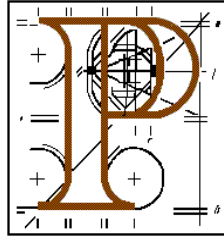


An Bord Pleanála



Inspector's Report

Development: Further development of a quarry at Fortunestown, Tallaght, Dublin 24

Planning Authority: South Dublin County Council

Applicant: Roadstone Ltd.

Application Type: Application for Further Development

Date of Site Inspection: 27th April, 2016

Inspector: Kevin Moore

1.0 INTRODUCTION

- 1.1 This application is for further development of a quarry at Belgard Quarry, Fortunestown, Tallaght, Dublin 24 in accordance with section 37L of the Planning and Development Act 2000, as amended.
- 1.2 The proposed development consists of the further development of the quarry relating to Substitute Consent application 06S.SU0061 and comprises the continued use and extension of an area of 18.2 hectares by the deepening of this area to 5mOD using conventional blasting techniques. The application details include an Environmental Impact Statement and a screening report for Appropriate Assessment.

2.0 QUARRY LOCATION AND DESCRIPTION

- 2.1 Belgard Quarry is located to the south of the N7 national primary road (Naas Dual Carriageway) between Newlands Cross and Kingswood Interchange. It is approximately 1.7km north-west of Tallaght village. The existing limestone quarry holding is c. 241.3 hectares in area and is located within the townlands of Bedlesshill, Belgard, Brownsbarn, Cheeverstown, Buckandhounds, Kingswood and Whitehall in Fortunestown, Tallaght. The quarry processes fragmented rock resulting from blasting using crushing, screening and washing plant. The quarry produces a wide range of construction aggregates and stone products, concrete products, and road making materials. There is an extensive range of buildings, support structures and accommodation, and infrastructure to facilitate the operation.
- 2.2 The existing extraction area is located in the northern half of the quarry site and comprises an area of approximately 56.3 hectares. Perimeter screening has been provided by utilisation of overburden and topsoil stripped from the extraction area to form berms along the northern,

southern and western boundaries. The primary crushing plant is located in the existing permitted quarry extraction area. The secondary and tertiary processing plants are located to the south of the extraction area in the permitted ancillary area. Ancillary manufacturing facilities include concrete manufacturing, blacktop production, concrete block production, a recycling asphalt plant, mortar plant, 'Flomix' plant, dry and wet sand plants, 804 plant, flag plant, precast wall panel plant, paving plant, packing plant, and 'Skako' concrete plant. There is a construction and demolition (C&D) waste recovery facility on the western side of the site and an inert soil and stone waste recovery facility at the northern boundary.

- 2.3 The quarry is served by a mains water supply and mains electricity. A Bord Gais pipeline feeds directly into the quarry. Effluent from toilet facilities is treated in on-site treatment units or contained in effluent holding tanks.
- 2.4 The on-site drainage system provides for the collected waters to be used in manufacturing processes and for dust suppression. Site drainage water is collected and treated in the site's water management system before discharge to a local stream. The discharge is licensed. An extractive waste management plan is also in place on the site.
- 2.5 The quarry operates from 07.00 to 24.00 Monday to Friday and 07.00 to 18.00 on Saturdays. No rock breaking takes place before 07.00 each day. The working hours are in accordance with Condition 3 of the section 261 registration.
- 2.6 The northern quarry site boundary extends for approximately 1.5km along the N7 national primary road opposite primarily established residential development at Buckandhounds. There are amenity lands to the north west at Corkagh Demesne. The quarry is bounded to the west by the R136 Outer Ring Road and beyond this by a range of commercial

properties at Kingswood and the Citywest campus. Baldonnel Aerodrome is west of this development, at a distance of approximately 1.8km from the quarry. It is bounded to the east by agricultural lands, Newlands Golf Club, the corporate headquarters of CRH Plc (Belgard Castle), and Cookstown Road. A covered water reservoir, residential caravan accommodation and a primary school lie beyond the eastern boundary of the applicant's landownership. The quarry is bounded to the south by Katherine Tynan Road opposite primarily residential development at Whitehall and Cookstown. The LUAS Red Line runs along this section of road with stops at Fettercairn and Cheeverstown. The main entrance to the quarry is off Cookstown Road. The entrance at this location provides for access to the R113 Belgard Road, the R136 Outer Ring Road, and the N81 Tallaght Bypass. There is access / egress to and from the N7 Naas Dual Carriageway directly for HGVs via a dedicated separate entrance on the northern boundary. This includes a dedicated underpass.

3.0 DESCRIPTION OF PROPOSAL

- 3.1 The proposal seeks the continuation of use and extension of quarrying operations of an area of 18.2 hectares on the western side of the existing extraction area and the extension of this area of development by the deepening of the quarry floor by a further four benches of 15m each to final floor level of around 5mOD using conventional blasting techniques, the processing of the extracted material by crushing and all related ancillary site works. The site comprises a rock extraction area only and is not currently operational.
- 3.2 The development would result in two voids, one to the south and one to the north, each with five benches at approximately 80mOD, 65mOD, 50mOD, 35mOD and 20mOD and the quarry floor at 5mOD. It would rely on existing processing and manufacturing plant, existing infrastructure, the

existing site access and the existing environmental monitoring systems in place.

- 3.2 Post quarry operations at the overall quarry would include removal of plant and equipment, regrading of spoil and overburden storage areas, and the development of a nature conservation use and a mixed commercial, industrial and residential land use that would be subject to separate planning applications.

4.0 SOUTH DUBLIN COUNTY DEVELOPMENT PLAN 2010-2016

The following is noted from the Plan:

4.1 Zoning

The site is zoned Objective B with the objective “To protect and improve rural amenity and to provide for the development of agriculture.”

The use classes permitted within the zone include “Concrete / Asphalt Plant in or adjacent to a Quarry” and “Industry – Extractive”.

4.2 Extractive Industry

The Council recognises the importance of the extractive industry in providing the aggregates and building materials required for all forms of construction and will facilitate its operation in suitable locations, having taken into account the continued reduction in demand with the increased recycling of construction and demolition waste. Permission will only be granted where the Council is satisfied that residential and natural amenities will be protected, pollution will be prevented and aquifers

and ground water will be safeguarded. In addition, all development proposals must make appropriate provision for the reinstatement of the landscape.

Policies include:

Policy EE36: Operation of Extractive Industries

It is the policy of the Council to facilitate the operation of the extractive industry in suitable locations subject to the protection of amenity and maintenance of environmental quality.

Policy EE38: EIA and Landscape Plan Requirements for Extractive Industries

It is the policy of the Council that it is a requirement that applications for development within this category will be accompanied by an Environmental Impact Statement, as appropriate and a detailed landscaping plan. The plan should indicate proposed screening for the operational life of the site and set out a programme for the reinstatement of the landscape. The predominant use of native plant species in landscaping plans is encouraged.

5.0 PLANNING HISTORY

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

File Ref. No. C.1488/Order No. P/6/5/16175

Permission was granted in 1972 for the erection of buildings and the utilization of land for quarrying purposes for an area of 50 acres.

File Ref. No. G.1350

Permission was granted in 1974 for direction signs at the entrances to the quarry.

File Ref. No. SD02A/0167

Permission was granted in 2002 for the development of a facility for recovery of pre-sorted construction & demolition waste (c. 3.2ha). The C & D facility is located on the western side of the site.

File Ref. No. SD06A/0915

Permission was granted in 2007 for an asphalt plant and ancillary facility (c. 1.124ha). This plant has not been constructed.

File Ref. No. SD07A/1047

Permission was granted in 2008 for a new site access onto the outer ring road and related new internal roadway, office, canteen, toilet facilities, security, wheelwash, weighbridges, oil interceptor, septic tank and associated percolation area, car parking and signage (c. 4.0ha). A section 42 application to extend the period of this permission was made to the planning authority and the duration of permission was extended by a further five years.

File Ref. No. SD08A/0731

Permission was granted in 2009 for the installation of an ESB 38kV overhead line switching compound (c. 0.24ha).

File Ref. No. SD12A/0137

Permission was granted in October 2012 for the importation and reuse of excess naturally occurring earthworks material generated by construction projects to complete construction and landscaping of an existing partially

completed screening berm (c.3.6 ha). This is located at the northern boundary of the site.

File Ref. No. SD12A/0156

Permission was granted in October 2012 for a recycled asphalt plant (RAP) addition to the existing asphalt plant and an open covered storage shed.

Section 261 Registration The site was registered by South Dublin County Council (P.A. Ref. SDQU05A/2).

Section 261A Process In accordance with this process (P.A. Ref. SDQU05A/2), South Dublin County Council determined on 9th August, 2012 that the applicant shall apply for Substitute Consent to the Board and that the application be accompanied by a remedial EIS and remedial NIS. Details of the planning authority's considerations under this process are set out below.

File Ref. SDQU05A/2 A notice was issued by South Dublin County Council on 3rd August, 2012 under the provisions of Section 261A instructing the owner/operator of the quarry at Fortunestown, Tallaght to apply for substitute consent (SC) for the works undertaken on the site and that the application for substitute consent be accompanied by a remedial Environmental Impact Statement (EIS) and remedial Natura Impact Statement (rNIS).

ABP Ref. 06S.SU0061 An application for Substitute Consent for an area of 18.2 hectares was submitted to the Board further to the decision of the planning authority under SDQU05A/2 and is currently under consideration.

ABP Ref. LS06S.0025 An application for leave to apply for substitute consent pursuant to section 177D of the Planning and Development Act an area of c.33.6 hectares is currently under consideration by the Board.

6.0 SUBMISSION FROM THE PLANNING AUTHORITY

6.1 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 Board should consider appropriate conditions with regard to archaeology.
- Due to time and resourcing constraints, the planning authority has no views on the veracity of the AA Screening report and it relies upon the Board to assess the content and outcome of the report.
- It is recommended that appropriate conditions be attached to accord with the planning authority's development plan objectives in relation to views and prospects.
- Reports have not been received from the Council's Environmental Services Section. In their absence, it is considered appropriate to suggest the attachment of conditions previously recommended for similar quarrying development at this location.
- A report from the Roads Section expresses the same concerns as that regarding the earlier application for substitute consent. Concern is raised about the main Cookstown Road access. It is preferred that this junction be reduced in size and be designated for cars and LGVs only. There are also significant concerns relating to the N7 access with regard to slow moving HGVs and fast moving cars and slip-roads off the main road. It is recommended that the N7 accesses be closed within a required timeframe. It is recommended

that the Outer Ring Road entrance be opened for all traffic. It is recommended that appropriate conditions be attached.

- The Board is asked to have regard to landscape issues and consider the attachment of suitable landscaping conditions.
- It is considered that the environmental carrying capacity of the site is sufficient relative to the proposed development. However, consideration should be given to air quality and noise nuisance to adjacent residents and to local traffic impacts.
- There are no Section 49 supplementary contributions either adopted or proposed that would affect the proposal.
- The Council's Section 48 contribution scheme has set out a rate of contribution in respect of permissions granted for commercial development and this is index linked.

In conclusion, the planning authority notes the location of the proposal at an active quarry and, from a locational viewpoint, considers there is merit to the extension. If the Board considers granting permission, it is recommended that conditions should be attached in relation to a number of aspects as per previous applications. Appendix A is attached which comprises a schedule of what is termed relevant conditions.

7.0 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 matter relating to Appropriate Assessment has been reviewed by the Council previously under the substitute consent application SU0061.

- Roadstone will comply with all active waste facility permits.
- In response to traffic issues, reference is made to proposals set out in the EIS. The applicant is willing to accept a condition requiring proposed traffic measures to be completed within six months of a final grant of permission. Conditions are proposed also that would apply to the N7 access.
- The Council seeks to apply the provisions of the contribution rate for commercial class of development which should not apply to quarry development.

In conclusion, the applicant offers considerations on the planning authority's schedule of conditions appended to its report.

8.0 PRESCRIBED BODIES SUBMISSIONS

8.1 Submission by Transport Infrastructure Ireland

TII notes the proposals relating to the development of the N7 national primary route in the vicinity of the site. It is further noted that the site directly accesses the N7 where a 100km speed limit applies. Provisions under section 2.5 of the DoECLG's 'Spatial Planning and National Roads Guidelines for Planning Authorities' with regard to access from new development and generation of increased traffic from existing accesses to national routes are noted.

It is submitted that, given the nature and location of the proposal on one of the busiest national primary roads in the country, it is critical that the access is strictly controlled and managed. Uncontrolled access for all vehicles directly from the N7 and control of HGV only access being undertaken at a considerable distance from the current entrance and

egress arrangements are considered to create serious concerns for the operation and safety of the N7 at this location. It is advised that urgent mitigation is required, especially as more suitable and practical access is available via the Outer Ring Road. In conclusion, it is submitted that, in the event of consent being granted, this should not result in any intensification of use of the existing direct access to the N7 above permitted levels of extraction, in accordance with the DoECLG's guidelines.

9.0 APPLICANT'S RESPONSE TO PESCIBED BODIES SUBMISSIONS

In response to the submission by Transport Infrastructure Ireland, the applicant submitted:

- The use of the accesses from Belgard Quarry onto the N7 by quarry traffic is well established and is permitted by planning permission.
- It is noted that TII does not seek to close the existing N7 access but requires the access to be strictly controlled and managed. The applicant is willing to prepare and implement a traffic management plan to provide additional control of quarry traffic using this access. As part of the plan, it is proposed to close the southbound exit onto the N7.
- TII advises the proposal should not result in any intensification of use of the N7 access. Quarry traffic movement information in the EIS can be used as a reference for maximum quarry levels.

In conclusion, the applicant sets out proposed conditions to address the TII submission.

10.0 ASSESSMENT

10.1 Introduction

I consider that the following issues are particularly relevant to the determination of the application for further development:

- Development Plan Policy,
- Environmental impacts with particular emphasis on water, air quality, noise and vibration, and traffic,
- Impact on European sites, and
- Issues raised by the planning authority and prescribed bodies.

10.2 Development Plan Policy

10.2.1 I note firstly that the planning authority has not raised any particular objections to the application on the basis that it contravenes any policies or objectives contained in the current South Dublin County Development Plan.

10.2.2 The Plan appears to view the overall quarry development at this location as being strategically acceptable, clearly in the context of the zoning provisions for the lands. I further acknowledge the provisions, policies and objectives of the current Plan as they relate to the extractive industry. Sections and 3.2.20 3.2.21 South Dublin County Development Plan 2010-2010 contain relevant considerations and policy in respect of the extractive industry in general. The functioning of the quarry is considered acceptable in principle in the context of these provisions.

10.2.3 I acknowledge Plan provisions as they relate to protection of the environment, cultural heritage, nature conservation, landscape,

transportation, etc. The consideration of environmental impacts below will address the relevant environmental factors.

10.3 Environmental Impacts

10.3.1 Alternatives

I note the applicant has considered in the submitted EIS a range of alternatives in the context of sources of aggregate, locations, designs and methods of working. I am satisfied that the matters considered comply with requirements. I further submit that aggregates can only be worked where they occur and, in the context of an established quarry within and in proximity to the Dublin area, a sustainable approach is to consider the extension to the established quarry in the format pursued. Thus, pursuing alternative locations and alternative sources of aggregates, where resources are evidently available within the established quarry holding, would appear unwarranted where it may reasonably be established that the proposed development would not likely have significant adverse environmental effects. In terms of alternative designs and methods of working, I acknowledge the established practices in place and, in principle, it is reasonable that the extended operation would seek to replicate same where it comprises efficient and effective exploitation of the natural resource.

10.3.2 Human Beings

Consideration of impacts on people arising from the quarry workings, inclusive of dust, noise and traffic, will be addressed in relevant sections within this assessment. Matters relating to employment, land use, natural resources, education and health are referred to under this section.

The following is noted:

- Roadstone employs 200 direct and indirect employees at the established quarry.
- The applicant has engaged in the past with community enterprises and has provisions in place for community consultation and for informing the public of its operations.
- The proposed quarrying is located in an area zoned for this use.
- The quarry represents a significant natural resource for the Greater Dublin Area.
- The established quarry has not undermined the development of a wide range of amenities and tourism infrastructure in the immediate vicinity.
- The established quarry continues to function without any known imposition on social and community facilities and public infrastructure in the wider area.

Having regard to these observations, it is considered that the proposed continuation of use and deepening of the quarry operations at the site, contained within the confines of the overall quarry, would be compatible with the established land use, would comply with the zoning provisions for the land and would not likely significantly adversely impact on the range of amenity and community uses in the wider area. Specific mitigation measures would be appropriately addressed under the relevant sections that follow this section of my assessment.

10.3.3 *Ecology*

The proposed development comprises the continuation of use and deepening of a land area that has already been subject to quarrying

previously. Furthermore, it forms part of a much larger active quarry area. The area proposed for further extraction forms no part of any designated conservation site and it contains no known habitat of ecological significance nor is there any known flora or fauna of conservation value dependent upon this part of the quarry. Indeed, it has been largely stripped of vegetation and soils and has previously been worked substantively below natural ground levels. The habitats anticipated to be associated with an active quarry prevail. The established processes within the overall quarry are proposed to continue to serve the development. The context of the development in relation to impact on ecology must therefore be recognised. It is, thus, apparent that there are no significant direct impacts on features of ecological significance within the site area.

I acknowledge that the deepening of the quarry is likely to result in additional dewatering. However, I note that this will not likely increase, to any significant degree, the overall drawdown of groundwater within the wider area. Having regard to the significant separation distances between the proposed site and designated conservation areas in the wider environment, such as Natural Heritage Areas, to the lack of hydrological pathways such that the continued operation on this site may pose an ecological impact, and to the additional dewatering not likely to result in changes to the hydrological regimes of watercourses in the vicinity, it is considered that the proposed development is not likely to result in any significant indirect adverse ecological impact.

Further to the above, the submission of a screening for appropriate assessment is noted relating to potential impacts on European sites in the wider area. My considerations are set out in that section of my assessment below.

Finally, I acknowledge the proposed restoration plan for the site and consider that the pursuit of the nature conservation measures therein would

culminate in a positive ecological impact at this location.

10.3.4 *Soils and Geology*

It is first noted that, due to previous extractive operations, much of the soil and subsoil material has been removed from the site area. Furthermore, it is again noted that there was previous excavation of underlying limestone bedrock also. Thus, there has been significant direct impact on the soils and geology of this site to date. I am not aware of this previous development having resulted in any known indirect impacts for soils and geology beyond the quarry area. It is acknowledged that the site does not form part of any designated area of geological heritage value. Overall, I am of the opinion that the continued working proposed on this site by the deepening of the quarry area is not likely to have significant environmental impacts on soils and geology beyond the site, which itself forms part of an established active quarry operation.

10.3.5 *Surface Water and Groundwater*

It is first noted that the proposed development provides for the deepening of the established quarry floor on this site from a depth of c.70m AOD to a depth of 5m AOD. It is acknowledged that soils, subsoils and bedrock have previously been extracted. The existing extraction area is at present below the naturally occurring water table but is kept dry as the lower quarry floors beyond the site itself drain this existing section of quarry floor.

The limestones at the site are classified as a locally important aquifer and low yields found in three monitoring wells in the vicinity on the overall quarry holding have been found to be typical of this aquifer. The EIS notes that, excepting small diffuse groundwater seepages along fractures, there has

been very little groundwater inflow at this location due to the low permeability of the limestones and the low recharge rate. Monitoring of groundwater levels in boreholes at the quarry indicate the zone of influence surrounding the quarry is narrow, in the order of 15-20m from the face. The site is not located within any identified GSI or EPA groundwater supply source protection zones and there are no recorded groundwater wells in the immediate vicinity. Rainfall is seen to be the most significant influent.

A water management system is in place at the established quarry. Water is pumped from a sump located to the east of the site and is used within the overall quarry, with excess water being treated and discharged under licence to a local stream. This system will be required to address surface water runoff from the proposed development. It is noted that no excavations to date have impacted on flows in the local stream (Kingswood stream) and it has been estimated that the proposed excavations are unlikely to have an adverse impact. Furthermore, the sampling of discharged water to date would indicate that the continued operation associated with the proposed development would be unlikely to contribute to any deterioration of water quality downstream.

While groundwater will continue to be managed and additional pumping will be required to lower the water table to excavation depths, it is not anticipated to result in any significant dewatering. The limited groundwater zone of influence surrounding the quarry void is again noted. It is further noted that there is no hydraulic connectivity between the site and areas of conservation value in the wider area. Thus, there would be no impact on such sites.

No fuel is stored on the application site and it is acknowledged that fuels are not proposed to be stored on the site.

No indirect impacts on surface or ground waters are anticipated.

The existing range of mitigation measures, culminating in good practice, is proposed to be maintained at the quarry and will apply to the proposed development. The proposed restoration of the site includes the quarry void being developed as a natural habitat/amenity, being allowed to fill with water gradually on cessation of pumping. It is estimated that the void will fill to a final level of c.70-75mOD. Such proposals are considered an appropriate response on completion of development.

Overall, it may be concluded that the proposed deepening at this part of the overall quarry is unlikely to result in significant impacts on surface waters and/or groundwater.

10.3.6 *Climate*

It is considered that the proposed development is not of sufficient scale to have any direct or indirect impacts on local climatic conditions.

10.3.7 *Air Quality*

It is acknowledged that the impacts on air quality arising from the proposed development would derive from fugitive dust emissions from overburden stripping activities, blasting and stone extraction, loading and movement of quarried stone, and moving overburden to construct screening berms. I note the extent of the assessment in the EIS of potential impact on sensitive receptors in the environs of the site and the conclusions drawn that the risk of impact from dust emissions, without mitigation measures, varies from insignificant to slightly adverse at some residential/commercial receptors within 250m of the site. I also note the significant separation distance between the site and designated conservation areas in the wider environs, the nearest being over 2km away.

In considering the likely impacts on air quality, I must again note that the site forms part of an area of the quarry lands previously subject to extraction and that the extracted material would be processed in the established processing area, with the activities following established practices at the overall quarry. Dust monitoring results from the overall operation indicate that the levels of dust generated at the quarry are below recommended limit levels. A range of established mitigation measures are scheduled in section 8.89 of the EIS. The application of such measures is determined to result in the reduction of any slight impact to one that is estimated to be acceptable. It is considered that the effects of the proposed development, with the provision of the mitigation measures as proposed, would not result in any significant environmental impact by way of dust generation.

10.3.8 *Noise and Vibration*

The range of noise sources arising from the proposed development would include stripping of overburden, movement of dumpers, blasting, stone extraction and transportation to the screening area.

I note the noise and blast monitoring results from the surveys undertaken at the site for the existing operation. Measured noise levels for 2014/2015 were mainly influenced by external traffic noise sources on adjacent public roads. It is noted that, allowing for this, noise levels did not exceed 55dB(A) at the nearest noise sensitive receptors during permitted operating hours. No tonal or impulsive noise components were recorded. The noise emissions were then found to be compliant with the noise condition attached with the quarry's registration under section 261. Blast monitoring for 2014/2015 indicated compliance with the recommended emission limit value of 125 dB(Lin) with a 95% confidence limit at the nearest occupied dwelling, showing compliance with the blast-related condition attached with

the quarry's registration under section 261.

I note the applicant's noise prediction assessment and the conclusions drawn that noise criterion limits for daytime operations will be met at the nearest noise sensitive locations for overburden stripping and stone extraction activities and that cumulative long-term operational noise levels from plant associated with extraction would be negligible.

I again note the location of the proposed development comprises an area that was previously subject to quarrying activity. The proposal comprises the deepening of the quarry at this location. Further to this, it is noted that the quarry has been extensively screened by berms, planting and boundary walls. It is particularly acknowledged that berms are provided immediately adjacent to the western and northern sections of the proposed site.

Processing arising from extracted material from the site would continue to occur on the quarry floor at the established plant location to the south-east of the site. The applicant has been applying, and continues to apply, a range of mitigation measures to further minimize noise and vibration impacts. These are effectively good management practice.

Overall, it may reasonably be concluded that the noise and vibration impacts arising from the deepening of this quarry area are not likely to result in significant environmental effects relating to these factors. Continued noise and vibration monitoring applies at the quarry.

10.3.9 *Landscape and Visual*

Landscape

It is once again noted that the proposed development comprises the continuation of use and deepening of an extraction area within an overall quarry setting. I also note that the quarry, including the proposed site area,

is located within Landscape Character Area LCA 8 – Tallaght in the South Dublin Development Plan. The LCA description states the following:

“The Tallaght character area is defined by the N7 to the north, the N81 to the southwest and by the suburban housing estates of Tallaght, Kilnamanagh and Jobstown to the east. The area encompasses the townlands of Kingswood, Newlands, Belgard, Cheeverstown, Kiltalown and Fortunestown. Although the area is physically quite open, it does not retain any of its rural character due to high levels of development in the form of housing, roads and industry”.

I further note that the land is in an area that is zoned Zoning Objective B: “To protect and improve rural amenity and to provide for the development of agriculture.” “Industry-Extractive” is a use class permitted in principle within this zone. The site area is not in an area of high landscape sensitivity and is compatible with the form of development in the vicinity.

Visual Impact

The application details provided have demonstrated that the land area associated with the site area is well screened from the public realm. I accept that the site is screened in views from locations to the north, east and southeast, due to topography and tree planting along site boundaries. It must also be accepted that the site is further screened in views from locations within the low lying residential areas and business/industrial parks located between the N7 and N81 (inclusive of Tallaght, Jobstown, Fortunestown, City West Business Park, Saggart and Rathcoole), due to the density of development within these areas. It is acknowledged that the provision of screening berms has contributed substantially also and typical views within the wider environs towards the site do not result in the associated land area being a development that is significantly visually

intrusive. Evidently, the screening berms themselves are visible but are not in themselves a significant intrusion. Any views that remain of the site area are notably distant views, where due to such distance the impact could not be construed as significant in a panoramic context. Furthermore, it must be acknowledged that this area forms part of a significantly large area adjacent to quarried land in overall terms and this context in which the development is set must be understood in visual impact terms.

In conclusion, it may reasonably be stated that quarrying within an established quarry would have a relatively minor landscape impact because of the prevailing landscape character associated with this location. Furthermore, the visual impact on the wider community by way of deepening of the site area would be negligible, with established measures in place to mitigate significant adverse effects.

10.3.10 *Cultural Heritage*

With regard to archaeology, the site area is not known to contain any features of archaeological value and there is no evidence that previous quarry works within this area impacted on any features previously unknown. The previous works are not known to have indirectly affected any archaeological features in the wider area.

There are no features of architectural heritage value or other features of cultural heritage value within the site area or in the immediate vicinity that could be affected directly or indirectly by the proposed development.

Overall, in the context of no known potential direct or indirect impacts on cultural heritage arising from the deepening of the existing quarry area, it is reasonable to conclude that impacts on the environment in relation to

cultural heritage would not likely be significant.

10.3.11 *Material Assets*

I note that the material assets considered in the application are residential/commercial buildings, historical buildings/monuments, amenity areas, transport infrastructure, and local services. The EIS states the potential impacts and existing mitigation measures in relation to each of these were covered by other sections of the document and that, based on the impact assessment and mitigation measures, no remedial measures are required in relation to material assets at Belgard Quarry (including the application site).

I acknowledge that no significant adverse environmental impacts arising from the established quarry development are known to have occurred for residential and commercial properties in the vicinity, on structures of cultural heritage value, amenity and local services and local infrastructure. With due regard to the nature and extent of this application, the findings in relation to the environmental factors examined heretofore, and to the mitigation measures in place, it is considered reasonable to conclude that significant adverse impacts on these features are unlikely to arise from the proposed development.

10.3.12 *Roads & Traffic*

I note that the main access to the quarry is served off Cookstown Road. Another quarry access is located to the north of the site on the N7 Naas Road. These are long-established accesses to the quarry. A permitted new site access is located on the western boundary of the site on the R136 Outer Ring Road but is not yet operational. I further note the

submissions of the planning authority and Transport Infrastructure Ireland and their references to the need for measures to be put in place in relation to the Cookstown Road access and to continued use of the N7 access.

I acknowledge the applicant's EIS submission that, in terms of daily traffic generation, the proposal will essentially be a continuation of the existing levels of operation. In other words, it is submitted that there would be no increase in traffic levels arising from the proposed development. Evidently, the proposed development facilitates the applicant to continue operation at such levels. Furthermore, it is very clear that the current access arrangements cause significant safety concerns for the planning authority and TII, notably with regard to the continued use of the N7 egress in a southbound direction and the use of the Cookstown Road access without access improvements.

The EIS makes reference to a 'future scenario' which effectively refers to:

- the opening of the entrance onto the Outer Ring Road,
- the closure of the N7 southbound exit,
- restriction of site access via Cookstown Road to cars and light commercial vehicles, and
- HGVs, cars and light commercial vehicles entering the site via the Outer Ring Road entrance, and inbound Naas Road entrance, and northbound N7 exit.

The traffic and transportation section of the EIS examines the traffic impacts of the existing site operation and the proposed extraction to allow for continuation of production in the context of the 'future scenario'. In other words, it examines the extent of trips generated from all development at the overall quarry. This appears reasonable. It is

demonstrated that the utilisation of the new access onto the Outer Ring Road will not have a negative impact on the capacity of this road and, between this proposed change and the revisions to the use of the Cookstown Road access, there would appear to be a significant improvement on impact on the public road network in this area. The EIS also submits that junction visibility at all three of the quarry entrances is considered appropriate and fit for purpose. Notwithstanding this, one further mitigation measure proposed is the reduction in size of the Cookstown Road access, with radii tightened and designed for car and LGV traffic only. Revised road alignment would be 7m wide with 9m radii at this location.

Having regard to the above and in the knowledge that the opportunity for providing access to the Outer Ring Road has been available for some time and has not been pursued to date, it is imperative, in the interest of public safety, that in the event of any permission issuing for the proposed development the developer is obligated to take immediate steps to ensure that there is an adherence to the necessary changes proposed. This could reasonably be required by way of planning condition and a timeframe for implementation could reasonably be specified as it is noted the application seeks permission for the continued use of this section of the quarry. There would clearly be notable benefits arising from the closure of the southbound exit onto the N7, with significant safety improvements for road users, while the removal of HGV access via Cookstown Road and physical changes to this access would improve potential conflicts at this location.

In conclusion, it appears reasonable to determine that the impact, in terms of traffic and transportation, of the proposed quarrying activity would not likely result in any significant adverse environmental impact.

10.3.13 *Cumulative Impacts*

I note from the EIS that consideration was given to cumulative impacts in relation to the functioning and operations of the overall quarry at this location. I know of no other notable development in the area with which cumulative impacts may have a likely significant environmental effect. The environmental impacts resulting from the cumulative impact arising from the proposed development together with the overall quarry development are considered not to be significant in light of the above assessment.

10.3.14 *Interactions*

The interactions of the various potential impacts and mitigation measures have been covered, where applicable, under the relevant sections within the EIS.

10.4 Impact on European Sites

10.4.1 In Section 4.0 of the applicant's Appropriate Assessment: Stage 1

Screening Assessment, the applicant identified eight European sites within a 15km radius of the quarry. It is stated that previous environmental studies and assessments at the quarry have indicated the zone of influence of the existing quarry operations is no greater than 1km radius around the overall site. It is further submitted that, at a greater distance than 1km and in the absence of any potential source-pathway-receptor link, it is considered that none of the identified Natura 2000 sites detailed would be affected by any direct loss of habitat or impacted upon by any effects arising from disturbance, the effects of dust deposition, or traffic emissions. I concur with this conclusion. These sites range from distances

of 5.1km to 13.9km from the quarry, with significant intervening established development.

10.4.2 The applicant notes that the only potential source-pathway-receptor link between the quarry and any of the sites is a potential link via the discharge of water to the Kingswood Stream that forms a tributary of the Camac River and which joins the River Liffey before it outflows into Dublin Bay, parts of which form the South Dublin Bay SAC (Site Code 000210) and South Dublin Bay and Tolka Estuary SPA (004024). It is further submitted that, based on the nature and volume of this discharge, it is considered that, in terms of potential changes in hydrological regime and water quality, there is only a requirement to assess the potential implications of any such discharge up to a maximum of 5km downstream of any discharge point. Based on this consideration, all of the Natura 2000 sites are thereby screened out for further assessment by the applicant as they lie outside the zone of potential influence of any proposed continuation of use and extension by deepening and as there are no other obvious source-pathway-receptor links. The applicant, therefore, concludes that the proposed development would not have any stand-alone effects on the integrity of any Natura 2000 sites or any of the qualifying habitats and/or species for which any such site has been designated. No further assessment is considered to be required. It is also submitted that, as a result of the proposed development not having any effects on Natura 2000 sites, there is no requirement to undertake any further assessment in-combination with other plans and projects.

10.4.3 In considering these submissions, I firstly concur with the opinion that there are no other known potential sources arising from the quarry and pathways that could indirectly impact on the European sites. I further note the previous assessment undertaken in relation to Substitute Consent application 06S.SU0061 and my findings therein. Having regard to:

- the nature of the discharge,
- the distance between the quarry and the Natura 2000 sites,
- the potential zone of influence previously determined,
- the lack of any known adverse impact on the hydrological regime of any waterbodies discharging to Natura sites,
- the lack of any known impact on water quality of watercourses discharging to any Natura 2000 site, and
- the lack of any likely loss of habitat or disturbance arising from the proposed development,

10.4.4 I consider it reasonable to conclude, on the basis of the information on the file, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of any European site, in view of the sites' Conservation Objectives.

10.5 Submissions from the Planning Authority

10.5.1 With regard to the planning authority's submission, my considerations are as follows:

- The attachment of an appropriate condition relating to archaeology is appropriate in this instance.
- Consideration has been given to the AA screening report and it has been determined that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of any European site, in view of the sites' Conservation Objectives.

- The proposed development would not have any significant impact on views and prospects scheduled in the current South Dublin County Development Plan.
- Assessment of environmental impacts has been undertaken. The application of appropriate conditions attached to a grant of permission will be addressed.
- I acknowledge the report from the Council's Roads Section and concur with the need for measures to improve road safety in accordance with the applicant's commitments in the application. I must acknowledge the long-established access arrangements of the quarry in relation to the N7 national route. Mitigation measures to address traffic concerns have been considered earlier in this report.
- It is determined that the proposed development would not result in significant landscape impact but the need for appropriate ongoing landscaping measures to accommodate the development is acknowledged.
- The planning authority's submission is noted that the environmental carrying capacity of the site is sufficient relative to the proposed development. Air quality and noise impacts have been considered and appropriate conditions in the event of a grant of permission in relation to emission levels and monitoring are considered suitable.
- It is acknowledged that there are no Section 49 supplementary contributions either adopted or proposed that would affect the proposal.
- The Council's Section 48 contribution scheme is acknowledged. A contribution, to be agreed with the planning authority in the first instance, would be appropriate in the event of a grant of permission. The opportunity to refer the determination by the planning authority for review by the Board would evidently apply.

- Due cognizance to the schedule of recommended conditions is given. The Board, in the event of any grant of permission, will seek to apply conditions suitable to the proposed development at hand.

10.5.2 It is acknowledged that the planning authority notes the location of the proposal at an active quarry and, from a locational viewpoint, considers there is merit to the extension.

10.6 Submissions from Prescribed Bodies

10.6.1 With regard to Transport Infrastructure Ireland's submission, my considerations are as follows:

- The concerns raised in relation to the N7 are noted. The applicant has set out in the EIS specific measures relating to access arrangements. The opening of the permitted entrance onto the Outer Ring Road and the closure of the N7 southbound exit would bring significant improvements in traffic terms, introducing improved controls and management of the traffic generated. In the event of a grant of permission, the proposed access arrangements should be initiated in the immediate term and would constitute practical and suitable mitigation.
- It is acknowledged that the proposed development does not seek to intensify activity at the quarry beyond established levels of extraction.

11.0 RECOMMENDATION

Having regard to my assessment above, I consider that the application for further development of the Belgard quarry should be granted in accordance with the reasons and considerations and the conditions set out below.

REASONS AND CONSIDERATIONS

The Board had regard to, *inter alia*, the following-

- (a) the provisions of the Planning and Development Acts, 2000 to 2015, as amended, and in particular Section 37L,
- (b) the 'Quarry and Ancillary Activities, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2004,
- (c) the provisions of the South Dublin County Development Plan 2010-2016,
- (d) the Environmental Impact Statement submitted with the application,
- (e) the Appropriate Assessment Screening Report submitted with the application,
- (f) the report and the opinion of the planning authority under section 37L(12)(a),
- (g) the submissions/observations made in accordance with regulations made under Article 270(1) of the Planning and Development (Amendment) (No. 2) Regulations 2015,

- (h) the planning history of the site,
- (i) the pattern of development in the area,
- (j) the details contained within application for substitute consent on the site ref. SU0061,
- (k) the nature and scale of the development the subject of this application, and
- (l) the Inspector's Report.

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on European Site Nos. 000210 and 004024, or any other European site, in view of the sites' Conservation Objectives.

The Board completed an Environmental Impact Assessment in relation to the subject development and concluded that the Environmental Impact Statement submitted identified and described adequately the direct and indirect effects on the environment of the development.

The Board considered that the Inspector's report was satisfactory in addressing the environmental effects of the subject development and also agreed with its conclusions in relation to the acceptability of mitigation measures proposed and residual effects and that the subject development would not be likely to have a significant effect on the environment.

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

CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars lodged with the application submitted to An Bord Pleanála on the 21st day of January 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement, and shall be implemented in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. This grant of planning permission for further extraction of rock relates only to the 18.2ha area outlined in red on Drg. No. PL04 submitted with the application on the 21st day of January 2016.

Reason: In the interest of clarity.

3. Mitigation & monitoring measures outlined in the Environmental Impact Statement and the Appropriate Assessment Screening Report submitted with this application, shall be carried out in full, except where otherwise required by condition attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

4. The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. This shall include the following:
 - (a) Proposals for the suppression of on-site noise and vibration.
 - (b) Proposals for the on-going monitoring of noise and vibration emissions at properties in the vicinity.
 - (c) Proposals for the suppression of dust on site.
 - (d) Proposals for the bunding of any fuel and lubrication storage areas and details of emergency action in the event of accidental spillage.
 - (e) Details of safety measures for the land above the quarry, to include warning signs and stock proof fencing.
 - (f) Monitoring of ground and surface water quality, levels and discharges.

- (g) Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.

Reason: In order to safeguard local amenities.

- 5. Within three months of the date of this Order, a traffic management plan shall be submitted to the planning authority for written agreement relating to the control and management of quarry traffic access to the site. This shall include the following works and traffic management arrangements which shall be completed prior to any further quarrying works at the site –
 - (a) the entrance onto the Outer Ring Road shall be opened,
 - (b) the N7 southbound exit shall be permanently closed,
 - (c) the restriction of site access via Cookstown Road to cars and light commercial vehicles shall be implemented, and
 - (d) the Cookstown Road access shall be reduced in size in accordance with submitted mitigation measures.

Reason: In the interest of traffic safety.

- 6. During the operational phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed-
 - (a) an $L_{A,T}$ value of 55 dB(A) during 0700-1800 hours. The T value shall be one hour.

- (b) an L_{AeqT} value of 45 dB(A) at any other time. The T value shall be 15 minutes.

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

7. (a) Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details to be submitted shall include monitoring locations, commencement date and the frequency of monitoring results, and details of all dust suppression measures.

(b) A monthly survey and monitoring programme of dust and particulate emissions shall be undertaken to provide for compliance with these limits. Details of this programme, including the location of dust monitoring stations, and details of dust suppression measures to be carried out within the site, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any quarrying works on the site. This programme shall include an annual review of all dust monitoring data, to be undertaken by a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority following this annual review.

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

8. (a) Vibration levels from blasting shall not exceed a peak particle velocity of 12 millimetres/second, when measured in any three mutually orthogonal directions at any sensitive location. The peak particle velocity relates to low frequency vibration of less than 40 hertz where blasting occurs no more than once in seven continuous days. Where blasting operations are more frequent, the peak particle velocity limit is reduced to eight millimetres per second. Blasting shall not give rise to air overpressure values at sensitive locations which are in excess of 125 dB (Lin)max peak with a 95% confidence limit. No individual air overpressure value shall exceed the limit value by more than 5 dB (Lin).
- (b) A monitoring programme, which shall include reviews to be undertaken at annual intervals, shall be developed to assess the impact of quarry blasts. Details of this programme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any quarrying works on the site. This programme shall be undertaken by a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority following this annual review.

Reason: To protect the amenity of property in the vicinity.

9. The developer shall facilitate the archaeological monitoring of topsoil stripping within the quarry expansion area. In this regard, the developer shall –
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

10. Restoration shall be carried out in accordance with a restoration plan, which shall include existing and proposed finished ground levels, landscaping proposals and a timescale for implementation. This plan shall be prepared by the developer, and shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this grant of permission.

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

11. 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.

12. Within three months from the date of this order, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory restoration of the site, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the

planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory restoration of the site.

Kevin Moore

Senior Planning Inspector

April, 2016