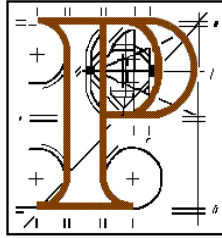


An Bord Pleanála



Inspector's Report

Development: Continued development of a quarry and reinstatement of worked out quarry to agricultural use at Windmill Hill, Rathcoole, County Dublin.

Planning Authority: South Dublin County Council

Applicant: Laurence Behan

Application Type: Application for Further Development

Date of Site Inspection: 20th December, 2016

Inspector: Kevin Moore

1.0 INTRODUCTION

- 1.1 This application is for further development of a quarry at Windmill Hill, Rathcoole, County Dublin.
- 1.2 The proposed development consists of the further development of the quarry relating to Substitute Consent application 06S.SU0068 and comprises the continued development of a quarry with a total site area of 40.875 hectares. In addition, the application seeks the reinstatement of the worked out quarry to agricultural use by the importation of inert subsoil and topsoil amounting to 11,151,570 cubic metres. The application details include an Environmental Impact Statement, a Screening Report for Appropriate Assessment, a Natura Impact Statement for Screening for Appropriate Assessment, and a Site Characterisation Report.

2.0 QUARRY LOCATION AND DESCRIPTION

- 2.1 The existing quarry is a rock quarry on lands totaling 40.875 hectares at Windmill Hill, Rathcoole, County Dublin. It is located off the N7 Dublin-Limerick Road approximately 2km south-west of Rathcoole village. It provides crushed stone aggregate for fill and road surfacing.
- 2.2 The site is made up of quarrying and grassland used for grazing. The topography of the general area could be termed a rolling landscape. Surrounding lands are primarily in agricultural use. The nearest dwelling to the quarry is located ca. 250 metres to the south in the ownership of the Behan family.
- 2.3 Embankments / berms have been constructed along the northern and western boundaries of the site to screen the development. The embankments have been stabilized through tree planting.
- 2.4 The existing gated site entrance is onto the N7 National Primary Road. The entrance roadway has an asphalt surface. A haulage road from the site entrance to the yard area has a tarmac finish.
- 2.5 Ancillary facilities on site include aggregate processing plant, screening units, an asphalt manufacturing plant, and ancillary infrastructure inclusive of offices, storage/maintenance sheds, weighbridges, a wheel wash and car parking. A washer is located to the north-west of the yard area to

provide for washed stone when required. There is also a recycling facility, with a permitted capacity of 10,000 tonnes per annum of inert material.

- 2.6 Drinking water is supplied from a well. Sewage treatment is by an on-site septic tank. Storm water runoff from the roadway is directed to a silt trap and oil interceptor. Wheelwash water is provided by the storage lagoons.
- 2.7 The quarry activities are undertaken during normal daylight hours between 5.00 am and 21.00 pm Monday to Friday and between 5.00 am and 14.00 pm Saturday, and that the quarry is normally closed on Sundays and Bank Holidays. 10-12 persons are stated to be employed full-time at the quarry.
- 2.8 The area the subject of the current application comprises the existing quarry and adjoining lands. The quarry was in operation at the time of my inspection. The area to the east of the quarry, referred to as “Area Prepared For Excavation & Workings” in the submitted Site Layout drawing, was undergoing significant earthworks at this time. The area to the south-west referred to as “Area For Future Excavation” is in grassland.

3.0 DESCRIPTION OF PROPOSAL

- 3.1 The proposal before the Board seeks to continue the development of the quarry and to reinstate the worked out quarry to agricultural use by means of the importation of inert subsoil and topsoil amounting to 11,151,570 cubic metres. The proposal seeks to extend the quarry working area to the east, south and south-west. The drawings submitted with the application indicate that the established quarry area that will be used for future excavation incorporates an area of 5.661 hectares, while the other areas for future excavations total 8.256 hectares.
- 3.2 The EIS states that there would be 8 to 10 benches (ca. 10 m height each) worked to an overall maximum height of 90 metres. Each phase would be undertaken annually, with soil stripping occurring when necessary in March. The lifetime of the quarry and the number of phases used during this time would be based on the market demand of the product and as such may vary accordingly. This is also the case with the average extraction rate, which is estimated at this time to be approximately 4,000 tonnes of material per week at maximum production.
- 3.3 Extraction of rock by blasting and the processing of rock would follow established procedures at the quarry.

4.0 PLANNING HISTORY

4.1 The following planning history relates to the overall quarry development:

An Bord Pleanála Ref. 06S.SU0068

An application for Substitute Consent for the existing quarry was submitted to the Board further to the decision of the planning authority and is currently under consideration.

An Bord Pleanála Ref. QV06S.QV0090 (P.A. Ref. SDQU05A/4) – A review of the decision by South Dublin County Council under the section 261A process was sought by the applicant. The Board decided to confirm the determinations under section 261A(2)(a)(i) and section 261A(3)(a), culminating in the application for substitute consent now before the Board.

An Bord Pleanála Ref. PL 06S.241259 (P.A. Ref. SD12A/0059)

Permission was granted by the Board for a development consisting of a dedicated area within the quarry in which no more than 10,000 tonnes per year of imported inert materials generated by off-site construction activities shall be segregated, processed, recycled and reused as raw materials for the existing on-site asphalt manufacturing plant.

An Bord Pleanála Ref. PL 06S.PA0006

Permission was refused by the Board for a resource recovery project for the thermal treatment of non-hazardous residual municipal and residual construction and demolition waste and the net generation of 28MW of electricity.

P.A. Ref. SDQU05A/4

The quarry was registered subject to 36 conditions.

P.A. Ref. A14

Permission was granted in 1968 for the development of a quarry.

5.0 SUBMISSION FROM THE PLANNING AUTHORITY

5.1 The planning authority refers to development plan provisions, planning history relating to the site, and national, regional and local policy provisions. It is submitted:

- The planning authority has grave concerns about the setting and context of a protected structure on the site, RPS 358 windmill, if quarrying continues in the vicinity and recommends the attachment of appropriate conditions relating to preservation of the protected structure.
- The Board should consider appropriate conditions with regard to archaeology as an archaeological assessment of the windmill in the vicinity found that the two fields abutting the quarry are zones of high archaeological potential.
- The planning authority has no view as to the veracity of the NIS Screening Report due to time and resourcing constraints.
- The Board should consider appropriate conditions with regard to landscape.
- The Board should consider conditions with regard to environmental matters as previously recommended for quarrying at this location.
- Concerns are raised about intensification of the use of the existing access, the need for a new access from its western lands or alternative improvements to the access, and the need for a Road Safety Audit.
- It is reasonable to attach conditions for community gain.
- The rate of development contribution should be based upon the Council's contribution scheme.

In conclusion, the planning authority considers there is merit to the extension and that further information is required in relation to roads matters. It is submitted that, in the event of the Board granting permission, conditions could be attached and those recommended are scheduled. Appendix 1 of the submission comprises a report from the Council's Roads Section and Appendix 2 provides a schedule of suggested conditions.

6.0 APPLICANT'S RESPONSE TO SOUTH DUBLIN COUNTY COUNCIL SUBMISSION

The applicant's response to the planning authority's submission may be summarised as follows:

- The applicant accepts that the windmill structure has to be protected and conserved.
- The applicant undertakes to pursue the purchase of a strip of land to gain access to the road leading to the Streamstown interchange.
- The schedule of suggested conditions is considered acceptable. The applicant undertakes to upgrade the existing exit to the N7 and proposes to appoint an archaeologist to carry out further investigation of works within 200m of the windmill.

The submission includes a report relating to the quality of material being extracted at the quarry.

7.0 PRESCRIBED BODIES SUBMISSIONS

7.1 Submission by Transport Infrastructure Ireland

TII notes the nature, context and strategic importance of the N7 national primary road. It is requested that any consent granted should not result in any intensification of use of the existing direct access to the N7 above permitted levels of use.

7.2 Submission by Department of Arts, heritage and the Gaeltacht

The Department recommends that any grant of permission should refer to the proposed archaeological mitigation measures as conditions of planning permission.

7.3 Submission by Irish Water

Irish Water notes that the application does not include any details regarding the proposed protection of the Liffey Aqueduct/Culvert traversing the northern end of the site and requests confirmation on existing wayleave agreements. Further restrictions are requested on effluent disposal and on heavy traffic crossing the culvert.

8.0 APPLICANT'S RESPONSE TO PESCIBED BODIES SUBMISSIONS

- 8.1 In response to the submission by TII, the applicant referred to total truck movements required to be limited to 180 per day.
- 8.2 In response to the submission by Irish Water, the applicant submitted that a wayleave is in existence since the mid-1940s and that no further quarrying is proposed in that direction. It was further submitted that the effluent treatment system is located in excess of 100m from the culvert and no high risk facilities are located within 200m.

9.0 PLANNING POLICY CONTEXT

- 9.1 I refer the Board to Section 177 (k) of the Planning and Development Act 2000-2010 as amended. Subsection 2 sets out the matters to be considered when making a decision in relation to an application for substitute consent.
- 9.2 Section 4.7 of the South Dublin County Development Plan 2016-2022 contain relevant considerations and policy in respect of mineral extraction. Other sections of the Plan considered relevant include matters pertaining to zoning provisions, cultural heritage, and landscape.

10.0 ASSESSMENT

10.1 The Extent of the Application

- 10.1.1 It is noted that the application includes a proposal to import over 11 million cubic metres of subsoils and topsoils although the application provides virtually no information on this matter. The application also includes drawings and details on all structures on the site. The provisions under section 37L of the Planning and Development Act do not provide for the importation and landfilling of subsoils and topsoils nor do they seek to address the retention of structures where such an application is not sought. Such matters should be addressed to the planning authority in the first instance and cannot be considered as part of this current application.

10.1.2 The Board will note from the description of the quarry earlier in this report that the area to the east of the quarry, referred to as “Area Prepared For Excavation & Workings” in the submitted Site Layout drawing, is undergoing significant earthworks at this time. This is an area whose development, including preparation prior to extraction, is subject to the requirement to obtain planning permission and is the area the subject of this application that is proposed to be excavated and worked on over the next five years if permission is forthcoming from the Board. The Board will note that the current application does not include a proposal to retain the works that are ongoing at present.

10.2 The Application for Substitute Consent

10.2.1 The Board will note my report and recommendation with the attached file PL 06S.SU0068. That substitute consent application considered the lands associated with the established quarry works, which also forms part of the current application, shown in current submitted drawings as an “Area for Future Excavation”.

10.2.2 My report on the substitute consent application concluded:

“to suggest that one is in a position to undertake an environmental impact assessment of the quarrying activity the subject of this substitute consent application using the information provided in the submitted documentation is at best misplaced. The document could not reasonably be viewed as purporting to be a remedial Environmental Impact Statement, with conclusions drawn that do not result from sound baseline information and survey findings. The purpose of the substitute consent process is to allow the unauthorised quarrying activity that should have been subject to EIA to now be subject to EIA. In this instance it is not possible to do this due to the inadequacies of the application documentation.”

The application for substitute consent was substantially, materially and significantly deficient. Identification of the extent of deficiencies was addressed in the assessment of that application.

10.2.3 With due regard to the conclusions drawn on the substitute consent application, consideration of significant expansion of the established quarry at Rathcoole, as is now proposed under this current application, cannot reasonably be considered at this time where a substantial section

of this quarry would be unauthorised and where regularisation cannot be facilitated at this time.

10.3 The Environmental Impact Statement

Considerations on the submitted Environmental Impact Statement associated with this application for further development are as follows:

10.3.1 Description of the Proposed Development

There is no adequate description of the proposed development the subject of this application. One does not know from the document the phasing of the extensive development, the nature and quantity of materials to be extracted on a phase by phase and area/location basis, how the quarry would progress in an orderly manner, and the timeframe over which such extraction would occur. There are no details on site investigations, exploration drilling and testing relating to the proposed development. There are significant inadequacies in relation to the decommissioning of the relevant development and orderly rehabilitation, with a serious lack of information on quarry face stability, security, long-term water pollution control, a comprehensive strategy for site rehabilitation, monitoring provisions and bonding to ensure closure is permissible.

10.3.2 Description of Likely Significant Impacts

The aspects of the environment likely to be significantly affected by the proposed development are required to be considered in any EIS. My considerations on the applicant's submission are as follows:

10.3.2.1 Human Beings

The submitted document concludes that noise levels at the nearest sensitive location will not significantly deviate from current background noise levels, that the development will not have a significant adverse impact on the road network, air pollution effects will be negligible, that minimal visual intrusion will result, that the extraction will have significant socio-economic effects due to the benefits to the construction industry, and that there will not be adverse impacts for infrastructure.

It is noted that this section of the document did not address any of the infrastructural issues evident from the submissions by the planning authority and prescribed bodies. Furthermore, there is no understanding of who or what the sensitive receptors are and where they are located. There is no information provided on potential impacts arising for residential amenity, population, settlement patterns, economic activity, land use, local and community amenities, and health and safety.

10.3.2.2 Cultural and Archaeological Heritage

The submitted document described the existing environment and noted archaeological monuments in the vicinity. A number of mitigation measures were provided in relation to the existing windmill, archaeological testing relating to a townland boundary on the eastern edge of the quarry, investigation of a crop mark to the east, and testing of a curved hedgerow.

It is noted that the proposed development seeks to maintain a buffer zone of 50m between the quarry face and the existing windmill, a National Monument (RMP DU021-038) and a Protected Structure (RPS 358 – Stone Windmill Ruin). It is further noted from the planning authority's submission that there is a serious concern about the encroachment of the quarry on this monument. Reference is made to comments by the Conservation Officer in relation to an enforcement case and to the findings of archaeological testing undertaken in this location. The proposed quarrying will result in further excavation at the closest point to the windmill and will extend quarry works southwards such that it would encroach on the approach to the windmill to the north-east of this structure.

The lack of any understanding about the adverse implications of these new works in the application are twofold. Firstly, the further encroachment on new quarrying lands and the continued extraction at the nearest point potentially have significant structural impacts for this protected monument arising from blasting and the extraction process. There has been no assessment of the structural implications of these proposed works on this structure. This is a serious deficiency in the application. Secondly, the continuous encroachment of quarrying works would seriously undermine the setting of this monument and protected structure further than has occurred heretofore. Further development as proposed could not be

perceived as sustainable in this location due to the significant adverse effects on this important structure.

10.3.2.3 Flora and Fauna

The applicant outlined the operational and construction impacts for flora and fauna likely to arise from the proposed development. It was concluded that overall there are neutral impacts and one moderate negative impact, with the potential loss of breeding Peregrine. Proposed mitigation comprises the avoidance of blasting near Peregrine nesting sites during the breeding season. It is further recommended that a survey be undertaken during the breeding season to determine the status of nesting Peregrines and monitoring should be undertaken annually.

I note that the site is not located on or near any designated European Sites. It is in an area that could reasonably be considered agricultural and beyond the urban influence of Rathcoole. The lands to be affected by the proposed development are existing quarry lands in the case of the continued operation on the site and stripped topsoil areas and grassland for those areas into which it is proposed to expand, defined by fields bounded by hedgerow and tree lines.

I further note that the applicant's ecology consultant undertook a one-day site visit on 4th November 2015. It is clear that there was a lack of surveying to support the findings of the submitted document. The applicant submits dedicated species surveys were not carried out and that November is a suboptimal season for general habitat or botanical surveys. The applicant's submission included no assessment of flora during the flowering season, no bat surveys, no assessment of breeding birds, no assessment of amphibians and reptiles and no assessment of invertebrates. It is acknowledged that Peregrine Falcon (Annex I species) has been recorded at the site and that further study is required on its status, Common pipistrelle is likely to be present in the area, there is suitable habitat for Badgers in the area, and that a number of insect species are likely to be present on the site. The survey work undertaken to support the findings of this section of the document is seriously deficient to conclude that this culminates in an adequate section of the Environmental Impact Statement to allow for the undertaking of an Environmental Impact

Assessment. One cannot rely on unfounded conclusions drawn in this section of the document.

10.3.2.4 Air and Climate Change

The applicant notes the planted screening banks surrounding the site, the distance of residential properties from the site, and the location of the quarry floor below adjoining lands offering significant attenuation of generated dust. It is submitted that the nature of the dust measurement method employed at the site ensures that the cumulative impacts from all local sources is assessed on an on-going basis. It is expected that the future operation would not have an adverse impact on ambient air quality provided that control and mitigation measures are implemented. It is noted that a programme of dust deposition monitoring is conducted at the site. Impacts associated with construction and operational phases are identified. Control techniques, management practices and mitigation measures are identified. Monitoring in the form currently undertaken is proposed to continue. It is concluded that there is no evidence to suggest there would be any effects on climate.

Having regard to the above, it could reasonably be concluded that the proposed additional development would not likely result in significant or increased impact on air quality for the environment in which the quarry is sited and that impacts on climate would not be significant.

10.3.2.5 Noise & Vibration

The applicant notes that routine noise surveys are conducted in the vicinity of the closest noise sensitive receptors to the site. Noise survey results for the period April 2007 to October 2015 are presented. Impacts at construction and operational phases are identified. It is submitted that at the construction and operational phases the development would not generate unacceptable noise levels at the closest sensitive receptor. It is also submitted that there is no known evidence of structural damage to structures from excessive air overpressure levels from quarry blasting and it is predicted that there would be no adverse impacts should quarrying continue in the future. Noise, blast and air overpressure mitigation

measures are scheduled. Noise and vibration monitoring programmes are proposed to continue.

While the document would indicate that there are no difficulties arising from the existing operation and that this is predicted to continue with the further development of this quarry, I must again draw the attention of the Board to the potential significant adverse impacts likely to arise for the Protected Structure and National Monument that is the windmill that lies 50m to the south of where it is intended to intensify quarrying operations. No considerations have been given to the likely impact of development on this important structure. This is a serious deficiency in the assessment undertaken by the applicant, particularly from the effects arising from blasting and rock breaking.

10.3.2.6 Soils & Geology

The applicant submits that the removal of soil will continue to be undertaken in line with the operational phases as the area of extraction progresses towards the southern face. The impacts for continuation of operations are not considered significant. Mitigation measures are outlined.

I first note that the applicant's assessment was informed by a desk-based study, a literature review and a walkover survey of the site. There appears to have been no actual soil / rock testing or drilling in the proposed extended areas to inform the document, which appears inadequate given the nature and extent of the development proposed. This section of the document is devoid of basic information to aid the assessment process, with a complete lack of information on deposits, soil chemistry, etc. There is, therefore, no opportunity to undertake an adequate assessment of the environmental impacts of this aspect of the proposed development.

I further note the groundworks that are ongoing in the area to the east designated "Area for Future Excavation". Any preparatory works, site clearance, excavations, etc. would be subject to a requirement of acquiring planning permission. The application now before the Board does not facilitate such activities and cannot regulate them.

10.3.2.7 Water & Hydrogeology

The applicant submits that there have been no significant impacts on the water environment from operations of the site. It is further submitted that there is no groundwater dewatering / pumping as part of the quarry operations, only surface water which has ponded within the base of the quarry floor. It is stated that the three groundwater wells on the site have met the needs of the quarry without impacting on surrounding wells. It is also stated that groundwater and surface water monitoring has shown good water quality to date. As surface water does not discharge off the site, it is submitted that there has been no significant impact on nearby water bodies. Potential impacts on water and measures to address them are outlined.

I first note that the applicant's assessment was informed by a desk-based study, a literature review, a walkover survey of the site and a water quality monitoring programme. There appears to be a lack of baseline information on the specific areas proposed to be extended, with no apparent on-site testing or reference to the applicability of groundwater connectivity and direction of flow that may be relevant to the extended areas. There is no physical indication of where neighbouring wells are to allow consideration of potential impacts. Chemical analysis of surface water is sporadic and somewhat dated. Overall, information is extremely limited to allow for an adequate assessment of the environmental impacts on water.

10.3.2.8 Traffic

It is projected that the rate of extraction will steadily increase over five years to a maximum of 200,000 tonnes per annum. It is estimated that 7,402,470 cubic metres of material remain to be extracted, that output would total 4,000 tonnes per week, giving an estimated 200,000 tonnes per annum. Reference is also made to importation of rehabilitation material of 245,000 tonnes per year. It is estimated that a total of 180 truck movements would occur daily. Traffic management measures are provided as mitigation.

It is again noted for the Board that the provisions of section 37L do not provide for the inclusion of waste disposal / management and the permission and licensing of such activities must be subject to a separate application process. Section 37L(3) states that an application for

permission under subsection (1) may only be made for further development of a quarry as a quarry. The importation of over 11 million cubic metres of soils and subsoils cannot be considered as part of this application.

The level of detail provided in this section of the submitted document is scant. There is no analysis of the functioning of the existing access proposed to serve the new development and, from the perspective of Environmental Impact Assessment, there is no opportunity to assess the carrying capacity of the road network, peak hour impacts, junction capacity, etc. This section of the document is seriously deficient.

10.3.2.9 Landscape and Visual

The applicant's submission addresses planting and berm provision and sets out mitigation measures to improve screening of the site. Future rehabilitation measures are also detailed.

This section of the applicant's document does not assess the landscape and visual impact of the proposed development for the environment in which it is set. Rather it focuses on where berms are needed and where screening needs to be fortified or introduced. The document and Drawing No. 02/L/15(a) refer to a series of photographs that are focused on the various perimeters of the site from 'up-close' positions. I note that no photographs form part of any of the applicant's submission. I further submit that the lack of any consideration of the visual impact of the development from the wider environs demonstrates that the application detail on this environmental impact is completely inadequate to allow any attempt at an environmental assessment of the visual impacts of the proposed development. Furthermore, the landscape change arising from the development cannot be understood from the deficient details provided. This is particularly pertinent for assessment of impact on residents in the immediate environs and for assessment of the landscape and visual impacts that would evidently result for the protected structure and National Monument 50 metres away from the quarry.

10.3.2.10 Material Assets

This section of the document considered the existing urban environment, major utilities, transportation infrastructure, wastewater and renewable and non-renewable sources. It was considered that the impacts on material assets have been and continue to be minimal. There are no predicted impacts on material assets.

Having regard to the material assets considered in this section of the applicant's document, it is concluded that the proposal is not likely to have significant adverse impacts on the nearby urban environment of Rathcoole and major utilities on and in the vicinity of the site. With regard to earlier considerations on traffic and other potential effects on humans, one cannot draw conclusions on the environmental impact on the amenities of residents in the immediate vicinity or the impacts on users of the adjoining National Primary Road.

10.3.2.11 Interactions

The applicant's document states that it has been determined through the historical, current and predicted future impacts of the results of surveys and assessments that there have been minor impacts on the receiving environment, and where necessary, mitigation measures shall be implemented to minimise the impact of the subject quarry on the receiving environment in the future.

It is very clear from the deficient document submitted that no such conclusion can confidently be drawn. Due to the extensive serious deficiencies of the application, one cannot commence consideration of the inter-relationship between the various aspects of the environment that must be founded upon robust assessment.

10.3.3 *Insufficiency of Data*

The considerations above can only lead to a conclusion that there is a serious insufficiency of data necessary to undertake EIA. From the information provided, one cannot be in a position to identify the main effects that would result from the proposed development and whether such effects would be 'significant'. Based on what has been provided, one

cannot predict the environmental impacts that would occur, either directly or indirectly, in terms of their character, magnitude, duration and consequences. If one cannot be assured of the adequacy and quality of the data provided then one, firstly, cannot undertake Environmental Impact Assessment and, secondly, one most certainly cannot reasonably make a decision on whether to permit the development or not.

10.3.4 *Conclusion on Environmental Impact*

In conclusion, to suggest that one is in a position to undertake an environmental impact assessment of the quarrying activity the subject of application using the information provided in the submitted documentation is at best misplaced. The document could not reasonably be viewed as purporting to be an Environmental Impact Statement, with conclusions, predictions and estimates drawn that do not result from sound baseline information and survey findings.

Finally, I note again the seriously deficient application. One is in no position to seek to rectify matters by scheduling a list of further information and sending it out to the applicant to address. The applicant in this instance requires to have an Environmental Impact Statement prepared. The guidance available to inform the applicant as to what is required to be obtained in such a Statement is readily available through the Department of Planning, legislation and the Environmental Protection Agency.

10.4 Appropriate Assessment Screening

10.4.1 It is acknowledged that the site is not within or adjacent to any Natura 2000 site. The applicant's Screening Report states that there is potentially a hydrological connection with Natura 2000 sites in Dublin Bay and that this places the South Dublin Bay and Tolka Estuary SPA and the South Dublin Bay SAC within the zone of influence of the project.

10.4.2 The European sites are over 20km away from the quarry. It is noted that surface water runoff from the quarry would not enter any water course and there is no pathway from the site to local water courses. There is no evidence to suggest the existing quarry operation, in isolation or in association with other developments in the area, would have any impacts

on the distant European sites. There is no opportunity for the functioning of the quarry to cause disturbance to or loss of habitat at the Natura Sites.

10.4.3 Having regard to the above, 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, the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on the South Dublin Bay and Tolka Estuary SPA and the South Dublin Bay SAC or any other Natura 2000 site in the wider area. A Stage 2 Appropriate Assessment is, therefore, not required.

11.0 RECOMMENDATION

I recommend that permission is refused in accordance with the following:

Reasons and Considerations

1. The proposed development relates to a site the use of which is unauthorised for the carrying on of quarry operations and which has not been regularised in accordance with the provisions of section 261A of the Planning and Development Act. The proposed development would constitute an intensification of the said unauthorised use and it is considered inappropriate that the Board should consider the grant of a permission for the proposed development in such circumstances.
2. The Environmental Impact Statement accompanying the application, which was lodged with An Bord Pleanála on 25th November, 2015, does not comply with the requirements of article 94 and Schedule 6 of the Planning and Development Regulations, 2001, as amended, due to:
 - (a) The failure to adequately describe the proposed development relating to the application for substitute consent, inclusive of the phasing of the proposed development, the nature and quantity of

materials to be extracted on a phase by phase and location/area basis, the timeframe over which such extraction would occur, exploration drilling and testing, the decommissioning of the relevant development and orderly rehabilitation with regard to quarry face stability, security, long-term water pollution control, a comprehensive strategy for site rehabilitation, monitoring provisions and bonding;

(b) The lack of details of material significance and substance in regard to considerations on the overall development relating to the application with regard to impacts on human beings, flora, fauna, soil, water, air, the landscape, cultural heritage and the inter-relationship between these factors, with particular regard to:

(i) Humans

The lack of information on impacts arising for residential amenity, population, settlement patterns and economic activity, land use, local and community amenities, health and safety, and with regard to traffic, the lack of any factual data and any analysis of the estimated traffic impact on the road network;

(ii) Flora & Fauna

The lack of surveying, the lack of baseline information, and the failure to provide any understanding of the loss of habitats, species, disturbance, displacement, changes in the water environment, and effects of activities on adjoining lands from the relevant development;

(iii) Soils & Geology

The failure to provide baseline information on deposits, soil chemistry, volumes of rock to be removed and the scale of impact on soils and geology;

(iv) Water

The lack of baseline information on the water environment relating to the areas proposed to be developed derived from site-specific testing at the locations to be developed with reference to the applicability of groundwater connectivity and direction of flow, together with a lack of baseline information on neighbouring wells;

(v) Air & Climatic Factors

A lack of baseline information on vibration impacts for the range of sensitive receptors in the vicinity;

(vi) The Landscape

The failure to provide information that relates to the development the subject of this application, particularly with regard to the likely visibility of surface workings and the consequent effects on the landscape;

(vii) Cultural Heritage

The lack of information on the likely structural effects arising from the encroachment of quarrying activities on a Protected Structure and National Monument, i.e. a windmill, in the immediate vicinity by way of blasting and rock breaking and the lack of any assessment of the likely effects on the setting of this structure arising from the continuous encroachment of quarrying works; and

(viii) Inter-relationship between these factors

Arising from the above, a complete deficiency of relevant baseline information, surveys and sampling to allow for an assessment of the inter-relationships between environmental factors.

The Board is, therefore, precluded from considering a grant of permission in this case.

Kevin Moore

Senior Planning Inspector

December, 2016

Decision Quashed