

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**South Dublin County**

**Planning Register Reference Number: SDQU05A/6**

An Bord Pleanála Reference Number: 06S.SU.0129

**APPLICATION FOR SUBSTITUTE CONSENT** by Kilsaran Concrete trading as Kilsaran Build care of SLR Consulting Ireland of 7 Dundrum Business Park, Windy Arbour, Dublin in accordance with section 177E of the Planning and Development Act, 2000, as amended by the insertion on section 57 of the Planning and Development (Amendment) Act, 2010, and as further amended by the European Union (Substitute Consent) Regulations, 2011 and European Union (Environmental Impact Assessment and Habitats) Regulations, 2011.

**LOCATION OF QUARRY:** Mountseskin and Ballinascorney Upper, Brittas, County Dublin.

## **BOARD DECISION**

The Board, in accordance with section 177K of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, decided to **GRANT** substitute consent in accordance with the following conditions.

## **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**

In coming to its decision, the Board had regard to the following:

- (a) the provisions of the Planning and Development Acts, 2000 to 2015, and in particular Part XA,
- (b) the 'Quarries and Ancillary Activities, Guidelines for Planning Authorities', issued by the Department of the Environment, Heritage and Local Government, April 2004,
- (c) the provisions of the current South Dublin County Development Plan, 2016-2022, and the provisions of the South Dublin County Development Plans, 2004 – 2010 and 2010 – 2016,
- (d) the remedial Environmental Impact Statement submitted with the application for substitute consent,
- (e) the report and the opinion of the planning authority under section 177I of the Planning and Development Act 2000, as amended,
- (f) the report of the Board's Inspector, including in relation to potential significant effects on the environment,
- (g) the planning history of the site including the enforcement, registration and quarry review history of the subject site,
- (h) the pattern of development in the area, and
- (i) the nature and scale of the development the subject of this application for substitute consent.

## *Environmental Impact Assessment*

The Board completed an Environmental Impact Assessment in relation to the development in question and considered that the assessment and conclusions of the Inspector's report were satisfactory in identifying the environmental effects of the development undertaken. The Board adopted the Inspector's report and agreed with the Inspector's conclusions in relation to the acceptability of mitigation measures and residual effects. The Board concluded that, subject to the implementation of the mitigation measures set out in the remedial Environmental Impact Statement, the effects of the subject development on the environment would be acceptable.

## *Conclusion*

Having regard to the acceptability of the environmental impacts as set out in the foregoing, it is considered that, subject to compliance with the conditions set out below, the subject development is not contrary to the proper planning and sustainable development of the area.

## **CONDITONS**

1. (a) This grant of substitute consent shall be in accordance with the plans and particulars submitted to An Bord Pleanála with the application, submitted on the 11<sup>th</sup> day of December, 2014, except as otherwise may be required 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 and the development shall be in accordance with the agreed particulars.
- (b) The grant of substitute consent relates only to past quarrying that has been undertaken as described in the application and does not authorise any structures or any future development on this site, including excavation, unless otherwise consented to.

**Reason:** In the interest of clarity.

2. All environmental mitigation measures identified within the remedial Environmental Impact Statement and associated documentation shall be implemented in full, save as may be required to comply with the conditions set out below.

**Reason:** In the interest of the conservation of the environment.

3. Within six months of the date of this order, details shall be submitted to, and agreed in writing with, the planning authority in relation to the on-going monitoring of surface water quality and of ground water.

**Reason:** In the interest of the conservation of the environment.

4. The implementation-stage details of the restoration of the quarry outlined in figure 2.2 of the remedial Environmental Impact Statement shall be submitted to, and agreed in writing with, the planning authority within six months of the date of this order (unless the development approved under An Bord Pleanála Reference Number 06S.QD.0004 has been commenced). These details shall include the following:

- (a) details relating to the finished gradients of the quarry face,
- (b) the control of dust emissions until such time as the restoration is established,
- (c) a scheme of landscaping and tree and other species planting,
- (d) details of security fencing,
- (e) proposals for an aftercare programme of five years,
- (f) the retention of the existing berms on the perimeter of the site, and
- (g) a timeframe for implementation, including proposals for phasing of the restoration works.

**Reason:** In the interest of protection of the environment, landscape and public safety.

5. Unless the development permitted under An Bord Pleanála Reference Number 06S.QD.0004 has been commenced, the developer shall lodge with the planning authority, within six months of the date of this order, a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory restoration of the site, coupled with an agreement empowering the local authority to apply such security, or part thereof, to the satisfactory restoration 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 restoration of the site.

---

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

**Dated this            day of            2016.**