table to concrete/asphalt plant in or adjacent to a quarry, meant that a batching plant in itself must therefore be precluded at this location. The Board considered that the proposed batching plant could reasonably be considered as an industrial type land use or as an 'other use' within the meaning of the development plan. In either scenario, the Board concluded that the proposed development, considered on its specific case merits, would be appropriate at this location which is an area of significant employment and enterprise operations and would therefore conform with the principles of the land use zoning objective and would not be inconsistent with the statutory development plan either at a strategic or local level. In addition, the Board noted the report of the Environmental Health Officer, dated 20th July 2020, wherein it was advised that the proposal was acceptable subject to a series of recommended conditions.

The Board also considered the recommendation of the Inspector to refuse permission having regard to the distance of the subject site from the proposed aggregate source, along with a stated dependence on third parties to carry the aggregate and a high volume of HGV traffic movements associated with the proposed use. Having considered the totality of the planning file, the Board determined that the proposed development would constitute one component in the overall management, processing and distribution of building related material to the development sector and in this regard the siting of the proposed development on lands suitable for industrial type activity and within the Greater Dublin Area, would not be considered inappropriate. The Board

also noted the traffic assessment provided with the application and the appeal and concluded that the proposed development would not have a material adverse effect on the capacity of the existing road network in the vicinity of the subject site. On this basis, the Board considered that there is no reasonable basis for claiming that the proposed development, subject to compliance with the conditions set out below, would set an undesirable or unsustainable precedent.

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. Details of the materials, colours and textures of all the external finishes to the proposed buildings and structures on site, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site and adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area

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.

5. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

6. All service cables associated with the proposed development such as electrical and telecommunications, shall be located underground.

Reason: In the interest of visual amenity.

7. The hours of operation for the proposed development shall be limited to 0600 to 1900 hours Monday to Friday and 0600 to 1400 on Saturdays. No operation of the proposed development shall occur on Sundays and public holidays.

Reason: In the interest of public health.

8. The operational noise level shall not exceed the rated sound level (that is, corrected sound level for a tonal or impulsive component) as set out in the report 'Noise Impact Assessment' dated 22nd October 2019 submitted with the planning application. Procedures for the purpose of determining compliance with these limits shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

9. The proposed development shall comply with all measures as set out in the report 'Environmental Management Plan' dated 25th October 2019 submitted with the planning application.

Reason: To protect and amenities of property in the vicinity of the site.

10. The landscaping scheme shown on 'Planting Plan' Drawing Number 001, prepared by JBA Consulting submitted with the planning application, shall be carried within the first planting season following substantial completion of external construction works. 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 similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including, dust management and noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and amenity.

12. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the [residential] amenities of property in the vicinity

13. The applicant shall contact the Irish Aviation Authority of the intention to commence any crane operations with at least 30 days prior notification of the commencement of any such works.

Reason: In the interest of public and aviation safety

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. 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 An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the 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 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.

Chris McGarry

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

Dated this day of 2021