



An
Bord
Pleanála

Board Order 06S.QD.0026

Planning and Development Acts 2000 to 2018

Planning Authority: South Dublin County Council

Associated Substitute Consent Reference Number: 06S.SU.0061

WHEREAS Roadstone Limited care of SLR Consultants of 7 Dundrum Business Park, Windy Arbour, Dublin made an application to An Bord Pleanála on the 21st day of January, 2016, pursuant to section 37L of the Planning and Development Act, 2000 as amended, to further develop a quarry at Belgard, Kingswood, Brownsbarn, Cheeverstown and Bedleshill, Fourtunestown, Tallaght, Dublin in accordance with plans and particulars lodged with the Board.

AND WHEREAS, the Board has decided, pursuant to section 37N of the said Act, to grant permission, subject to conditions, for the said development.

NOW THEREFORE, the Board has decided to grant permission, subject to conditions, based on the Reasons and Considerations set out below.

Reasons and Considerations

In coming to 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,
- (e) the Appropriate Assessment Screening Report submitted with the application,
- (f) the report and the opinion of the planning authority under section 37L (12)(a),
- (g) the submissions/observations made in accordance with regulations made under Article 270(1) of the Planning and Development (Amendment) (No. 2) Regulations 2015,
- (h) the planning history of the site,
- (i) the pattern of development in the area,
- (j) the details contained within the application for substitute consent on the site under reference number An Bord Pleanála reference number 06.SU.0061,
- (k) the nature and scale of the development the subject of this application, and
- (l) the Inspector's Report.

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 carried out in the Inspector's report and his conclusion 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 South Dublin Bay Special Area of Conservation (Site Code:000210) or on the South Dublin Bay and Tolka Estuary Special Protection Area (Site Code:004024), or any other European site, in view of the sites' Conservation Objectives.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment in relation to the subject development and concluded that the Environmental Impact Statement submitted with the application, together with the report, assessment and conclusions of the Inspector with regard to this file and other submissions on file, were adequate in identifying and describing the direct and indirect effects on the environment of the development.

The Board considered that the Inspector's report was satisfactory in addressing the environmental effects of the subject development and also agreed with his conclusions in relation to the acceptability of 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 conditions set out in its Order, the subject development would not be likely to have unacceptable impacts on the environment.

Having regard to the positive outcome of the appropriate assessment, and to the acceptability of the environmental impacts as set out above, it is considered that, subject to compliance with the conditions set out below, the proposed further development of this quarry would be in accordance with the provisions of the current County Development Plan, would not seriously injure the visual or residential amenities of the area 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.

Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application submitted to An Bord Pleanála on the 21st day of January 2016, 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 re-commencement of the further development of the quarry, 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 planning permission for further quarrying relates only to the area of 18.2 hectares, as outlined in red on drawing number PL04, and to the deepening of the quarry floor to +5m OD, in accordance with the details submitted with the application on the 21st day of January 2016. No extraction of rock or other quarrying operations shall be undertaken on any part of the overall lands, outside the site of this application, unless a separate planning permission has been granted for such development.

Reason: In the interest of clarity, and to delimit the area for future quarrying development to that for which this application has been made.

3. Prior to re-commencement of quarrying on the subject site, the applicant/developer shall submit to, and agree in writing with, the planning authority, a scheme for the permanent closure of the direct accesses from the overall quarry site onto the N7 National Primary Road, that is, the access from the overall quarry to the N7 southbound, the access from the overall quarry to the N7 northbound, and also the southbound access from the N7 into the overall quarry. This scheme shall include a timescale for implementation of these works. The agreed works shall be carried out by the applicant/developer at the applicant's/developer's own expense, and in accordance with the timescale specified by the planning authority. No traffic from the proposed quarry that is the subject matter of this permission shall use these existing accesses at any time, prior to their permanent closure, and all HGV traffic associated with quarrying under this permission shall utilise the existing access onto the Outer Ring Road.

Reason: In the interest of traffic safety.

4. The mitigation and monitoring measures outlined in the Environmental Impact Statement submitted with the application shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interests of protecting the environment and of public health.

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 re-commencement of quarrying on site. This shall include the following:

- (a) Proposals for the suppression of on-site noise and vibration.
- (b) Proposals for the on-going monitoring of noise and vibration emissions at properties in the vicinity.

- (c) Proposals for the suppression of dust on site.
- (d) Proposals for the bunding of any fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.
- (e) Details of safety measures for the land above the quarry, to include warning signs and stock proof fencing.
- (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. 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-
- (a) an $L_{A,T}$ value of 55 dB(A) between 0700-1800 hours. The T value shall be one hour.
 - (b) an $L_{Aeq,T}$ value of 45 dB(A) at any other time. The T value shall be 15 minutes.

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

7. 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).

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

8. (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% 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 re-commencement of quarrying 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 amenity of property in the vicinity.

9. (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 submitted to and agreed in writing with the planning authority prior to re-commencement of quarrying. Monitoring results shall be submitted to the planning authority at monthly intervals for groundwater, surface water, noise and ground vibration.

- (b) On an annual basis, for the lifetime of the facility and 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 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 record of groundwater levels measured at monthly intervals.
 - (iv) A written record of all complaints, including actions taken in response to each complaint.
- (c) In addition to this annual audit, the developer shall submit quarterly reports with full records of dust monitoring, noise and vibration monitoring, surface water quality monitoring, and groundwater monitoring. Details of such information shall be agreed in writing with the planning authority. Notwithstanding this requirement, all incidents where levels of noise or dust exceed the levels specified in this permission 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.

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

- 10. Quarrying operations at the subject site shall be carried out only between 0700 and 2400 hours on Monday to Friday inclusive, and between 0700 and 1800 hours on Saturdays. No operations shall take place outside these hours or on Sunday and public holidays. No rock-breaking activity shall be undertaken within any part of the overall quarry before 0700 hours or after 1800 hours on any day. No blasting shall be carried out outside of the hours 0900 to 1800, Monday to Friday only.

Reason: In the interest of clarity and of protecting residential amenities.

- 11. (a) The recommendations of the archaeological impact assessment (AIA) as submitted to the planning authority in compliance with condition number 34 of the Section 261 registration shall be implemented and complied with in full in relation to the subject site, in addition to the site that is the subject of the Section 261 conditions (that is, the area of the overall quarry the subject matter of planning permission register reference number C1488).
- (b) No site preparation or excavation or other works impacting directly upon, or in the vicinity of, any Recorded Monument within the overall quarry area, shall be carried out at any time unless prior approval to proceed has been received in writing by the developer from the planning authority. All site operations shall be monitored by a suitably-qualified archaeologist, approved by the planning authority and at the expense of the developer. The developer shall provide arrangements, acceptable to the planning

authority, for the recording and for the removal of any archaeological material that the authority, in conjunction with the Department of Culture, Heritage, and the Gaeltacht, 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.

12. Prior to the re-commencement of development on this site, a scheme of external lighting for the overall quarry lands shall be submitted to, and agreed in writing with, the planning authority. This scheme shall be designed, installed and operated so as to prevent interference with air navigation or nuisance to adjoining occupiers and to avoid over-lighting. Measures shall be included to provide adequate screening from adjacent areas, where considered appropriate by the planning authority.

Reason: In the interests of residential amenity, air and traffic safety.

13. Restoration shall be carried out in accordance with a restoration plan, which shall include existing and proposed finished ground levels, landscaping proposals and a timescale for implementation. This plan, the concept of which shall be generally in accordance with the documents submitted with this application, shall include detailed proposals for the rehabilitation and landscaping of existing worked out portions of the quarry and measures to ensure public safety therein. Separate proposals for the rehabilitation and landscaping of future worked out portions of the quarry shall be lodged with the planning authority annually, or such other period as may be agreed in writing with the planning authority. The restoration plan shall be prepared by the developer, and shall be submitted to, and agreed in writing with, the planning authority prior to the re-commencement of quarrying on the subject site.

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

14. Prior to re-commencement of development on the subject site, 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.

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 the re-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.

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.

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

Dated this day of 2019