



An
Bord
Pleanála

Inspector's Report

ABP-308053-20

Development	Concrete Batching Plant and associated ancillary development.
Location	Unit 612, Jordanstown Road, Greenogue Business Park, Rathcoole, Co. Dublin
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD20A/0137
Applicant(s)	Quinn Cement Limited
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Quinn Cement Limited
Observer(s)	Kilsaran Concrete.
Date of Site Inspection	18 th of December 2020
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The subject site is located along the eastern boundary of the large Greenogue Business Park just off the N7 at Rathcoole, in South County Dublin. Greenogue Business Park consists of a sizable area of industrial and enterprise activities and employment, adjacent to the Casement Aerodrome (Balldonnell).
- 1.2. The subject site is, **Unit 612** on Johnstown Road within the large business park. It is 1.9km from Junction No. 4 off the M7 (Dublin – Limerick motorway).
- 1.3. The subject site, 0.537Ha, has a regular configuration and a flat topography. It is bounded to the east by a stone merchant (Site No. 612A), Johnstown Road to the west, to the south by Unit No. 611 which is occupied by James's Street Steel Manufacturing Limited, and to the north by Unit 613 Jordanstown Road which hosts several businesses including Fantasy Lights Group, Quantum Fulfilment and IMEC Technologies.

2.0 Proposed Development

- 2.1. The proposal is for a concrete batching plant comprising of a :
 - Single storey administrative building;
 - An aggregate storage structure consisting of 5No. tipping bays
 - A fully covered aggregate tip-in hopper with fully covered aggregate conveyor belts
 - Fully enclosed concrete batching tower with built in control room
 - A truck washdown area
 - A wheelwash facility

3.0 Planning Authority Decision

3.1. Decision

South County Dublin Co. Co. **REFUSED** the proposed development for **three** reasons:

1. Having regard to the proposed concrete batching plant use, the 'EE' zoning objective of the surrounding area of which a concrete batching plant is not 'permissible in principle' or 'open for consideration' and having regard to the nature of the proposed development and the impact on the site and surrounding area, the proposal would be incompatible with the pattern of development in the area, would materially contravene the EE zoning objective of the South Dublin County Development Plan 2016-2022 and would be materially harmful to the South Dublin County at strategic and local level. The proposed development would be contrary to the proper planning and sustainable development of the area.
2. The proposed development by reason of the unsustainable haulage of material from a site located c. 150km away, the reliance on a third party to transport the material and the generation of exceptionally high HGV road kilometres would lead to road damage increased congestion and a significant increase in HGV traffic directly associated with the proposed operations, which would exacerbate traffic congestion on the R120, the N7 Rathcoole junction and Rathcoole village, thereby increasing the risk of an accident to pedestrians, cyclists and road users on the surrounding road network, thereby endangering public safety by reason of a traffic hazard.
3. The proposed development, by virtue of its distance from quarry supplies, would lead to an undesirable and unsustainable precedent for similar developments throughout the county, increasing the generation of HGV traffic and increasing carbon emissions, which would not be in accordance with the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report (31st of July 2020)

- A similar application (SD19A/0081) was refused on 30th of April 2019 for five reasons
- The applicant is stating the development should be categorised as 'Industry special' or 'Industry general'. And no rationale for this has been provided. A concrete batching plant is considered to fall under the category 'Other Uses'.

- The precedent cases cited were from 2006 and 2008, and were considered and assessed in a different planning context.
- In addition, the rationale for the development is to supply the increased demand from the construction industry in Dublin, however the aggregate will be sourced from Co. Cavan 150km from the site with reliance on third parties to carry the aggregate to the site from Cavan.
- There are concerns regarding the sustainability of the proposal in terms of the number of trips and reliance on third parties.
- It is considered to be an incompatible use on an EE zoned site.
- Roads Report recommends a refusal
- Landscaping acceptable
- Will not adversely impact on the visual amenities of the area
- No cement manufacturing proposed on site, and given the site's distance from sensitive nearby receptors, the need for EIA was screened out.
- No likely impacts on Natura 2000 sites
- REFUSAL recommended.

3.2.2. Other Technical Reports

Environment – No objections

EHO : No objection

Roads: Based on the fact there will be 20 truckloads of aggregate per day coming from Ballyconnell which implies 5920km round trips/ per day x by 47 days implies 1,391,200 km per annum, it is unsustainable. The additional HGVs on the R120/ College Road via Rathcoole will result in undesirable HGV movements. The Traffic Impact assessment is noted, however there are still concerns regarding congestion on the N7 Rathcoole junction during peak times. Roads recommends a refusal on 5No. grounds.

Water Services: No objection

3.3. Prescribed Bodies

Irish Aviation Authority : No objection

Department of Defence : No objection

Transport Infrastructure Ireland : No objection

3.4. Third Party Observations

Third party objections cited the following concerns:

- The proposal would materially contravene the South Dublin County development Plan;
- A concrete batching plant is not permissible or open for consideration under the zoning objective
- Flawed rationale that the proposed location is based on a claim that concrete requires 15-20minute distribution catchment.
- Sustainability of transporting aggregate from Cavan to the site
- Shelf life of ready-mix concrete is two hours

4.0 Planning History

Planning Reference SD18A/0044

Planning permission granted for the retention of storage yard for the sale and manufacture of stone products totally 2,204sq.m. to the rear of the site, a site entrance, an administration building (39.22sq.m) plus ancillary carparking, etc

Planning Reference SD19A/0081

Permission Refused for the development of a single storey ancillary administrative building, partially covered aggregate store, ESB substation, a concrete batching plant, 3No. cement silos, refuel tanks, wheel wash facility etc, was refused for 5No. reasons:-

1. Significant increases in HGV traffic which would exacerbate congestion on the R120 and N7
2. The application is lacking in formation to assess its impacts on the county
3. Substantiable and undesirable development given the EE zoning on the site
4. Insufficient information regarding the Dublin Bay Natura 2000
5. Insufficient detail regarding the landscape plan.

5.0 Policy Context

5.1. Development Plan

South County Dublin Development Plan 2016-2022

The subject site is zoned as Enterprise and Employment (EE)

It is the policy of the Council to support and facilitate enterprise and employment uses (high-tech manufacturing, light industry, research and development, food science and associated uses) in business parks and industrial areas.

Under EE 'concrete/ asphalt plants in or adjacent to a quarry ' are 'Open for Consideration.

Section 11.3.8 Extractive Industries

ZONING MAP 4

5.2. Natural Heritage Designations

Rye Water Valley/ Carton SAC (Site Code 001398) – 7.3km from site

Glenasmole Valley SAC (Site Code 001209) – 7.5km from site

Wicklow Mountains SAC (Site Code 002122) – 8.8km from site

5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

REASON NO. 1

6.1.1 ***The proposal accords with the zoning objective relating to the site as 'Industry Special' and 'Industry General', and are uses Permitted in Principle on lands zoned.***

The applicant rejects the contention that a concrete batching plant is not permitted in principle or open for consideration under the EE zoning objective. The applicant does acknowledge the concrete batching plant in or adjacent to a quarry is listed as open for consideration on lands zoned EE. As the proposal is not adjacent to a quarry it should be considered as 'Industry-Special' or 'Industry- General'. This is supported the planning authority and An Bord Pleanala which have previously considered concrete batching plants not co-located with a quarry to be classed as 'Industry – Special' or 'Industry- General' as per the development plan.

Industry -General – the use of a building or part thereof or land for any industry other than light industry or a special industry and includes a service garage but not a petrol filling station.

Industry- Special – The use of a building or part thereof or land for any industry which requires special assessment due to its potential for detrimental environmental effects.

The planning authority failed to give due consideration to the subject as they erroneously decided at the outset of their assessment that the proposed use is not 'Permitted In Principle' at the subject site and is therefore a material contravention.

Industry- General and Industry Special are Permitted In Principle on lands zoned EE, therefore the proposal is not a material contravention.

6.1.2 *The planning Officer precludes the subject development from being considered as 'Industry General' as it does not include a service garage – we submit that this interpretation of the Land Use Class is inaccurate and ultimately resulted in a decision that is flawed.*

The planning assessment discounted the General Industry Use on the basis that the subject development does not include a service garage. This interpretation is factually inaccurate. The interpretation allows the inclusion of a service garage. It is illogical to assume that all general industry developments must include a service garage to comply with the landuse definition.

6.1.3 *The Subject Definition Demonstrates Clear inconsistency in decision making – signifigant precedent of South Dublin County Council and ABP Considering concrete batching plants as 'industry special' or 'industry general' uses.*

Both planning authorities have previously granted planning permission for concrete batching plants in South Dublin that are not co-located with quarries. An example is Clondalkin Batching Plants at the Clondalkin Industrial Estate (SD06A/1095) and at Baldonnell (SD08A/0674) (PI06S.234179) were considered to accord with the development plan zoning provisions as they were assessed as industrial uses.

The current proposal should be assessed in a similar manner in the interests of fairness and consistency, and the planning authority has previously assessed the proposed use as industry -special or industry-general.

There are other concrete batching plants in Dublin not located in quarries and that must obtain aggregate materials from outside of their site such as:

Kilsaran Concrete – Tallaght site, Adamstown, Millennium Business Park, South Bank Road

Keegan Quarries – Millennium Business Park

Roadstone – Belgard, Huntstown

6.1.4 *There has been no change to the Policy Context regarding 'Industry Special' or 'Industry General' which would render the precedent invalid or give a rationale for a complete change in the assessment of the use type.*

The planning report states the previous cases cited were submitted and assessed within the lifetime of the County development plan for 2004-2010 and where assessed under different planning policy. The planning authority dismissed the planning history as the policy context was different owing to the consideration of these applications within the lifetime of a previous plan. It is clear that the policy context has not changed in anyway since the old development plan was in force. Therefore, the proposed use cannot be reasonably be considered to be a material contravention of the subject site's zoning and in the interests of fairness and consistency the subject scheme of this appeal must be considered as an 'industry-special' or 'industry-general'.

6.1.5 *Development Plan Policy Expressly Supports Employment Growth at the Subject Site*

The subject site is zoned EE – Enterprise and Employment where the objective is to provide for enterprise and employment related uses subject to compliance with development management criteria.

The Plan provides the following Economic and Tourism (ET) policy:

It is the policy of the Council to support sustainable enterprise and employment in South County Dublin and in the Greater Dublin Area.

The proposal will provide employment generation within the area through the creation of 14No. jobs which is in compliance with the development plan. The proposal will also ensure the continuous supply of concrete for permitted residential developments in Dublin and the Greater Dublin Area, thereby increasing the efficiency of construction process and contributing towards addressing the deficit in housing supply.

6.1.6 *High Specification in Design will Minimise the impact on the surrounding area.*

It is important to understand the development can be co-located in a business park.

The process is as follows:

- Aggregates and sand are delivered to the site by covered trucks. There will be no aggregate crushing on site as it is carried out at the quarry. The aggregates are tipped into a storage facility which is fully enclosed.

- Aggregates for the concrete batching plant are then taken by a wheeled shovel loader and transferred into the aggregate tip hopper which is covered with a canopy roof, and the materials are fed into the aggregate storage bins via a covered conveyor.
- The material is pre-weighed and transferred via a covered conveyor to the hopper mixer.
- The cement binder is delivered by enclosed cement tanker. The cement is stored in the cement silos, which are fitted with a pressure relief device that ensures the silos are not over pressurized which could lead to powder escaping. All devices on the silo are monitored at the required pressure.
- The cement and water are weighed and discharged into a fully enclosed pan mixing units controlled by a computer. The aggregates are added to the mix to produce concrete. Once the mixing cycle is complete the wet concrete is discharged into the concrete mixer truck for onward delivery. The discharge is made via a rubber sock that directs material into the drum of the truck.
- All vehicles entering and exiting the facility pass over a weighbridge.

The measures implemented on site ensure the proposed batching plant is a clean industrial use with minimal environmental impact. It is an appropriate use in the surrounding context of the Greenogue Business Park.

REASON NO. 2

6.1.7 *Background to relationship between Quinn Cement Ltd and Encirc Ltd*

The aggregate materials required for the process will be sourced from the applicant's premises in Ballyconnel Cavan. The applicant uses Encirc trucks for the transportation of the aggregate materials to the subject site which ensures the proposed development represents a sustainable model of sourcing aggregate materials. Encirc operate a glass manufacturing business. One of the primary sources for raw materials is recycled glass. Encirc collects glass from Rehab Glassco in Naas, each day with 16-20 trucks going from Naas to their factory at Derrylin, Co. Fermanagh. These trips will continue regardless if the proposed facility is permitted or not. On each trip the trucks from Derrylin are empty, and they pass the Rathcoole interchange.

Should permission be granted for the subject scheme, there will be a written contract between the parties to collect and bring the aggregate from Ballyconnell to the subject site which only involves a 5km detour of the existing route. This approach will utilise the currently unused capacity of the outward journey, thereby facilitating a continuous supply of necessary aggregate material to the subject site. This is a sustainable model arrangement, and environmentally friendly operational model. The proposed facility can operate successfully without the necessity to be co-located in a quarry. A third party objector (also a quarry operator) questions the role of Encirc in the arrangement, the reality makes sense from a commercial point of view. It should be noted most concrete batching plants source aggregates from a number of different quarries. This matter cannot be controlled by the planning system.

6.1.8 *Traffic Technical Note demonstrates no increase in HGV traffic along the N7 resulting from the proposed development*

Traffic Impact Assessment on file assessed 3No. scenarios. The use of Encirc Limited Trucks demonstrates that the planning authority was incorrect in the assertion that the proposed development will result in unsustainable haulage of material from 150km away. The assessment also investigating hauling aggregate could be sourced from a quarry in Kildare, and this would result in an increased journey of 1384km per day. The use of the Encirc trucks is a far more sustainable and an environmentally friendly option. The Traffic Impact Assessment indicated 40No. incoming and 40No. outgoing trucks during the day. The traffic generated will not be significant during the network AM peak hour, and insignificant during the network PM peak hour and there will be no significant impact on the R120 roundabouts. The planning authority's claims the impacts on the local road network are incorrect, and the off-peak movements will not result in operational issues for the road network or impact on road user safety.

6.1.9 *Alternative Uses of the Site*

It is important to consider whether an alternative use on the subject site would have a lesser or greater impact on the capacity of the road network. Given the 'EE' zoning objective for the subject site, it is likely the alternative use would involve a commercial or industrial cavity which would generate HGVs to and from the site, eg distribution warehousing which are located within the Business Park.

6.1.10 **REASON NO. 3**

The applicant does not accept the proposal would result in an undesirable and sustainable precedent for similar developments throughout the county. The uniqueness between the relationship of the applicant and Encirc would be difficult to replicate elsewhere throughout the county.

The majority of concrete batching plants which are operating in Dublin and Greater Dublin area source their aggregates from outside of their sites including a number of sites that are co-located with quarries. There are limited sources of aggregates materials within Dublin, therefore this implies existing concrete batching plants must source their aggregates outside of Dublin. Warehousing recently refused in the area under reference SD18A/0314 was granted by the Board because it was considered the HGVs associated with the development would not cause a detrimental impact on the R136 and N7 junctions.

The only third party objection to the proposal came from a competitor in the market, and planning should not be used as a tool to prohibit competition.

6.2. **Planning Authority Response**

South County Dublin Co. Co. confirms its decision and has nothing further to add to the appeal.

6.3. **Observations**

Kilsaran Concrete has been a submission stating the applicant has not satisfactorily addressed the reasons for refusal. The proposal is incompatible with the pattern of development in the area, materially contravenes the county development plan, and would set an undesirable precedent for similar development across the county.

- ***Material Contravention***

The planning authority refused the proposal because a concrete batching plant use is neither permitted in principle or open for consideration under the EE zoning. The applicant has argued on appeal the proposed use should be classified as industry special or industry general, which are permitted in principle under the zoning

objective. A precedent exists from citing planning permissions dating back to 2006 and 2008.

Concrete batching plant use is explicitly referenced in the EE zoning matrix and are only open to consideration in or adjacent to quarries. It is the clear intention of the development plan to restrict the development of such facilities in areas remote from an existing quarry. The rationale is to avoid excessive and unnecessary HGV movements of aggregate, required for the operation of any concrete batching facility. It is illogical to argue the planning authority would classify concrete batching facilities in or adjacent to a quarry as only open for consideration but would consider such facilities located remote from a quarry as permitted in principle.

The applicant had argued under the previous planning application (SD19A/0081) that the proposed facility fell under the 'concrete/ asphalt plant in to adjacent to a quarry'. Such an inconsistent approach taken by the applicant, and it was noted in the planning report.

The planning report also notes the concrete batching plant is not listed as a use in isolation within Schedule 5 of the County development Plan and is therefore considered to fall under the category of other uses. Section 11.1.1(v) states 'Uses that have been listed under the land use zoning tables will be considered on a case-by-case basis in relation to conformity with the relevant policies, objectives and standards contained in the Plan, particularly in relation to the zoning objective of the subject site.'

The planning authority has been consistent in its approach from the application in 2019 to the current proposal. The precedent examples cited were 12-14 years ago and the subject of a different planning context the South Dublin County Development Plan 2004-2010. The applicant is claiming the planning context has not changed. This is not true. The subject site as remained zoned for Enterprise and Employment uses, the objectives applicable to the zoning designation have changed over the intervening period. There are new objectives in the current development plan that were not included in the previous plans (ET Policy 3, ET Objectives 2,3 and 4). The current county development plan represents the strategic evolution of SDCC policy to encourage new developments on EE zoned lands to comprise of high tech manufacturing.

- ***Unsustainable Traffic Proposals***

The second reason for refusal relates to unsustainable traffic movements, and the applicant on appeal outlines a complex justification for sourcing the aggregate from a quarry 150km from the site at Ballyconnell Co. Cavan. The argument presented by the applicant states the arrangement is sustainable as it utilises an existing haulage route which is in place between a glass manufacturing depot in Fermanagh and a glass collection facility in Co. Kildare (both of which are operated by two separate third parties) and this represents a sustainable traffic approach.

The response does not provide any additional traffic information on appeal and relies on the complex and tenuous arrangement between themselves and 2No. third parties. The arrangement still involves HGVs loaded with aggregate travelling 150km to the site, which is wholly inconsistent with sustainable planning and environmental policies. Concrete batching facilities by their nature are reliant on regular delivery of aggregate material and would result in significantly more traffic than an alternative industrial use.

It is highly unlikely that the haulage times and demands of the glass recycling facility, glass collection facility and the proposed development would align at all times. There are likely to be independent deliveries to the catching plant on occasion. This would result in a 300km round trip from Cavan.

- ***Competition***

The applicant has argued the proposal would result in increased competition in the Dublin market. It is not clear why the development of such facility is required to serve the Dublin market. It is widely accepted the industry standard for the handling/transport of ready-mix concrete is in fact two hours. The Dublin concrete market is competitive and well functioning, which is evidenced by the short lead in times for concrete orders which are less than 24 hours in most instances.

7.0 Assessment

7.1. Having considered the appeal file and carried out a site inspection, the proposed development will be assessed under the following headings:

- Planning History

- Compliance with Development Plan Zoning
- Traffic
- Other Matters
- Appropriate Assessment

7.2. Planning History

The planning history demonstrates that Unit 612 Jordanstown Road was subdivided under planning reference **SD18A/0265**, and this subdivision resulted in the subject site Unit 612A. The current applicant is a follow up to a refusal on the subject site for a concrete batching plant assessed under planning reference **SD19A/0081**, which was refused for five reasons. On the previous planning application, the planning authority had insufficient information to enable the council to make a fully informed decision on the proposal. Therefore, according to the applicant, the current application (current appeal) addresses the issues of concern raised in the previous refusal. The previous planning application did not include a Traffic Impact Assessment (TIA), this current application includes a TIA prepared by Stephen Reid Consulting Traffic and Transportation. The rationale for the project is based on the unique relationship between the applicant and Encirc Limited, a glass making company which travels from Fermanagh/ Cavan to Naas on a daily basis, to collect recycled glass in Naas to bring to its glass factory in Co. Fermanagh. The HGV trucks are empty enroute to Naas and can accommodate the aggregates required at the subject site for the concrete batching plant. In addition, the current application outlines the Planning Policy and Context, the rationale for the proposed use within Greenogue Business Park which does not require co-location within a quarry and a new landscape plan is proposed under the current proposal.

- 7.3. It is noted in a review of the recent planning history in the vicinity of the subject site that a greater height of 14.9metres has been permitted, and the proposed development will not become a prominent feature within the Business Park, which has also been the subject to recent favourable decisions for industrial and commercial developments.

7.4. Compliance with Development Plan Zoning

This issue is the crux of the appeal. The substantive reason for refusal states the proposed development is a material contravention of the South County Dublin Development Plan (2016-2022) because the subject site is governed by an Enterprise and Employment zoning objective whereby a concrete batching plant is 'not permissible in principle' or 'open for consideration' under the zoning objective.

In accordance with Section 37 (2)(b) of the Planning and Development Act 2000 as amended where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission if the proposed development meets with one of four criteria.

- (i) *The proposed development is of strategic or national importance;* The proposed development is to serve the local construction market in the Dublin region. Given the scale of the development and the existing number concrete batching plants serving the region, the proposed development is not considered to be of strategic or national importance.
- (ii) *There are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned.* The site is located within a large Business Park which is governed by a Enterprise and Employment zoning objective in the current South County Dublin Development Plan 2016-2022. Under the EE zoning matrix concrete batching plants are explicitly mentioned and are only '*open for consideration*' where located '*in or adjacent to a quarry*'. The applicant has submitted a counter-argument on appeal. The applicant's argument is the proposed use should be classified as 'Industry-Special' or Industry-General', whereby both uses are 'permitted in principle' under the EE zoning objective. It is further submitted by the applicant that given the subject site is not in or adjacent to a quarry, the applicant argues that the Industry- General and Industry- Special should be applied.

There are no conflicting objectives in the development plan. The development plan clearly states the proposed concrete batching use separate to a quarry, is not permissible or open to consideration under the Enterprise and Employment zoning designation.

- (iii) *Permission for the development should have been granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the government, the Minister or any Minister for government.* – This not relevant to the current proposal.
- (iv) *Permission for the proposed development should have been granted having regard to the pattern of development, and permission granted, in the area since the making of the development.* -In this instance the applicant has cited on appeal cases previously planning granted permission in 2006 and 2008 under the 2004 County Development Plan are relevant and have set a precedent for the current proposal. The applicant has argued there has been clear inconsistencies in the decision making by the planning authority. In my opinion, the only relevant case to this section of the Act is Planning reference SD19A/0081 for a similar development on the subject site which was refused by the planning authority for five reasons. This planning case was decided since the adoption of the current development plan.

Having regard to the above assessment, I consider the Board is not in a position grant permission for the proposed development as none of the four criteria can be met by the proposal.

According to the South Dublin County Development Plan 2016-2022, the landuse zoning matrix for objective **EE** lists, '*concrete/ asphalt in or adjacent to a quarry as a structure or land use for the purpose of manufacturing concrete, asphalt and related products in or adjacent to a quarry or mine.*' The applicant is claiming the proposed use is more correctly categorised as 'Industry Special' or 'Industry General' because that is how concrete batching plants were assessed in the past under previous planning applications in 2006 and 2008, and because the site is not located in or adjacent to a quarry.

I do not consider the case presented warrants a recategorizing of the proposed use to suit the zoning matrix in the current development plan, and in my opinion, this

practice this could be legally challenged. I note the cited precedents were assessed under the 2004 County Development Plan, which although had the same EE zoning on the subject site, it was a different planning context and time. I do not consider the cases from 2006 and 2008 (reference SD06A/1095 and SD08A/0674) to be relevant to the current proposal because there have been two development plans adopted in the county since that time and plethora of national planning guidelines introduced. The permissions cited are outdated by the new planning policies currently in place. The Board should note in the current development plan General Industry is defined as *'the use of a building or part thereof or land for any industry other than light industry or a special industry and includes a service garage but not a petrol filling station.'* A Special Industry is defined as *'the use of a building or part thereof or land for any industry which requires special assessment due to its potential for detrimental environmental effects'*. In my opinion, concrete batching plants are explicitly referenced elsewhere in the EE zoning matrix of the plan and it is the clear intention of the development plan within the EE zoned areas, that new facilities remotely located from quarries should be restricted. Therefore, it is unacceptable for the applicant to recategorize the land uses in order for the use to be permitted in principle under the EE zoning, and to obtain planning permission. The zoning matrix must be examined objectively and not subjectively as suggested in the appeal submission.

7.4 Traffic

The planning authority's second reason for refusal states the proposed development represents the unsustainable haulage of material from the quarry site located 150kilmetres from the subject site in Ballyconnell, Co. Cavan and the reliance on a third party to transport the aggregate from Cavan to the subject site in South County Dublin. The appeal places a very strong emphasis on the unique relationship between the applicant (Quinn Cement Ltd) and the third party company, Encirc Limited. It is submitted Encirc Limited is a glass manufacturing company based in Derrylin, Co. Fermanagh and was originally known as Quinn Glass. Encirc's primary raw material is recycled glass and the primary glass source is Rehab Glasso in Naas. Each day 16-20 truck loads of glass are transported by Encirc from Naas to Derrylin, Co. Fermanagh. The trucks going south are empty, therefor they can carry the aggregate sustainably from the quarry to the subject site in Greenogue, only

requiring a minor detour of c. 5km off the N7 at Rathcoole. According to the applicant, the applicant will enter into a contract regarding the haulage of the aggregate from the quarry in Cavan to the site in Rathcoole.

A Traffic Impact Assessment (TIA) was submitted with the planning application. The TIA indicated that the volumes of traffic generated by the proposed development will not be significant during the network AM peak hour, and insignificant during the network PM peak hour, the traffic can be accommodated on the R120 roundabouts without significant impact.

In the first instance the arrangement between the applicant and Encirc represents a reliance on two third party companies (Encirc and Rehab Glasso) to ensure a supply of aggregate to the subject site/ facility. This issue is not legally binding, and there is too much emphasis by the applicant regarding this relationship between the third party companies to justify permission for the proposed development. The reality is there will be 20 No. trucks of aggregate arriving from Co. Cavan to the subject site per day, travelling over 148KM. Regardless of the third-party arrangements, the proposal involves loaded HGVs traveling with aggregate a distance of 150KM to the subject site which is wholly inconsistent with sustainable planning policies and environmental policies. It is highly unlikely that the haulage times and demands of Rehab glass will equal the haulage times and demands of the concrete batching plant, and it is reasonable to assume on certain days, the proposed development will generate independent round trips of 300Km carrying aggregates to the subject site. I note, the Roads Department of the planning authority recommended a refusal as it considered the reliance on another industry to supply the aggregates as tenuous and unreliable. I would agree with this statement, as I consider the proposed development should stand on its own merits in case the circumstances of the two third party companies were to alter beyond the control of the applicant. In this regard I consider the planning authority reasons for refusal No. 2 and 3 were justified and should be upheld by the Board.

Furthermore, a concrete batching plant cannot be compared with other uses within Greenogue Business Park in terms of volume of HGV traffic, as there will be daily truck loads full of aggregates entering and exiting the site, and truck loads full of concrete entering and leaving the site. This represents a considerable loading on an already heavily trafficked route which accommodates a high level of HGVs in

particular at the N7 Rathcoole junction during peak AM hours, when the concrete would be leaving the site to the construction sites.

7.5 Other Matters

- The landscaping proposals are acceptable.
- Having regard to site location and industrial like setting, and the current half vacant nature of the subject site, it is considered the proposed development would not adversely impact on the visual amenities of the area.
- The Environmental Health Officer had no issue with the noise, dust, drainage and lighting associated with proposal development. The machinery on site and conveyor belts will be covered. The aggregate storage will consist of 5No. tipping bays, a fully covered aggregate tip-in hopper with fully covered conveyor belts, a fully enclosed aggregate storage bins, a covered batch conveyor, and a fully
- There were no objections to the proposal from the adjoining Casement Aerodrome or the Irish Aviation Authority.

7.6 Appropriate Assessment

Having regard to the nature and scale of the proposed development, nature of the receiving environment and distances to the nearest European sites, I am satisfied that no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend the Board uphold the planning authority's refusal.

9.0 Reasons and Considerations

1. The site is zoned “to provide for Enterprise and Employment related uses (EE)” in the current South Dublin County Development Plan, which zoning is considered reasonable. Having regard to this zoning designation, which precludes a concrete batching plant except in or adjacent to a quarry, it is considered that the proposed development would contravene materially an objective of the Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to:
 - The considerable distance between the proposed aggregate source and the subject site;
 - The dependence on third parties to carry the aggregates to the subject site from the source;
 - The high volume of HGV traffic movements associated with the proposed use

It is considered the proposed development would to an undesirable and unsustainable precedent for similar developments throughout the county and be contrary to the proper planning and sustainable development of the area.

Caryn Coogan
Planning Inspector

14th of January 2021