



An
Bord
Pleanála

Inspector's Report 06S.247419

Development	Alterations to asphalt plant and importation of C&D waste for reprocessing at an existing quarry.
Location	Ballinascorney, Brittas, Co. Dublin.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD16A/0268
Applicant(s)	Kilsaran Concrete (Ballinascorney) Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Kilsaran Concrete (Ballinascorney) Ltd.
Observer(s)	An Taisce Joan Murphy John & Rita Healy
Date of Site Inspection	24 th January 2017.

Inspector

Michael Dillon

1.0 Site Location and Description

- 1.1. The site, with a stated area of 1.1ha, is located within a wider operating rock quarry at Aghfarrell townland, Ballinascorney – approximately 2.5km due east of the hamlet of Brittas, in the foothills of the Dublin Mountains. Access to the quarry is from the R114 Regional Road, linking Brittas with Oldbawn, Tallaght. The surface on this road is good, having regard to the amount of HGV traffic using it (particularly from quarries). A 60kph speed restriction applies along the full length of this road from Old Bawn to Brittas village on the N81. There are no public footpaths and there is no public lighting. There are no road markings in the vicinity of the quarry entrance. A 7.5 tonne weight restriction is in place on the R114 between Stone Cross and Brittas village. This restriction obviously does not apply to HGVs from the Kilsaran Quarry and the Shillelagh Quarry within the same townland – but the latter accessed from the L7002 rather than the R114). The roadside boundary of the Kilsaran Quarry has been set back at the entrance – now flanked by stretches of 2.2m high split concrete block walling (capped). Sight distance at the existing quarry entrance is good in either direction. A landscaped earthen berm has been thrown up along most of the roadside boundary – set back behind a stone wall which is surmounted by metal post & barbed wire fencing – now overgrown with cotoneaster. The berm effectively screens the quarry from view from the R114 (except at the entrance).
- 1.2. The quarry stretches away from the road, uphill and to the north, into the side of Knockannavea Hill (396mOD). The summit of the hill is cloaked with coniferous forestry. To the east and west, the quarry abuts agricultural land. On the opposite side of the R114, agricultural land falls away towards the Brittas River. There is one bungalow on the opposite side of the R114 – located below the level of the road.
- 1.3. The quarry itself is extensive – stretching up to 1.0km northwards from the road. The overall landholding in the area is indicated at 157.5ha – extending northwards beyond the existing quarry boundary as far as the northern slopes of Knockannavea Hill. Administration and processing works area is located at the southern end of the quarry – closest to the road. This area is largely paved with tarmacadam. A sprinkler system for dust suppression was in operation in this area on the date of site inspection. A sweeper truck was also operational. There is an existing asphalt plant at this quarry (up to 20m high) which was operational on the date of site inspection.

There are a number of covered hoppers immediately to the north of the asphalt plant and a large, two-bay, sand storage to the north again. Immediately to the west of the asphalt plant is a large quarry pond. The inflow to this pond from the operational area is through a grit/silt trap followed by an hydrocarbon interceptor. The modest outfall from these treatment facilities was running clear on the date of site inspection. A submersible pump, attached to a raft in the middle of this southern pond, pumps water for dust suppression. The outfall from this pond is to a culvert beneath the roadside screening berm and the R114 itself, to an open drain fitted with a sampling chamber. This stream ultimately discharges to the Brittas River at the foot of the hill.

- 1.4. The quarry was operational on the date of site inspection. Rock crushing was being undertaken on the quarry floor immediately to the south of the northern quarry pond. This pond is contained behind an engineered berm. There was no evidence of pumping from this pond on the date of site inspection. There was no evidence of water inflow from quarry walls at the southern end of the site. There is a large mound of tarmacadam road planings, deposited at the proposed 1.0ha processing area.
- 1.5. Plant at the quarry is visible from the R114 at the site entrance. It is also visible from limited stretches of the cul de sac county road to the northeast of the site. The quarry and plant is also visible in limited views from the L7002 county road to the south – the road linking the R114 to Kilbride in Co. Wicklow.

2.0 Proposed Development

Permission sought on 28th July 2016, for ancillary development at an existing stone quarry – comprising the following elements-

- Addition of a cold feed recycled asphalt plant (RAP) to existing approved asphalt plant (ref. H.2433).
- 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.
- Recovery of 6,000 tonnes per annum of imported concrete waste EWC 17 01 01 through periodic crushing to produce a construction fill material.

The processing/storage area is to be located on the quarry floor (approximately 295m OD) some 250m to the north of the existing asphalt plant, with materials hauled in trucks along an existing haul road within the quarry – for deposition into hoppers and from thence along conveyor belts to feed into the asphalt plant.

3.0 Planning Authority Decision

By Order dated 16th September 2016, South Dublin County Council issued a Notification of decision to refuse planning permission for a total of three reasons, which are summarised below-

1. Potential impact on groundwater.
2. The development must be considered in association with applications for substitute consent and for continuation of quarrying, currently with An Bord Pleanála (not yet decided), and the road network serving the quarry is deficient.
3. Proposal would conflict with the zoning for this 'High Amenity – Dublin Mountains' site.

4.0 Planning History

There is an extensive planning history attaching to this quarry – listed on the application form for development. On 20th October 2016, the Board granted substitute consent ref. SU0129 for this quarry: the application was accompanied by a remedial Environmental Impact Statement (rEIS). On the same date, the Board granted permission for continuation of quarrying at this site – ref. QD0004: the application was accompanied by an Environmental Impact Statement (EIS).

Ref. SD07A/0387: Permission granted for a waste recovery facility at this quarry (C&D waste – including asphalt, tar and tarred products). The development included a paved quarantine area – located some 140m to the north of the existing sand storage shed which is beside the asphalt plant hoppers. The main area of open storage was immediately to the north of the southern quarry pond. On appeal by third parties to the Board (**PL 06S.225920**) permission was granted subject to conditions. Condition 2 restricted the lifetime of the permission to 1st day of August

2013. Condition 3 restricted the importation of C&D waste to a maximum of 10,000 tonnes per annum. It would appear that this development was never carried out. [The current proposed open storage area is further to the north again of the open storage area permitted under this appeal – the paved quarantine area proposed with the current appeal lies 175mm to the north of the sand storage shed which is beside the asphalt plant].

Ref. SD14A/0056: An application for a similar-type addition (as in the current appeal) to the asphalt plant together with an 800m² extension to sand storage shed, was granted permission by SDCC. On appeal by a third party to the Board (**Ref. PL06S.243526**), permission was refused on 29th April 2015, for one reason – an EIS should have been submitted with the application arising from the quantity of waste to be imported.

Ref. SD16A/0020: Permission granted to construct a storage shed extension (800m²) to an existing sand storage shed adjacent to the asphalt plant. [This development has not been carried out to date].

Ref. 06S.QV0154: Is the subject of Judicial Review to the High Court.

5.0 Policy Context

5.1. Development Plan

The relevant document is the South Dublin County Council Development Plan 2016-2022.

- The site is zoned 'HA-DM', which seeks "To protect and enhance the outstanding natural character of the Dublin Mountain Area".
- The zoning matrix indicates that Concrete/Asphalt Plant will not be permitted within this zoning.
- Policy ET10 Objective 2 states- "To limit the operation of the extractive industry and ancillary uses at environmentally sensitive locations and within areas designated with Zoning Objective 'HA-DM', 'HA-LV', and 'HA-DV' where extraction would result in significant adverse effects and/or prejudice the protection of the County's natural heritage".

- Section 11.3.8 is also relevant, and states- “The development, intensification or diversification of activities relating to the extractive industry will be assessed having regard to the Quarries and Ancillary Activities Guidelines DEHLG (2004) (or any superseding national policy document), Code of Practice between the Department of Environment, Heritage and Local Government and the Irish Concrete Federation (2009), and the Geological Heritage Guidelines for the Extractive Industry, GSI (2008), the nature of the proposal, the method of extraction, the scale of activity proposed, the impact on the adjoining road network and its effect on the environment. The Council will take into consideration any visual impacts, noise, vibrations, dust prevention, protection of rivers, lakes, Natura 2000 sites, water sources, impact on residential and other amenities, impact on the road network, issues of road safety, phasing, re-instatement and/or reuse, and landscaping of worked sites. Development proposals pertaining to the extractive industry will be screened for likely significant environmental impacts and Environmental Impact Statements (EIS) will be required for sub threshold developments (5 hectares or below). A detailed landscaping plan, which should indicate proposed screening for the operational life of the site and set out a programme for the reinstatement and/or re-use of the landscape when the extraction process has ceased, will also be required. The Council will aim to minimise the environmental and other adverse impacts of mineral extraction through licensing, development management and to investigate representation in writing and expeditiously implement the enforcement provisions of the Planning and Development Acts”.
- The Plan indicates that there is an objective to Protect and Preserve Significant Views along either side of the R114 in the vicinity of the site and also on the county road from the R114 to Knockannavea Hill (to the northeast of the quarry).
- The Landscape Character Assessment for the county, undertaken in 2015, indicates that the site is located within LCA4 – River Dodder and Glenasmole. This LCA has ‘High’ landscape character sensitivity; ‘High’ visual sensitivity; ‘Medium/High to High’ overall landscape sensitivity; and ‘High’ landscape

value. The capacity of the landscape to accommodate new development is deemed to be negligible.

5.2. Natural Heritage Designations

European sites in the vicinity of the application site are as follows-

- Wicklow Mountains SAC (Site code 002122) – some 2.5km to the southeast.
- Glenasmole Valley SAC (Site code 001209) – some 3.0km to the east.
- Wicklow Mountains SPA (Site code 004040) – some 5.7km to the southeast.
- Poulaphouca Reservoir SPA (Site code 004063) – some 7.7km to the southwest.
- Red Bog SAC (Site code 000397) – some 8.6km to the southwest.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The appeal from Kilsaran Build, received by the Board on 13th October 2016, can be summarised in bullet point format as follows-

- At the time of compiling the appeal, the appellant is not aware that the Board has made any decision in relation to the Substitute Consent and Further Quarrying applications. Should the Board decided to grant permission in these cases, then the subject matter for reason for refusal no. 2 is mute.
- The increase in traffic arising from this development would only be of the order of 2-4 HGV movements per day. The vast majority of the RAP material and waste concrete delivery to the quarry would be via return loads (within HGVs which had come from the quarry with loads of stone, and which would usually be returning empty to the quarry).
- HGV movements at the entrance to the quarry, in the context of the 3,000 traffic movements per day on the R114, are insignificant – as outlined in the EIS submitted with application QD0004.
- Under current planning permission, the applicant has already contributed €250,000 towards the upgrading of the R114 (inclusive of materials supplied).

- Whilst the zoning provisions of the current Development Plan do not allow for Concrete/Asphalt Plant, it must be pointed out that what is proposed is an alteration to an existing asphalt plant. The existing plant was granted planning permission in 1977 – long before the commencement of the current Development Plan. On its own, the RAP could not be considered an asphalt plant – it is a modification to an asphalt plant.
- The purpose of the RAP material at the existing plant will be to limit the amount of extraction of aggregate at the quarry, through the use of recycled materials. This is a sustainable reuse of resources, which will reduce the intensity of extraction at this quarry.
- The existing asphalt plant is regulated under an Air Emissions Licence issued by SDCC (AP/01/2010), which requires ongoing environmental monitoring and reporting.
- Section 11.3.8 of the Plan supports extractive industry within the county, and does not focus specifically on ancillary value-added manufacturing activities. This small-scale development will not have any significant impact on the landscape of the area.

6.1.2. The appeal is accompanied by copies of a Planning Report and Appropriate Assessment Stage 1 Screening Report, already submitted to SDCC with the planning application.

6.1.3. The appeal is accompanied by a Groundwater Risk Assessment from SLR Global Environmental Solutions (dated October 2016), which can be summarised in bullet point format as follows-

- Excavation at Knockannavea Hill is approximately 40-50m bgl at the northern end of the site.
- The site lies within the upland catchment of the Brittas River.
- Brittas Well public groundwater supply is located some 2.2km west of the quarry at an elevation of approximately 234m OD. The supply pumps 120m³ per day, and serves 549 people. This yield is much higher than would be expected from a poor aquifer – such as the Aghfarrell Formation. It is likely that the yield is due to a north/south trending fault-line and to outcrops of the

Butter Mountain Formation (to the north of the borehole) which forms a Locally Important Aquifer.

- The quarry is located entirely within the Aghfarrell Formation (bedrock) of thickly bedded greywackes, siltstones and shales. Dolerite dyke swarms (up to 5m in thickness) have intruded into the Aghfarrell Formation, and are particularly well-developed at this quarry.
- The Brittas Well public water supply is located at the western extremity of this particular part of the Aghfarrell Formation – abutting the Pollaphuca Formation to the west.
- The GSI indicates that the aquifer beneath the site (the Kilcullen Groundwater Body) is Poor – Unproductive except for local zones (PI). Transmissivity properties are poor except in the upper weathered zone (2-3m bgl) or within faults/fractures.
- The vulnerability of the aquifer is ‘extreme’ – owing to the exposure of rock at this quarry.
- The Kilcullen Groundwater Body is indicated as being at risk from diffuse sources of pollution within the catchment.
- Groundwater monitoring has been undertaken at four boreholes within the quarry, on a monthly basis, since 2007. This monitoring indicates that groundwater flow is in a southerly direction towards the Brittas River – coinciding with the topographic gradient.
- The base of the quarry is below the water table and the quarry is being dewatered to facilitate extraction of rock. Because of the impermeability of the rock, the requirement for dewatering is limited. Rainwater inflow is contained within two ponds at the northern and southwestern corners of the quarry. Water from the northern pond is periodically pumped to the southwestern pond (for ultimate discharge off the site).
- There are no surface water inflows to the quarry – drains at the quarry boundaries direct surface water away from the quarry void.

- All surface water run-off on hard ground surrounding the existing asphalt plant is conducted via kerbs and channels to an hydrocarbon interceptor prior to entering the southern pond.
- Surface water from the proposed waste storage area will discharge to ground.
- Water from the southern pond discharges via gravity to a pipe beneath the R114, and from thence to a channel and ultimately to the Brittas River – under Discharge Licence WPW/609/463 issued by SDCC. There is a sampling V-notch weir on this channel.
- The RAP feedstock comprises road planings and uncontaminated returned asphalt. Bitumen is universally used in road construction throughout the country.
- Concrete waste for recycling may contain some contaminated waste. Rainfall on contaminants may leach them into the ground.
- The water level in the Brittas Well is approximately 228m AOD (6m bgl) and approximately 55m below the minimum groundwater level recorded at this quarry.
- The principal concerns in relation to this development is contamination of groundwater from poly-aromatic hydrocarbons (PAH) from stored materials. The solubility of PAH is very low and contact with rainwater will be short.
- Groundwater flow is contained within the quarry – effectively to the southern pond, thereby removing any pathway from the site to the wider groundwater body. Notwithstanding this, groundwater flow is to the south towards the Brittas River – not in the direction of the Brittas Well. The site is located on the southern limb of an anticline on strata dipping to the southeast, whilst the Brittas Well is located on the northern limb with strata dipping to the northwest. This structural control is likely to limit any hydraulic connection between the quarry and the Brittas Well.
- It is estimated that the groundwater flow rate between the site and the Brittas Well would be within the range 10-2,200 years – sufficient time to allow for dilution and attenuation of contaminants before they reach the Brittas Well.

- Contaminants from stored waste will be diluted over time – the half-life of naphthalene is typically between four and thirty-three months.
- The zone of influence of the Brittas Well has not been defined by the GSI. If the well is capturing water from a radius of 2.2km (the distance of the proposed development site from the well) then the area concerned would be of the order of 1,500ha. The site area for storage is only 1.0ha – contributing therefore a tiny fraction of the potential inflow to the well – implying a very large dilution.
- The risk of contamination of groundwater or the Brittas Well is considered to be negligible.
- Fuel and lubricating oils are stored within dedicated/bunded areas within the quarry.

6.1.4. The appeal is accompanied by a Surface Water Layout – Drg. No. KB06 – which shows the southern end of the quarry site only (and does not include the pond in the northern sector of the quarry).

6.2. Planning Authority Response

The response of South Dublin County Council, received by the Board on 26th October 2016, indicates that the Council has nothing further to add to reports already on the appeal file.

6.3. Observations

6.3.1. There are three observations to this appeal from the following-

- Joan Murphy, Ballinascorney, Brittas – received by the Board on 8th November 2016.
- John & Rita Healy, Ballinascorney, Brittas – received by the Board on 9th November 2016.
- An Taisce – received by the Board on 9th November 2016.

6.3.2. The issues raised, can be summarised in bullet point format as follows-

- The proposal will result in increased dust nuisance at this quarry, which nuisance is already substantial – particularly for the resident of the house on the opposite side of the R114. Wind-borne dust is carried from crushers and stockpiles – and the proposed development will result in more crushing, stockpiling and transporting of materials on this site. Dust monitoring does not give a true reflection of the dust nuisance caused at nearby residences.
- Odour nuisance from this asphalt plant are noticeable during bright evenings and even on Sundays, on occasion.
- The applicant company has done little to alleviate the problems identified by complainants. The operator will not take into consideration the direction of the wind when carrying out certain activities within the quarry.
- There has been ongoing unauthorised development at this quarry. Vast quantities of granite, concrete and asphalt have been imported to this quarry in recent times. Stockpiles of hazardous materials grow on a daily basis. There is concern that the applicant has brought materials contaminated with asbestos to this site, and buried them. Vast amounts of concrete waste have been imported and buried.
- There is a complete lack of security fencing around the quarry perimeter – posing a danger to public safety.
- The R114 is restricted to a three-tonne weight restriction for all road users, with the exception of HGVs serving Kilsaran. This road is used by cyclists and walkers, and HGV traffic constitutes a traffic hazard – particularly on steep hill sections.
- A full public enquiry should be held into the activities at this quarry.
- The destruction of the environment and habitat is irreversible and scars this high amenity forever.
- Kilsaran Concrete Ltd. Ballinascorney are currently subject of a Judicial Review to the High Court.
- The operators will bring concrete waste to this site, not for recycling, but for burial within the outworked depths of Ballinascorney Hill.

- Development will result in increased possibility of contamination of local wells.
- If this permission is granted, the applicant will seek further permissions to expand the recycling operation.
- Permission for a similar-type development at this site has already been refused by the Board – ref. PL 06S.243526.
- The proposal has the potential to detrimentally impact water quality – which would be contrary to the requirements of the Water Framework Directive.
- The R114 does not have sufficient capacity for HGV traffic associated with this quarry.
- The development would set an undesirable precedent for the outstanding natural character of the Dublin Mountain area.

6.3.3. One of the submissions is accompanied by four colour photographs of the quarry.

6.4. **Board Circulates Appeal to Prescribed Bodies**

The Board circulated the appeal to the Development Applications Unit of the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs and to The Heritage Council for comment, by letters dated 21st November 2016. There were no responses received.

7.0 **Assessment**

The principal issues of this appeal relate to the impact of the development on surface water and groundwater in the area, with possible consequential impact on a public water supply source at the nearby village of Brittas, and the high amenity zoning of the site. Traffic, the need for environmental impact assessment, and appropriate assessment are other issues to be considered.

7.1. **General Comment on Planning History**

Permission has previously been refused on appeal to the Board for a similar-type development (but with a larger intake of waste) Ref. PL 06S.243526, in April 2015. Since that time, the application has effectively been split in two, with planning permission since granted by SDCC ref. SD16A/0020 for the storage shed element of

800m². The current application for extension to the asphalt plant and outdoor storage area (albeit for a lesser intake of 16,000 tonnes per annum) was refused permission by SDCC, and is the subject of this current appeal. Permission has recently been granted by the Board for continuation of quarrying at this site for a period of twenty years (06S.QD0004) from 20th October 2016. This is the context within which the current application/appeal must be assessed.

7.2. Development Plan Considerations

The site is zoned 'HA-DM' – “To protect and enhance the outstanding natural character of the Dublin Mountains Area”. Permission has been refused on grounds that the development contravenes the zoning provisions of the 2016 Development Plan. Having regard to the nature of the proposed development (extension to an existing asphalt plant) and to the location of the proposed storage area on the floor of a working quarry, where permission for the handling of C&D waste has previously been granted permission, and where the Board has recently granted planning permission for the continuation of quarrying at this site for a twenty-year period from 20th October 2016, I would not agree that the proposed development would be contrary to policies contained within the Plan. Policy ET10 Objective 2 seeks- “To limit the operation of the extractive industry and ancillary uses...designated with Zoning Objective 'HA-DM' where the extraction would result in significant adverse effects...”. I note that there is no extraction proposed, and the use of C&D waste will in fact reduce the requirement for extracted aggregate to feed this asphalt plant.

7.3. Surface Water and Groundwater

- 7.3.1. Permission was refused for a reason relating to potential impact on a public water supply in Brittas – located some 2.2km west of the quarry, at an elevation of 234m OD. This water supply in the well is approximately 6m bgl – at 228m OD, whilst the floor of the quarry at the proposed processing area is approximately 295m OD. The appeal is accompanied by a Groundwater Risk Assessment (dated October 2016). I note that SDCC indicated that it had nothing further to add, when circulated with this document (as part of the appeal circulation process).
- 7.3.2. On the date of site inspection, a sweeper/sprayer truck was damping down haulage routes and hard surface areas at the operational handling area/asphalt plant. The sprinkler system was also operational in the vicinity of the weighbridge and quarry

entrance. Drainage from this operational handling area is all directed to an open grit/silt trap. The discharge from this component of the drainage system is to an hydrocarbon interceptor, and from thence to an open channel via a 4" pipe. On the date of site inspection there was a small amount of clear water discharging from this pipe. The discharge from the 4" pipe flows into the southern pond at the quarry. There was no evidence of siltation in the quarry pond. The discharge from this quarry pond is via a pipe under the roadside berm and the R114 to discharge to an open channel on which there is a concrete sampling chamber. The small flow of water in this channel was running clear on the date of site inspection. After the sampling chamber, the outfall is piped under agricultural land to discharge to the Brittas River to the south. There is a second pond within this quarry at the northern end. There was no evidence of dewatering of this pond on the date of site inspection. The report on file indicates that water from this northern pond is periodically pumped to the southern pond for discharge. There was no evidence of ingress of water to the quarry from walls/cliff faces at the southern end of the quarry. Water is extracted from the southern pond for dust suppression.

7.3.3. The Aghfarrell Formation bedrock which underlies the site is classified as a poor aquifer (Unproductive – except for local zones). Transmissivity is poor, except in the upper weathered zone or within faults/fractures. The vulnerability of the aquifer is extreme – owing to the exposure of the water table within the quarry. The Brittas Well is located within the same bedrock aquifer, but has a considerably better supply than would be expected, leading to the conclusion that its proximity to the Poulaphuca Formation to the west or the Butter Mountain Formation to the north (where there is a north/south trending fault-line), is the reason for improved flows. This would appear to be a reasonable assumption, in the absence of detailed information about the inflows to the Brittas Well. Monitoring at the quarry indicates that groundwater flow beneath the quarry is to the south – towards the Brittas River, and not to the west towards the Brittas Well. The Brittas River does not run through the village of Brittas – flowing approximately 0.5km to the south of the village on its route towards the Liffey River and Poulaphuca Reservoir.

7.3.4. Dewatering at this quarry is limited – owing to limited inflows through the rock into the quarry. There was no evidence of any inflows from quarry walls at the southern end of the quarry on the date of site inspection by this Inspector, neither was there

any evidence of pumping water from the northern pond. Rainwater and water from dust suppression within the quarry is directed along the quarry floor to a grit/silt trap and from thence to an hydrocarbon interceptor and onwards to the southern pond. There is no proposal to alter this arrangement. Discharge from the southern pond is controlled by Discharge Licence – issued by SDCC.

- 7.3.5. I note that road planings are already being stored at this quarry. Permission has been granted in the past for a waste recovery facility at this quarry – Ref. 07A/0387 and on appeal to the Board (Ref. PL 06S.225920). The development included provision for a paved quarantine area and for handling of asphalt, tar and tarred products. The permission expired on 1st August 2013. It is not clear if this permission was ever taken up. The applicant is proposing to construct a paved quarantine area for newly deposited loads.
- 7.3.6. Rain falling on the waste storage area will ultimately percolate to ground. The principal concern is the release of poly-aromatic hydrocarbons (PAH) into the ground. I would note that asphalt is used throughout the country for the construction of roads – all of which drain to ground or surface water drains. Groundwater flow within the quarry is contained within the southern pond. The applicant estimates the rate of groundwater flow between the quarry and the Brittas Well to be of the order of 10-2,200 years. This, it is asserted will allow for dilution and attenuation of any potential contaminants before they reach the Brittas Well. The zone of influence of Brittas Well has not been defined by the Geological Survey of Ireland. It is located within Brittas, close to the R114 and N81 roads. If the zone of influence extends as far as the quarry (a radius of 2.2km), the area of contribution would be of the order of 1,500 ha. The proposed development involves an outdoor storage area of 1ha – an infinitesimally small fraction of the overall potential contribution area.
- 7.3.7. The Groundwater Risk Assessment submitted with the First Party appeal concludes that the risk of contamination of groundwater or the Brittas Well is considered to be negligible, and I would concur with that conclusion. In note that that SDCC did not dispute the conclusions reached in the applicant's assessment.

7.4. **Traffic**

The proposed development involves importation of 16,000 tonnes of waste into the quarry – within 20-tonne trucks, this amounts to some 800 loads per annum. This

would result in somewhat less than three HGV movements per day. Haulage will occur between the hours 0800-1800 Monday-Friday and 0900-1300 on Saturdays. The applicant has claimed that HGVs which have delivered aggregate to Kilsaran plants around the city will be utilised to collect the waste from these plants, and transport it to Aghfarrell. This will result in no increase in traffic movements associated with the development. The observers claim that the R114 is a substandard Regional Road unsuitable for truck traffic. This is a valid statement – as per the report of the Roads Department of SDCC. The road is substandard in width and horizontal and vertical alignment, with a particularly sharp bend where it crosses the River Dodder, approximately 4.5km to the northeast of the quarry, and another sharp bend approximately 0.7km to the southwest of the quarry entrance. The road is subject to a weight restriction of 7.5 tonnes and a speed limit of 60kph along its entire length from Oldbawn to Brittas. There are speed ramps on the R114 within the 50kph speed restriction zone associated with Brittas village. The observers consider the road to be unsuitable for a recycling plant at this quarry. Notwithstanding, I would note that the Board has recently granted planning permission for further quarrying at this site for a period of twenty years from the 20th day of October 2016 (Ref. 06S.QD0004). There is no increase in production levels at the asphalt plant proposed. Some 10,000 tonnes of the raw materials feed currently derived in the quarry would be replaced by the recycling of an existing by-product stream. The proposed development will not have any significant impact on traffic on this Regional Road. I note that condition 14 of permission ref. 06S.QD0004 required the developer to pay a Special Development Contribution under Section 48(2)(c) for maintenance and restoration works to the R114 which would benefit the proposed development.

7.5. Appropriate Assessment

- 7.5.1. The application was accompanied by an Appropriate Assessment Stage 1 Screening Report. The site had been visited on 24th September 2015. The closest European site is the Wicklow Mountains SAC – some 2.5km to the southeast. The site drains to the Brittas River which drains away from this SAC. There is no hydraulic connection between the site and the SAC. The Glenasmole Valley SAC is located some 3.0km to the west of the site. This valley is hydraulically separated from the Brittas River valley catchment. The Red Bog SAC is located some 8.6km to the

southwest of the site, and there is no hydraulic connection between the two. Emissions to air from the existing asphalt plant are controlled by licence. The proposed changes are not such as to significantly alter the nature of the emissions. There is no likely exposure to hazard and no significant adverse or measurable effects predicted on either the Wicklow Mountains SAC or the Glenasmole Valley SAC or on any qualifying habitats for which the sites are of European importance in light of the conservation objectives for the sites and/or their individual qualifying features. The Wicklow Mountains SPA is located some 5.7km to the southeast and the Poulaphouca Reservoir SPA is located some 7.7km to the southwest. The separation distance is sufficient to ensure that the proposed development (at a working quarry) will not have any impact on the bird species for which the Wicklow Mountains SPA has been classified (Merlin and Peregrine).

- 7.5.2. The site is hydraulically connected to the Poulaphouca Reservoir SPA by the Brittas River which discharges to the Liffey River, which in turn discharges into the Reservoir. This SPA is designated for over-wintering species Greylag goose and Lesser black-backed gull. There is no indication in the Screening Report that the wider site (particularly the two water bodies within the quarry) are being used by wintering water bird species Greylag goose or Lesser black-backed gull from Poulaphouca Reservoir SAC. However, even if these species were using these water bodies, they are doing so within a working quarry. The nature of the proposed development is not of such an extent as to significantly alter the working arrangements of the quarry, and there are no proposals to alter the two water bodies within the quarry. In relation to changes in surface water quality from the discharge of trade effluent to the Brittas River, it is noted that such changes can affect species either directly or indirectly through supporting species, e.g. on a food source of a particular bird species. The quarry has a licence to discharge treated trade effluent to the Brittas River under Discharge Licence WPW/069/463. The trade effluent consists of collected groundwater and surface water run-off. All surface water run-off from the existing asphalt plant is and would continue to be contained within a sealed slip form kerb bund. This directs all surface water run-off to a full retention Type 1 'Klargester NSF20' interceptor which separates and removes hydrocarbons before any trade effluent is discharged to the Brittas River. This system of treatment would be continued with the addition of the cold feed RAP. No increase in surface water

run-off rates is predicted and there would be no requirement to seek a variation to the existing Discharge Licence. There would be no likely exposure to hazard and no significant adverse or measurable effects predicted on the water quality in the Poulaphouca Reservoir which would affect the status of the important populations, at a European level, of Greylag goose and Lesser black-backed gull.

- 7.5.3. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have significant effect on Poulaphouca Reservoir SAC (004063), or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

7.6. **Other Issues**

7.6.1. Air Emissions

The proposed development will not increase the output from the asphalt plant, merely altering the nature of the feed material into the plant. There are no plans to alter the 15m high stack. Air emissions are controlled by Licence (AP/01/210). The proposed development will not have any significant impact on air emissions.

7.6.2. Development Contribution

As permission was refused for this development, there is no indication from SDCC as to whether a development of this type would attract a requirement to pay a contribution in accordance with the Development Contribution Scheme currently in place. The current Scheme is the South Dublin County Council Development Contribution Scheme 2010-2017. The Scheme provides for a contribution of €111 per sq.m for Industrial/Commercial class of development – broken down into four constituent parts – roads, water/drainage, community and parks. The scheme provides for 'Exemptions and Reductions' – one of which states- "Open storage/Hard surface commercial space development, other than car-parking – shall be liable for development contribution at one third of the total commercial rate". It would be appropriate to attach a condition to any grant of planning permission issuing from the Board, requiring the developer to pay a contribution in accordance with the Development Contribution Scheme in force at the time of commencement of development.

7.6.3. Flooding

The application form indicates that the site has never been flooded. The nature of the works proposed are such as not to alter drainage patterns within the site in any significant way. The proposed development will not result in any flooding of either the site or downstream lands.

7.6.4. Waste Licence/Permit

Even if the Board does grant planning permission for this development, the applicant will also require a relevant Waste Licence/Permit in order to import this material to the quarry. The applicant indicates that Waste Permit (WPR 085) issued from SDCC in 2008. It was formally reviewed in 2011 and extended until August 2016 (WFP-DS-11-0009). A second formal review application is stated to be currently with SDCC. The current review is stated to be focussing on a narrower waste material intake – concrete and bituminous materials only.

7.6.5. Environmental Impact Assessment

The need for an Environmental Impact Statement (EIS) is considered in the SDCC Planner's Report. The Board has previously refused planning permission for a similar-type development at this site. However, the proposed import of waste to the site has now been reduced to 16,000 tonnes per annum. Of some relevance to this application is Schedule 5, Part 2, Class 11 (b) of the Planning and Development Regulations 2001 (as amended), referring to-

“Installations for disposal of waste with an annual intake greater than 25,000 tonnes, not included in Part 1 of this Schedule”. The proposed import of 16,000 tonnes of waste falls below this threshold. Item 13 of Schedule 5, Part 2 of the Planning and Development Regulations 2001 (as amended), provides for changes, extensions, development and testing. Class 13 (a) provides for “Any change or extension of development already authorised, executed or in the process of being executed, (not being a change or extension referred to in Part 1) which would:-

- (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and
- (ii) result in an increase in size greater than -
- 25 per cent, or

- an amount equal to 50 per cent of the appropriate threshold,
whichever is the greater.”

The proposed development does not have either of the effects specified at Class 13 (a) (ii).

Notwithstanding the foregoing, the proposed development, as a sub-threshold ancillary addition within a quarry which falls under Class 2 (b) of Schedule 2, Part 5 of the Planning and Development Regulations, 2001 (as amended), could still require environmental impact assessment if it would be likely to have significant effects on the environment. Schedule 7 of the Planning and Development Regulations, 2001 (as amended), sets out criteria for deciding if such would be the case. These criteria are subdivided under three headings, namely- the characteristics of the proposed development; the location of the proposed development; and the characteristics of potential impacts. Having regard to the criteria set out under these three headings, I consider that the proposed development would not be likely to have significant effects on the environment and would not warrant the submission of a sub-threshold EIS.

7.6.6. Noise

Within a working quarry, the handling of 16,000 tonnes of imported concrete and asphalt waste will not be significant in terms of the operations already undertaken on the site. The extension to the asphalt plant will not result in any significant contribution to the noise environment which exists at this quarry. The application will not result in any extension of operational hours. Noise monitoring is already being undertaken at this quarry. Mitigation measures are stated to include operation behind screening berms on the quarry boundaries, and maintenance of machinery and plant in good working order.

7.6.7. Visual Impact

The small addition to this asphalt plant and storage of waste on the quarry floor will not have any impact on the visual amenities of this area or the Landscape Character Assessment designation of this LCA4. The development will not impact on the Significant Views indicated within the County Development Plan (along the R114 and the county road to the northeast of the quarry), due to the presence of screening berms on the quarry boundaries. The extension to the asphalt plant will not increase

its height or significantly increase its bulk. This quarry is already in existence, and permission has recently been granted by the Board for further quarrying for a period of twenty years (06S.QD0004).

7.6.8. Dust

Within a working quarry, the handling of 16,000 tonnes of imported concrete and asphalt waste will not be significant in terms of the operations already undertaken on the site. The extension to the asphalt plant will not result in any significant contribution to the dust environment which exists at this quarry. The storage areas for introduced waste are located well away from site boundaries, and screened from adjacent land by earthen berms. Fugitive dust emissions are currently monitored at this quarry.

7.6.9. Odour

The report of the Environmental Health Officer of SDCC notes that- “allegation of odour from the asphalt plant has been made in the past”, and requested additional information in relation to monitoring of emissions from the altered asphalt plant. There is no proposal to increase the throughput of the plant, merely to alter the nature of the mixing ingredients. The location of the extended plant remains the same. Storage of imported materials is located well within the quarry. There is no reason why this proposed development should result in any alterations in relation to odour emissions from the plant or storage area.

7.6.10. Floodlighting

A condition relating to floodlighting of the open storage area or the extended asphalt plant should be attached to any grant of planning permission.

7.6.11. Residential Amenity

There is one house located on the opposite side of the R114 – at a lower level than the road. There are no other houses on the quarry boundaries. The quarry is screened from view by the existence of an earth berm along most of the southern R114 boundary. The wing walls flanking the recessed entrance allow for visibility of the top section of the existing asphalt plant from a short section of road. Many of the objections raised by observers, who reside in the area, relate to the existing operation of the quarry, and are not strictly relevant to the appeal before the Board.

Many of the issues raised in relation to residential amenity are addressed in other sections of this Report – such as noise, dust, odour, traffic and visual impact. I would be satisfied that the proposed development will not have a significant impact on residential amenity.

8.0 Recommendation

Having regard to the foregoing, I recommend that permission be granted for this development for the reasons and considerations set out below and subject to the attached conditions.

9.0 Reasons and Considerations

Having regard to the pattern of development in the area and, in particular, the location of the proposed development within a working quarry, for which planning permission has recently been granted to continue quarrying (Ref. 06S.QD0004), it is considered that subject to compliance with the conditions set out below, the proposed development would not be prejudicial to public health, would not seriously injure the amenities of the area or property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 duration of this permission shall be co-terminus with the duration of permission ref. 06S.QD0004. Accordingly, the use of the cold feed recycled asphalt plant and recovery of waste concrete, shall cease on the 19th day of October 2036, unless before that date planning permission for the continuation of the quarry has been granted for a further period.

Reason: In the interest of orderly development.

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

Reason: In the interest of public health.

4. (a) Any external lighting system shall be designed to minimise potential glare and light spillage.
(b) All external lighting shall be of a type that ensures deflection of lighting downwards.
(c) All external lighting shall be subject to review for a period of five years and any modifications deemed necessary in the interest of aviation safety or amenity shall be undertaken by the developer at the developer's expense.

Reason: In the interest of aviation safety and to protect the amenities of the area.

5. 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. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Michael Dillon
Planning Inspector

26th January 2017