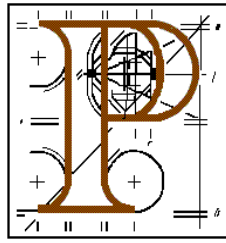


# An Bord Pleanála



## Inspector's Report

<b>Development:</b>	Quarry at Bedleshill, Belgard, Brownsbarn, Cheeverstown, Buckandhounds, Kingswood and Whitehall Townlands, Fortunestown, Tallaght, Dublin 24
<b>Planning Authority:</b>	South Dublin County Council
<b>Applicant:</b>	Roadstone Wood Ltd.
<b>Application Type:</b>	Application for Substitute Consent
<b>Date of Site Inspection:</b>	27 <sup>th</sup> April, 2016
<b>Inspector:</b>	<b>Kevin Moore</b>

## **1.0 INTRODUCTION**

- 1.1 This application is for substitute consent for a quarry at Bedleshill, Belgard, Brownsbarn, Cheeverstown, Buckandhounds, Kingswood and Whitehall Townlands, Fortunestown, Tallaght, Dublin 24.
- 1.2 A notice was issued by South Dublin County Council on 3<sup>rd</sup> 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). This substitute consent application relates to the extension of the quarry area carried out after 1<sup>st</sup> May, 1999. An application for substitute consent accompanied with the above documents was first lodged by the applicant with An Bord Pleanála on the 18<sup>th</sup> September, 2013 after seeking from the Board the extension of the period for the making of the application. Further details requested by the Board were received on 17<sup>th</sup> October, 2013.
- 1.3 This application was subsequently revised, culminating in the submission of a revised rEIS and rNIS (details set out below).

## **2.0 REVISED APPLICATION**

- 2.1 The original submitted application made on 18<sup>th</sup> September, 2013 was for substitute consent for a limestone quarry and ancillary activities within an area of c.133 hectares in accordance with Section 177E of the Planning and Development Acts 2000-2010 as amended and the Planning and Development Regulations 2001-2012. The extent of the site to which this application relates was outlined in red on Figure 2, Existing Site Layout, in the original EIS. The application was accompanied by a remedial

Environmental Impact Statement (rEIS) and a remedial Natura Impact Statement (rNIS).

- 2.2 The Board, having examined the original application, determined that the extent of the land area associated with the application and the range of activities so referenced as part of the application was significantly beyond that applicable to the substitute consent process and so determined to be the appropriate land area by the planning authority in making its decision under section 261A on 3<sup>rd</sup> August, 2012. Revised documentation, including a revised rEIS and rNIS, limited to the land area so determined by the planning authority (i.e. 18.2 hectares), excluding other activities and extraction areas, was requested by the Board on 28<sup>th</sup> January, 2015. The applicant responded to this request on the 14<sup>th</sup> August, 2015. The response included a revised rEIS and rNIS.

### **3.0 SITE LOCATION AND DESCRIPTION**

- 3.1 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.

- 3.2 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.
- 3.3 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.
- 3.4 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.
- 3.5 Fuel storage areas are located within the substitute consent area, with fuel stored in bunded tanks. A hydrocarbon interceptor has been installed at the refuelling station. Oil and lubricants are stored on spill pallets. Spill kits are maintained on site to deal with accidental spillages.
- 3.6 The quarry operates from 07.00 to 24.00 Monday to Friday and 07.00 to 18.00 on Saturdays. No rock breaking has taken place before 07.00 each

day. The working hours are in accordance with Condition 3 of the section 261 registration. Two hundred people are employed as a result of the quarrying operation.

- 3.7 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.

#### **4.0 DESCRIPTION OF PROPOSAL**

- 4.1 The quarry operations comprise extraction of limestone using blasting techniques and processing of fragmented stone using crushing, screening and washing plant to produce a wide range of construction aggregates / stone products for use as fill materials, concrete aggregates and road

making materials. A range of downstream products are manufactured at the site.

4.2 The overall extraction area at the quarry comprises c.56.3ha and is located on the northern half of the site. The substitute consent area, comprising 18.2ha, is on the western side of this extraction area. The operations within the substitute consent area have comprised rock extraction only. Extraction in this area has taken place to a stated floor level of c.70mOD. Rock excavated within this area was processed on site and the materials were stated to be used in concrete production, asphalt production, block production, site development and road construction. There are no operations currently taking place within the substitute consent area.

4.3 Other activities associated with the functioning of the present quarry operation include:

- \* Primary crushing plant is located within the quarry extraction area. Crushed stone is transported to the secondary, tertiary and quaternary crushing plants by conveyor. This plant is located to the south of the overall extraction area in the ancillary area permitted under P.A. Ref. C.1488. Stone processing was stated not to have occurred within the substitute consent area.
- \* The overburden and topsoil from the substitute consent area was stated to have been used for the construction of perimeter screening berms.
- \* Manufacturing plant at the site includes a retail concrete plant, skako concrete plant, flag / precast plant, block plant, paving plant, asphalt plant, clause 804 plant, dry sand plant, flomix plant, a mortar plant, a wet sand plant, and a roller crusher plant.

- \* Other site infrastructure includes security huts, a transport garage with back office and canteen, bunded fuel/gas storage, a fuelling station, oil/hydrocarbon interceptors, a transportation garage truck wash out area, effluent treatment systems, paving and concrete block storage yards, attenuation ponds, a settlement lagoon system, weighbridges, a rumbler plant; a packaging plant rumbler, settlement ponds, labs and offices, garages and sheds, waste and material storage areas, water tanks, pumphouses and generators, a screenhouse, and screening berms, walls and fencing.
- \* A retail area and a corporate office are located near the Cookstown Road entrance.
- \* No fuel was stated to have been stored in the substitute consent area.
- \* No general waste was stated to have been produced within the substitute consent area. Any waste materials at the quarry were stated to have been stored, collected, recycled and/or disposed of in accordance with condition 10 of the section 261 conditions.
- \* A dust monitoring programme has been in place at the quarry in compliance with condition no. 7 of the section 261 conditions of 2007.
- \* A noise monitoring programme has been in place at the quarry in compliance with condition no. 5 of the section 261 conditions of 2007.
- \* An Environmental Monitoring Programme was established in accordance with condition no. 8 of the section 261 conditions.
- \* An Environmental Management System has been implemented at the site and an annual audit is undertaken in accordance with condition no. 12 of the section 261 conditions.

- \* The main site entrance is located on the Cookstown Road. Access and egress to and from the N7 Naas Dual Carriageway is via a dedicated separate entrance on the northern boundary. The rEIS states that the southern access is due to close. A new site entrance onto the R136 Outer Ring Road has been granted planning permission. This entrance is expected to open in 2016.
- \* The hours of operation at the quarry are in accordance with those required under Condition 3 of the schedule of conditions resulting from the section 261 registration process.

4.4 A restoration plan was prepared for the substitute consent area, as presented in Figure 2-2. It is proposed to restore the area to natural habitat / amenity and mixed use commercial, industrial and residential use in accordance with a concept submitted to South Dublin County Council arising from Condition 29 of the schedule of conditions imposed under the section 261 registration process. It is understood that the future commercial, industrial or residential uses will require a separate planning permission from the planning authority. The restoration programme includes preservation of a representative section of the Lower Carboniferous sequence for educational purposes. The scheme includes the following:

- removal of stockpiles, plant and equipment from quarry void,
- re-grading of ancillary areas to achieve level ground conditions,
- leaving the quarry void to flood naturally (rebound level expected to be around 70-75 OD), and
- retaining boundary fences and hedgerows and installing a security fence surrounding the quarry void.

It is not proposed to have any active long term surface water or groundwater management at the site. Establishment maintenance is



proposed to be carried out for two years on a quarterly basis following the planting works.

## **5.0 SOUTH DUBLIN COUNTY DEVELOPMENT PLAN 2010-2016**

### **5.1 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”.

### **5.2 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.

## **6.0 PLANNING HISTORY**

6.1 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 9<sup>th</sup> 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.

## **7.0 DETAILS OF DETERMINATION UNDER SECTION 261A**

7.1 The planning authority concluded as follows:

- There was quarrying on the lands in the late 1960s prior to receipt of a valid planning permission.
- Aerial photography from 1971 illustrates a working area of approximately 20 hectares (50 acres).
- Permission was first granted in April 1972 subject to a requirement that further consent be obtained to quarry in excess of 50 acres.
- The quarry excavation now comprises c. 50 hectares (c. 125 acres).
- The area in excess of the 50 acres is unauthorised.
- The extraction area was extended by c. 19.7 hectares since 2000, equating to an increase of c. 31.3% of the existing quarry excavation area in 2000.
- As the extension exceeds the threshold of 25% as provided for under the EIA Directive which came into effect in May 1999 and in itself exceeded 2.5 hectares, it is subject to the requirement that EIA or screening for EIA be carried out or made in that regard before the development is commenced.

- The quarry extension after 26 February 1997 also requires consideration for appropriate assessment in accordance with requirements under the Habitats Directive.
- There is no record to show the extension to the authorised quarry excavation area after the relevant dates was subjected to EIA or AA.
- The quarry was registered in accordance with the provisions of section 261.

## **8.0 SUBMISSIONS FROM THE PLANNING AUTHORITY**

### **8.1 First Report of the Planning Authority**

In accordance with the provisions of section 177I(1) of the Planning and Development (Amendment) Act 2010 the planning authority submitted a response to a request from the Board in relation to the applicant's initial application, rEIS and rNIS. The report may be summarised as follows:

- (a) Whether or not substitute consent should be granted for the development:  
The planning authority is of the opinion the application is deficient regarding the scale, rate and phasing of the proposal, as detailed in the observations and appendix attached. Any consent should only be granted following satisfactory clarification of the issues raised in these observations, or the imposition of conditions to satisfy the concerns of the planning authority.
- (b) The conditions, if any, that should be attached to any grant of substitute consent: The recommendations on conditions are based on a review of the conditions imposed in 2007 as part of the registration process and the experience to date with those conditions. The planning authority is unclear how conditions that may be imposed relate to conditions imposed under

section 261(6) and the remaining obligations to monitor or enforce section 261 conditions.

### Additional Overall Concerns

#### *(a) Extent of Application Area*

The extent of the application area exceeds that of the area of the planning authority determination and the applicant was advised of this.

#### *(b) Development Contributions*

The applicant's submission on the matter is noted. The planning authority is of the view that development contributions should apply to existing and future development contained within the application. The quarry has, is and will continue to benefit from major infrastructural developments that have, are or will continue to facilitate it. Reference is made to a range of infrastructural provisions provided.

#### *(c) The Application received by the Board*

It is considered that the description given by the applicant of the development the subject of the application lacks sufficient clarity and precision with regard to the range and scale of development for which the consent is sought to enable the application to be fully assessed. Clarification is required in relation to the extent of lands, scale of development components and range of activities included for the application.

#### *(d) The Extent of Lands in the Application*

No detailed survey drawing illustrating the current levels of the existing workings over the extent of the extraction area have been provided. Reference to extraction having taken place to a floor level of "c. -34 metres OD" is misleading as it can be interpreted to mean a depth below 0 OD. A restoration plan in cross sections on Figure 2-3 appears to indicate

proposed further extraction to 34m OD within the footprint of the area extracted to date comprising c. 56.3 hectares. The application should provide full details of the existing and proposed extraction and should include a phasing programme and expected timescale to enable likely cumulative impact of the intended future quarry operations to be assessed, along with an indication of the rate future quarry operations are anticipated or are likely to occur.

An illustration of the extent of lands anticipated to be included in the consent application is attached (Drawing SCR-001). It also indicates the extent of land that was not anticipated to be included in the application for substitute consent. Clarification is required as to the precise extent of the existing quarry excavation area that is appropriate to be included within the scope of the application.

The planning authority understands that quarry operators required to apply for substitute consent were advised that any unauthorised quarry excavations carried out prior to the commencement of the requirement for EIA would require to be authorised by way of a retention planning permission, and that any further quarrying in such areas would require to be subjected to EIA prior to any consent being given. This is not reflected in the application.

*(e) Inclusion of Non-Ancillary Activities in the Application*

Section 1.54 of the EIS appears to indicate that activities located within the quarry area authorised under Planning Permission C.1488 have been authorised by that permission. Clarification is required as, with the exception of the ready mix plant and the asphalt plant, all other ancillary activities would appear to be unauthorised.

Having regard to the definition of “quarry” in Regulation 3 of the European Union (Environmental Impact Assessment and Habitats) (No. 2) Regulations 2011, it is considered that the manufacturing plants described

in the EIS do not constitute ancillary quarrying operations for the purposes of this application. Any such activities should not be included within the scope of the application. The section 261A review was confined to an examination of the requirements for EIA and NIA of the extraction operations at the quarry in accordance with the relevant EU Directives. No consideration was given in the review to requirements in relation to any activities not related directly to the extraction and processing of stone.

*(f) Status of Conditions under Section 261*

No guidance has been provided relating to the section 261A process in regard to the present and future status of the terms and conditions imposed under the section 261 registration process. It appears the applicant considers the two processes mutually exclusive, whereas the planning authority presumes the S261A process supercedes the S261 process. Based on this, suggested conditions to replace and supercede previous S261 conditions are attached.

*(g) Strategic Regional and Local Objectives*

The quarry lands have significant potential to contribute to the achievement of the vision outlined in the Regional Planning Guidelines for the Greater Dublin Area. This is not addressed in the application and clarification is required to enable the impact to be assessed.

*(h) Development Plan*

Notwithstanding the zoning provisions for the lands, it is considered prudent that consideration be given to the potential alternative development of the lands in the longer term in light of the location of the lands in the metropolitan area and the future consolidation of the urban footprint in the Regional Planning Guidelines.



(i) *Local Plans*

A strategic development plan for the Naas Road lands adjoining the application lands has been prepared. The plan indicated a potential recreational use for a portion of the lands proximate to the N7/Naas Road.

A schedule of recommended conditions is attached with the submission further to experience and review of the conditions attached under the section 261 process.

In addition to the above submission, the planning authority attached submissions from various departmental officers in response to a range of sections detailed in the rEIS. These may be synthesised as follows:

Human Beings

*Third Party Concerns*

Reference is made to objections raised in the Fettercairn Community Health Project Report in 2007 and to a submission by Newlands Golf Club in relation to the section 261 registration of the quarry.

*Community Service Comments*

This relates to contact with community organisations recommended to Roadstone.

Ecology

*Screening for AA*

The information and assessment presented by the applicant are deemed to be acceptable. It is considered that a Stage 2 Appropriate Assessment is not warranted in these circumstances by virtue of the distance of the site from Natura 2000 sites within a 15km radius, the lack of significant ecological pathways between the site and the Natura 2000 sites, and the

avoidance measures already in place on the site that address water quality of discharge.

### *rEIA*

While a detailed habitat survey has been presented, the overall ecological information presented is insufficient. Appropriate surveys have not been undertaken for breeding birds and other mammal species, particularly those protected under the Habitats Directive such as bats.

The report would have benefitted from direct consultation with NPWS as it is known the site is a long-standing location for breeding peregrine falcons, long-eared owls, and yellow hammers. Potential impact on these species has not been addressed and no mitigation measures proposed.

In the absence of a detailed bat survey or monitoring survey, the report is contradictory in its approach to the assessment of bat populations. The report does not address the loss of habitat already impacting on bat populations by virtue of previous habitat loss/disturbance or future further impact arising from continued operations.

The assessment of the large area of calcareous grassland as being only of 'Local' value is disputed. Given its rarity, it would warrant reclassification as 'County' importance. A revision of mitigation measures would therefore be required for the potential loss of this habitat type.

No details are provided on the Quarry Biodiversity Plan referenced. This needs to be agreed in writing with the Council prior to implementation.

### Surface Water & Groundwater

The information provided in the rEIS somewhat understates the effect of the quarrying operation on lowering of the local water table level.

Reference is made to the difference between the water table level of an up-gradient groundwater monitoring borehole GW3 and the water table

level in a downgradient borehole GW5 and to the explanation for a high water table at GW3 not being convincing due to the absence of field data.

There is not enough field data information to make a statement on the effect of the quarry on flow rates in nearby streams.

An amendment to Condition 23 of existing planning conditions for the site was recommended.

#### Air Quality / Noise & Vibration

Improvements in environmental management are seen to be of importance in reducing the potential for nuisance, particularly in relation to dust. The Site Characterisation report was noted and it is further noted that this relates to a waste water treatment system already installed.

#### Landscape and Visual

On restoration and aftercare, it would have been helpful to have a detailed statement of intent as well as a long term plan in relation to the environment that will not be affected by the quarrying operation, i.e. the perimeter of the site. As a changing environment it would be good to have five yearly meetings.

On visual impact, there is a negative impact from the R136 Outer Ring Road overbridge on the N7 and on the surrounding environment of the road itself. There is also a negative impact on surrounding housing at Fettercairn and Drumcairn adjacent to the Embankment Road extension, mostly caused by the constructed berm. A mitigation document after discussions with the applicant does not seem to have been included with the current application.

Evidence of Japanese Knotweed on the external perimeter of the site was noted, as was the need for this to be taken into account.

## Cultural Heritage

The Architectural Conservation Officer is satisfied that appropriate mitigations measures have been provided. Further to Recorded Monument DU021-025 (a possible ringfort), it is noted that it was stated that an agreement had been made with the National Monuments Service that the stored soil occupying this site would be removed and that a test would be carried out to assess the current condition of the site. This issue remains outstanding and further details are needed to address this.

## Traffic & Transportation

### *Road Safety*

There are concerns about the Cookstown entrance. It is a particularly wide junction and the mix of HGVs and the public is not ideal. Its large radii encourage drivers to enter the Cookstown Road at high speed. It is preferred if the junction was reduced in size and designated for cars and LGVs only.

With regard to the N7 access, there is only 50m between the acceleration lane for the quarry and the deceleration lane for the Kingswood Interchange on the N7. There are concerns about this lack of distance as the majority of those on the acceleration lane are heavily laden HGVs. There are conflicts between slow moving HGVs and high speed cars. There is a preference for closing the N7 southbound entrance and exit and all activity relocated to the Outer Ring Road. There would be little additional delay for HGVs and considerable health and safety benefits. There is no issue with the northbound exit.

### *Long Term Amenity*

Due to dust impacts the applicant will be required to provide full wheel and under-carriage wash facilities in the vicinity of the Outer Ring Road HGV exit and road sweeping, washing and gully suction facilities.

In addition to the above the planning authority attached substantial extracts from its current County Development Plan.

## 8.2 **Response to Applicant's Further Details of 17 October 2013**

A synopsis of comments received on additional drawings received by the Board from the applicant is as follows:

### *The Site Location Map*

The surrounding area identified by the Council for communication and consultation purposes in 2007 within 500 metres of the quarry complex, and conditioned accordingly, contains 3,338 residential units. A uniform buffer area surrounding the quarry complex would be a better representation of surrounding development and, given the scale of the quarry, a buffer of at least 500 metres would give a better representation of the complexity of the application. It is noted that within 500 metres of the quarry there is a range of non-housing developments that represent significant investment in the creation of employment and enterprise, the relationship of which to the quarry should be recognized.

### *Cross Sections*

The drawing is insufficiently detailed to provide an accurate representation of the quarry extraction.

### *Section of Buildings*

The relevance to the application for substitute consent of details relating to non-ancillary quarrying activities remains unclear.

### 8.3 Response to Revised Application

In response to the revised application, rEIS and rNIS, the planning authority submitted a revised Drawing SCR-001-A, indicating the area that it determined to be the relevant area the subject of the substitute consent application, with the legend amended to show that this related to “Post 1999 Land SDCC Anticipated to be Included in the Application”.

In addition to the above, comments were submitted on water and traffic as follows:

- The Environmental Chemist had no further comments to make beyond those previously made.
- The Traffic and Transportation Engineer considered a survey should have been carried out at the Belgard access location for improved accuracy. It was agreed that all accesses had adequate capacity. It was not agreed that none of the entrances cause any concern in terms of safety. There were some concerns about the Cookstown entrance and it was considered that there was a need to reduce the size of the junction. Concerns were also expressed about the N7 access and the conflicts between slow moving HGVs and high speed cars. Reference was made to the permission for the proposed entrance off the ORR and it was submitted that there would be little delay compared to the N7 access, with considerable health and safety benefits arising. Recommendations relating to conditions that should be included in a grant of approval referred to the Cookstown entrance being reduced in size, the Outer Ring Road being opened for all traffic, and the N7 accesses (i.e. both accesses) being closed within a required timeframe.

## **9.0 APPLICANT'S RESPONSE TO SOUTH DUBLIN COUNTY COUNCIL SUBMISSION**

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

### **9.1 Deficiencies on Scale, Rate and Phasing of Proposal**

The application is for development that has taken place and does not relate to future development. The applicant accepts the Council's observation that substitute consent should be granted subject to conditions.

### **9.2 Conditions**

Any conditions should be in the context of the application being for development that has taken place.

### **9.3 The Application Area**

The applicant does not agree with the Council's assessment of the extent of the substitute consent application. The rationale for the area is set out in Section 1.54 of the rEIS.

### **9.4 Development Contributions**

The applicant's position is provided in Arthur Cox's letter dated 17<sup>th</sup> September 2013 that accompanied the planning application. The works mentioned by the planning authority are undoubtedly future works which are not intended to be covered by a retrospective scheme under section 261A.

### **9.5 Description of Development**

#### **Site Notice**

The development was amply detailed to allow the planning authority and the public to understand the nature of the development.

### **Extent of Lands**

Section 2.21 of the rEIS should be corrected to state: “*Extraction has taken place within the substitute consent area to a floor level of c. 34 metres OD.*”

A separate section 34 planning application for future development within the substitute consent area will be submitted in due course. For the sake of completeness, all development that requires EIA has been included in the substitute consent area.

### **Non-Ancillary Activities**

Reference is made to the Council’s records relating to P.A. Ref. C.1488 indicating a readymix plant and asphalt plant in the description of the development proposed and to the planning permission describing the development as consisting of the erection of buildings and the utilisation of land for quarrying and ancillary purposes. Condition 9 is also referenced which refers to quarrying and other ancillary operations contained within the working area of the site. It is submitted that all machinery, plant and ancillary processing / manufacturing operations contained within the working area of the site outlined in Drawing no. 70/35/7, referenced in Condition 9, are authorised in planning terms.

### **Status of Section 261 Conditions**

The applicant continues to operate under and in compliance with the conditions imposed under section 261. Section 261A is an additional legislative provision. It does not replace section 261. It does not supersede the section 261 process and is a new process in its own right. It may only take place when section 261 has already been complied with and continues to be complied with. The planning authority’s presumption is incorrect and is not backed up by any guidance.



### **Strategic and Local Planning Guidelines**

The applicant agrees the quarry is of national and regional strategic importance. The application is for development that has taken place and does not relate to future development. A separate application for future development will be made and this will take into consideration the Regional Planning Guidelines.

### **Development Plan**

The applicant again notes the application is for development that has taken place and that a separate application for future development will be submitted in due course. That application will take into consideration the 2010-2016 Development Plan.

### **Local Plans**

A similar response to that for the Development Plan was submitted.

## 9.6 Council Internal Consultations

### **Human Beings**

The applicant has strong links with the local community and has supported community activities and enterprise development on a project-specific basis. Its proactive approach is reflected in the low level of complaints received and in the fact that no third party submissions were made in relation to the section 261 process, planning application SD12A/0156, and the section 261A application.

### **Ecology**

A remedial NIS was submitted with the substitute consent application and this concluded that the development has not and will not result in any significant effects on Natura 2000 sites. The Heritage Officer's comments on the acceptance of the consultant's report are referenced. Section 4 of

the rEIS provides a detailed habitat survey of the overall site. Parts of this section are quoted in response.

#### **Landscape and Visual**

Additional perimeter landscaping works were agreed with the Council's Parks Department and submitted to the planning authority for written agreement on 19<sup>th</sup> September 2013. A copy of the agreed work is provided as an appendix. It includes remodelling of the southern and north western berms and concentrated on a landscape plan.

A Japanese Knotweed management plan will be introduced and an outline of procedures to be employed is given.

#### **Cultural Heritage**

In April 2012, Dr. Charles Mount corresponded with National Monuments that the top soil on RMP DU021-025 would be left in situ. The Department is satisfied that the applicant has carried out the recommendations issued by the NMS. The stored topsoil could be removed in due course. The monument was fenced off and no further archaeological mitigation was required at present. A copy of related correspondence is attached as an appendix.

#### **Traffic & Transportation**

The applicant is undertaking a full review of traffic and transport as part of the section 34 application, including a review of access to the overall site. The applicant is committed to removing HGV traffic from the Cookstown access; opening of the permitted access onto the Outer Ring Road, and reviewing the N7 access.

## **10.0 PRESCRIBED BODIES SUBMISSIONS**

### **10.1 An Taisce**

In its first report, An Taisce submitted that the lodgement of a rEIS does not in any way establish the legal basis of the quarry or the entitlement of the quarry operator to obtain a retrospective Environmental Impact Assessment consent. It is further submitted that no consideration should be given to any rEIS for a quarry that exceeds EIA thresholds and which does not have a valid planning basis and operating compliance either by pre 1964 status, a grant of permission between 1964 and 1990 or a grant of permission after 1990 when the Directive came into effect. It is further stated that previous registration under section 261 must be deemed irrelevant since that did not establish the legal basis of a site. Reference is made to High Court Judgement An Taisce v. An Bord Pleanála in November 2010 by Justice Charleton.

In its submission in response to the rEIS, it was submitted that the quarry's continuation with regard to retrospective resolution under section 261A and for the future needs to be reconciled with compatibility of quarrying and blasting with the urban expansion of the surroundings area.

### **10.2 Geological Survey of Ireland (GSI)**

The GSI submitted details indicating that the working quarry in Lower Carboniferous, calp may be recommended for Geological NHA.

Further to the applicant's submission of a revised EIS, GSI responded to Sections 5.23-5.30 as follows:

- The Irish Geological Heritage programme of GSI identified Belgard quarry as a County Geological Site on its indicative list of heritage sites. The South Dublin County Geological Audit in 2014 further

documented the site as a CGS. SLR agreed, in consultation with GSI, to the preservation of a representative quarry face for educational uses when extraction ceases. The site has been forwarded to SDCC as one of 10 CGS for inclusion in the current County Development Plan 2016-2022.

### 10.3 **National Roads Authority (NRA)**

In its initial submission, the NRA (now Transport Infrastructure Ireland) noted the site directly accesses the N7 at a location where a 100kph speed limit applies. Reference is made to the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities and the policy to avoid creation of additional access from new development or the generation of increased traffic from existing accesses to national roads. The NRA considers 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. It was observed that uncontrolled access is available for all vehicles directly from the N7 and that control of HGV only access is undertaken at a considerable distance from the current access and egress arrangements. It is considered that this situation creates serious concerns for the operation and safety of the N7 at this location. It is advised that the issue requires urgent mitigation, especially as a more suitable and practical access is available via the Outer Ring Road linking the N7 at Kingswood Interchange and the N81 (Planning Application SD07A/1047). The NRA further advises that any consent granted for development should not result in any intensification of use of the existing direct access to the N7 above permitted levels of extraction.

In its second submission, the NRA reiterated its observations set out in its initial submission. Reference was also made to the N7 Newlands Cross

TEN-T Scheme. It was noted that the option to reclassify the route between the M50 and Naas North as a motorway is being investigated.

#### 10.4 **Inland Fisheries Ireland (IFI)**

IFI notes that the site is within the catchment of the Camac River, a salmonid system under significant ecological pressure from urbanisation. Noting considerable sections of the channel are culverted, it is acknowledged that the catchment supports populations of sea trout in the lower reaches and brown trout throughout. Furthermore, populations of Freshwater Crayfish and Lamprey (Annex II species) have also been recorded. IFI have no objection to the application subject to mitigation and remedial measures outlined in Section 6 of the EIS and including a review of the existing discharge licence.

#### 10.5 **Department of Defence**

The Department responded to the revised application of August 2015 and stated it had no objection.

#### 10.6 **Department of Justice & Equality**

The Department acknowledged receipt of the Board's letter regarding the proposal.

#### 10.7 **Railway Safety Commission**

In response to the revised application, the RSC submitted that TII needed to be consulted in relation to effects on railway/tramway infrastructure.

## 10.8 **Health Service Executive**

In response to the revised application, the HSE submitted that from an emergency management point of view there was no reason that would require their input at this time.

## 11.0 **APPLICANT'S RESPONSE TO PESCIBED BODIES SUBMISSIONS**

11.1 In response to the submission by the National Roads Authority the applicant noted that the substitute consent application is for development that has taken place and does not relate to future development. It was stated that a section 34 application for future development will be submitted in due course and that a full review of traffic and transport is being undertaken, including a review of access to the site. Comments from the Council's Transport Planning section are acknowledged and it is stated that the applicant is committed to removing HGV traffic from the Cookstown access, opening the permitted access onto the Outer Ring Road, and reviewing the N7 access. It is concluded that consent granted for the development will not result in any intensification of use of the existing direct access to the N7.

## 12.0 **PLANNING POLICY CONTEXT**

12.1 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.

12.2 Sections 3.2.20 and 3.2.21 South Dublin County Development Plan 2010-2016 contain relevant considerations and policy in respect of the extractive industry. Other sections of the Plan considered relevant include matters pertaining to zoning provisions, cultural heritage, and landscape.

## **13.0 ASSESSMENT**

### **13.1 Introduction**

13.1.1 Under the provisions of Section 177K(2) of the Planning and Development Act 2000 as amended, it is stated that where an application is made to the Board for substitute consent in accordance with the relevant provisions of the Act, and any regulations made thereunder, the Board when making a decision in relation to the application should consider the proper planning and sustainable development of the area and have regard to matters that include the following:

- The provisions of the development plan or any local area plan for the area;
- The provisions of any special amenity area order relating to the area (The Board will note that there is no special amenity area order relating to the site in question);
- The remedial environmental impact statement, or remedial Natura impact statement, or both of those statements, as the case may be, submitted with the application;
- The significant effects on the environment, or on a European site, which have occurred, are occurring, or could reasonably be expected to occur because the development concerned was carried out;
- The report and the opinion of the planning authority under Section 177(I);
- Any submissions or observations made in accordance with regulations made under section 177N;
- Conditions that may be imposed in relation to the grant of permission under Section 34(4); and
- The matters referred to it in section 143 of the Act.

13.1.2 Having regard to the above, I consider that the following issues are particularly relevant and pertinent to the determination of the application for substitute consent:

- 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.

12.1.3 The Board will note that this assessment is focused on the revised application to the Board relating to the quarrying of 18.2 hectares, that being the area determined by the planning authority under section 261A to be the relevant area.

## **13.2 Development Plan Policy**

13.2.1 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. Reference has been made, with regard to the Development Plan, to consideration being given to the potential alternative development of the lands in the longer term in light of the location of the lands in the metropolitan area and the future consolidation of the urban footprint in the Regional Planning Guidelines. Also, it has been noted by the planning authority that a strategic development plan for the Naas Road lands adjoining the application lands has been prepared. The plan, it is stated, indicated a potential recreational use for a portion of the lands proximate to the N7/Naas Road.



13.2.2 Having regard to these observations, I firstly acknowledge that 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 3.2.20 and 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.

13.2.3 With regard to the planning authority's submission on the County and Local Plans, I note that the issues raised effectively relate to the future planned development of the area. The applicant has provided restoration proposals for the overall quarry lands, inclusive of the substitute consent lands, and has provided details of indicative uses for the lands. In the context of an ongoing quarry operation, in the knowledge that the applicant has proposals to further develop the substitute consent area lands, and given the quarrying the subject of this application relates to past quarrying on the substitute consent lands, I consider that the provisions made to date are sufficient to gauge an understanding of potential land uses. It is likely that these matters will be subject to more rigorous review when a time for focused consideration on alternative uses for the lands approaches.

13.2.4 In conclusion, it is apparent that quarrying of the substitute consent lands, and the use in principle, would not appear to have been in significant conflict with the Plan provisions, or indeed previous Plan provisions. Furthermore, restoration proposals for this site would appear to not conflict with any provisions of the current Plan that would relate to the protection of the landscape character of this area or the ecological value and the potential for the provision of a mix of suitable alternative uses.

### **13.3 Environmental Impacts**

#### *13.3.1 Introduction*

In terms of assessing the impacts that the quarry development the subject of this application has had in times past, there is a most unsatisfactory requirement to engage in supposition, albeit one may be reliant to some degree on informed likely estimation of effects. I must acknowledge the limitations of this retrospective examination of effects when clearly so much is unknown about what has actually occurred in terms of environmental impact and where often so little has been recorded.

Acknowledging the evident significant deficiencies with this process, my attempt at offering considerations is as follows:

#### *13.3.2 Human Beings*

The rEIS submits that the quarry is the largest in Ireland. Clearly, it represents a significant strategic natural resource for the Greater Dublin Area. I note that the quarry operation at Belgard employs a total of 200 people directly and indirectly. The activities associated with the substitute consent area would evidently have supported employment throughout its active working. It is acknowledged that the quarry is, and was, sited in a predominantly urban area, with a wide range of residential, amenity, guest accommodation, educational, health and community uses prevailing in the vicinity. The site has remained accessible by a significant road network and a range of public transportation services.

It is apparent that there were potential negative impacts from previous development within the substitute consent area that would have related to noise, vibration, dust, traffic and visual impact. These will be considered further in this assessment. I note the nature of the operations that are, and that have previously been, employed and the range of mitigation

measures employed to minimise impacts on the wider community. I further note that there are no specific instances of adverse impact on the wider community known to have arisen from the development of the substitute consent area itself.

### 13.3.3 *Ecology*

The lands within the substitute consent area before the onset of quarry operations are believed to have comprised predominantly of arable fields that were delineated by hedgerows. The land did not, and does not, lie within, nor is it in close proximity to, any designated area of conservation value. The habitats before the quarrying operation coincided with the agricultural use that prevailed. There were no known habitats of distinct conservation value, no known protected flora being supported, and there were no known species of conservation value associated with the prevailing habitats. It is reasonable, based upon what is known of previous habitats within the substitute consent area, to conclude that they provided a low quality habitat for mammals in general and would most likely have supported a range of farmland bird species common to the wider area at the time.

The quarrying within the substitute consent area resulted in almost the complete loss, damage and disturbance to the agricultural habitats in that area. However, it must be recognised that in the context of the prevailing environment and the lack of any known conservation value of the said lands, it is reasonable to conclude that the quarrying works culminated in the loss of habitats of likely local value, common to the wider area. I acknowledge that a Biodiversity Action Plan is proposed to be prepared for the quarry and I note the provisions of the restoration plan for the overall quarry, inclusive of the substitute consent lands. I do not consider that remedial measures are required in relation to ecology.

Consideration of direct and/or indirect impacts on European sites in the wider area is offered later in this assessment in relation to the submitted rNIS.

#### 13.3.4 *Soils and Geology*

It is noted that the quarry site in general is underlain by limestone bedrock at, or close to, the surface. Quarrying in the substitute consent area resulted in soils and subsoils having been stripped for most of the relevant area and the in-situ bedrock deposits removed, resulting in a direct impact on soils and geology. There have been no known direct or indirect impacts arising from these activities on the geology of the wider area beyond the quarry lands. It is also noted that soils and subsoils were used in the development of embankments and will likely be utilized as part of the restoration process.

The applicant submits in the rEIS that there are no sites designated County Geological or Geomorphological Status within, or immediately adjacent to Belgard Quarry. I note the second submission of Geological Survey of Ireland in response to the section of the rEIS that alludes to this. While acknowledging the status of the quarry lands so referenced by GSI in the context of how the overall quarry was documented in 2014, it is reasonable to deduce that the activity the subject of the substitute consent application, having been completed for some time, did not, and will not, affect the preservation of a representative quarry face for educational uses when extraction ceases. I also note that it is the applicant's intention to incorporate preservation of a representative section of the Lower Carboniferous sequence under the restoration scheme, for geological educational purposes, in accordance with the request of the GSI Irish Geological Heritage (IGH) programme.

### 13.3.5 *Surface Water and Groundwater*

#### **Overview**

I note that it is submitted that extraction has taken place within the substitute consent area to a floor level of c.70mOD, thus quarrying has occurred below the naturally occurring water table. The rEIS states that there has been very little groundwater inflow and that this is due to the low permeability of the limestones and the low recharge rate. Rainfall within the quarry extraction area is seen as the most significant influent water to the substitute consent area. It is acknowledged that the lower quarry floors outside the substitute consent area drain and keep the substitute consent area dry.

#### **Surface Water**

I note the water management system that is in place in the quarry that has included, and includes, the area the subject of this application. Collected water was, and is, used in the ancillary manufacturing processes and for dust suppression. Excess treated water abstracted from the site, including the substitute consent area, was, and is, discharged under licence via a settlement lagoon to the Kingswood Stream, which is located to the west of the site. The Kingswood Stream runs in a northwest direction 300m from the western site boundary. It is a tributary of the Camac River which it joins 800m to the west of the quarry. The Camac River drains to the River Liffey 12km downstream at Heuston. It is noted from the rEIS that there is no loss in flow along the stream section closest to the quarry and it is implied, therefore, that the substitute consent area is unlikely to have impacted / be impacting on flows in the Kingswood Stream.

I acknowledge that water from the substitute consent area has been, and is being, discharged to the Kingswood Stream under licence from the Council. This discharged water is sampled on a monthly basis. The monitoring results provided in the rEIS inform the reader that the concentrations of

water quality parameters have been less than the licence limits in all but two isolated instances since 2008.

Based on the information provided and the lack of evidence to suggest there were previous adverse impacts on surface waters, it is reasonable to conclude that the surface water discharge from the substitute consent area is not likely to have impacted on surface waters in the vicinity. Finally, I note that mitigation measures, in the form of good practice measures, were put in place and continue to be in place and that a water monitoring programme continues.

### **Groundwater**

I acknowledge that the quarry is not located within any identified GSI or EPA groundwater supply source protection zones and that there is no recorded groundwater wells in the immediate vicinity on the EPA 2009 Abstractions register nor is there evidence of any springs in the vicinity. The incidence of impacts on groundwater receptors beyond the substitute consent area must be cognisant of this context. I further note that the applicant's considerations on the impact on the water environment include review of groundwater monitoring boreholes installed in 2008, where quality testing has been carried out. The monitored groundwater levels suggest that the zone of influence of the quarry does not extend far from the edge of the quarry. Based on the information provided in the application, there is no conflicting evidence to contradict the applicant's conclusion that no significant groundwater dewatering has taken place because of the low permeability of the limestones, the low recharge rate and the limited catchment area up-gradient of the quarry. I acknowledge that there is no known hydraulic connection or interaction between the substitute consent area and designated areas of conservation value. This issue will be addressed further in the review of the rNIS also.

Finally, the following is noted:

- The original soil/subsoil cover on the substitute consent area was thin to absent. Groundwater beneath the area is naturally extremely vulnerable to pollution. The removal of the soil/subsoil at the substitute consent area has not likely significantly increased groundwater vulnerability beneath the substitute consent area.
- No records have been produced of spillages or leakages in the past and no evidence has come to light of any hydrocarbon-impacted groundwaters. The rEIS submits that no fuels were, or are, stored within the substitute consent area.
- A number of existing mitigation measures have been in place and continue to be in place within the authorised quarry and substitute consent area. These are acknowledged as being good practice measures.
- It is further noted that a programme of water monitoring has been, and is being, undertaken by Roadstone Ltd. at the quarry.

Based upon these observations and findings, I consider that it is reasonable to conclude that the previous quarrying activities within the substitute consent area the subject of this application were unlikely to have resulted in significant impacts on surface waters and/or groundwater. I finally acknowledge the restoration measures proposed, allowing the quarry void to fill with water to levels similar to groundwater levels north of the quarry.

### 13.3.6 *Climate*

It is considered that the development the subject of the substitute consent application was not of sufficient scale to have had any direct or indirect impacts on local climatic conditions.

### 13.3.7 Air Quality

It is acknowledged that the impacts on air quality within the substitute consent area historically would have derived 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. Considerations on the likely impacts are as follows:

- Soils and subsoils that were stripped during the preparation of the substitute consent area were utilised on the site to form perimeter screening berms. The likely effects arising from these activities were almost certainly wholly contained within the confines of the quarry site.
- With regard to the extraction process itself, I note that the applicant states in the rEIS that filters were, and are, a designed-in feature of all drill rigs that are used at the quarry. It is reasonable to accept that the risk of significant dust emissions from this source would have been regarded as not significant.
- In transporting extracted materials to processing areas beyond the substitute consent area, it is acknowledged that access roads within the site are paved and that this significantly reduced the transportation of dust to cause any environmental concern from this source.
- With regard to processing of extracted materials, it is first noted that all such processing occurred outside of the substitute consent area, i.e. to the east of this area. It is acknowledged that the design of the processing plant has included the integration of dust control systems, including the use of shrouds, enclosures, and water-based suppression systems. It is considered that there was not likely to have been significant potential for dust dispersion with the provision of such measures.



The applicant has submitted dust monitoring results as part of the application. These indicate that the dust deposition levels for the quarry, and thus the substitute consent area, are within the recommended dust deposition emission limit value of 350 mg/m<sup>2</sup>/day (averaged over 30 days) and that they meet the requirements of condition no. 7 (a) of the Section 261 approval issued by the planning authority (Ref. No. SDQU05A/2). I also note the range of mitigation measures that were, and are, employed, which culminate in best practice measures, e.g. the use of water bowsers, the maintenance of hedgerows and screen planting, the development of perimeter screen berms, and internal vehicle speed management, provision of a wheelwash, and loads with fine materials being covered or dampened

There is no specific information provided that implies that the works arising from the substitute consent area had adverse air quality effects beyond the site. I acknowledge that the review of the quarry undertaken by South Dublin County Council under the Section 261A process included comments from its Environmental Health Officer and that it was stated that 17 complaints related to dust had been received by Council over the period 2004 to 2012. The report also detailed matters in relation to dust in a report by the Fettercairn Community Health Project (September 2007) and by Newlands Golf Club in 2006. Roadstone stated that it had responded to complaints notified to them in a proactive manner. It must, therefore, be acknowledged that, during these peak production years, there were problems with dust emissions, blasting and vibration and consequential negative impacts for the wider community. There are, however, no comments from the planning authority that infer that significant adverse environmental impact arose from the activities. The Board are left with an incomplete picture on the extent of impact on air quality that may be ascribed to development arising from within the substitute consent area. I must, however, acknowledge the monitoring

programme put in place which suggests that the quarry has operated, and continues to be operated, within the recommended dust deposition emission limit values set out in the best practice guidelines for the sector.

### 13.3.8 *Noise and Vibration*

#### **Noise**

There was a range of noise sources associated with the quarrying activities within the substitute consent area. The stripping of overburden and its movement to construct screening berms at the initial stages is acknowledged. It is accepted that such activities would have been of a temporary nature and, in the context of the overall operations on this site, would not have been construed as being of significant impact on the wider community, with the construction of same contributing to mitigation of likely impacts on the wider community. Blasting and stone extraction would have been the primary source of noise during the period of quarrying of these lands. This would have been followed by the loading and transportation of same to the processing area to the east.

I acknowledge that noise monitoring has been undertaken at six locations in the vicinity of the substitute consent area and that the rEIS provides details of monitoring between 2007 and 2012. The closest recreational sensitive receptors to the substitute consent area boundary is located approximately 160m to the west and the closest residential receptor to the substitute consent area boundary is located 290 m to the west. I accept that the results from the earlier years may reasonably be viewed as being representative of the noise sources during a very productive period of the quarry's operations. The rEIS reports that the measured noise levels were mainly influenced by external traffic noise sources on the adjacent public roads. Allowing for external noise sources and the distance between the monitoring locations and noise sensitive receptors, the noise levels

attributable to the operation of the equipment within the substitute consent area and the site were found not to exceed 55 dB(A) at the nearest noise sensitive receptors during permitted operating hours. The applicant also submits that, during the monitoring surveys, there was no evidence of a tonal or impulsive component to the noise recorded at the monitoring locations. These noise monitoring results confirm that the noise emissions from the site are in compliance with Condition no. 5 (a) and (b) attached with the decision under Section 261 (SDQU05A/2) and set by the planning authority.

### **Vibration**

The rEIS notes that ground vibration and air overpressure has been measured for each blast carried out at the quarry. Table 9-8 details historical blast monitoring results at the site between 2008 and 2012. A review of blast monitoring results from locations B1, B2, and B3 during the period 2008 to 2013 indicates compliance with established recommended threshold limits for groundborne vibration of 12 mm/sec (peak particle velocity). These blast monitoring results indicate that blasting operations have complied with Condition no. 7 (a) and (b) attached with the decision under Section 261 (SDQU05A/2) and set by the planning authority.

Overall, it may be concluded that, based upon the information contained within the application and in light of no specific details provided to the contrary that works within the substitute consent area caused significant noise and vibration impacts, no significant adverse impact arose for sensitive receptors from the operations within the substitute consent area in relation to noise and vibration.

In conclusion, I note the range of mitigation measures that have been employed, the monitoring programme in place, and the intended provisions into the future to ensure compliance with threshold values. There are no

specific remedial measures required in relation to noise and vibration within the substitute consent area.

### 13.3.9 *Landscape and Visual*

#### **Landscape**

It is once again acknowledged that the lands at this location would have previously been in agricultural use and that the quarrying of this land resulted in the loss of pasture land and hedgerows. The wider area in which this quarry is set has been one undergoing significant change in the form of urbanisation before, during and after the time of the quarrying of the substitute consent lands. It is noted that the land uses to be pursued within the substitute consent area in this context would likely have been in the form of the extension of the quarried lands or for uses associated with the mix of uses prevailing in the environs.

I note that the quarry, including the substitute consent 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”.*

Thus, the landscape character context of the development is well understood. I further note that the land is in an area that is zoned to allow for the quarry use. The substitute consent area was not, and 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 substitute consent 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 substitute consent area 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 substitute consent 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 formed 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 the substitute consent area had a relatively minor landscape impact because of the prevailing landscape character associated with this location. Furthermore, the visual impact on the wider community was relatively limited, with measures in place to mitigate significant adverse effects.

### 13.3.10 *Cultural Heritage*

With regard to archaeology, the substitute consent area is not known to have contained any features of value and there is no evidence that the quarry works within this area impacted on any features previously unknown. The works are not known to have indirectly affected any archaeological features in the wider area, inclusive of known features within the quarry (the Record of Monuments and Places indicates that there are four Recorded Monuments located elsewhere on Roadstone Limited lands within the vicinity of the substitute consent area and it is acknowledged that three were removed during the works). It is apparent that the scale and nature of the quarrying operation has eradicated the context of the archaeological features so designated and that quarrying within the substitute consent area is likely to have contributed to this to some degree.

There are no features of architectural heritage value or other features of cultural heritage value within the substitute consent area or in the immediate vicinity that could result in direct or indirect effects thereon.

Overall, in the context of no direct impacts on cultural heritage and the limited degree of indirect impact on features of archaeological heritage within a radically altered and changing environment, it is reasonable to conclude that impacts on cultural heritage arising from the quarrying within the substitute consent area were not significant in the context of the large scale quarry operation.

### 13.3.11 *Material Assets*

I note that the material assets considered in the application were residential/commercial buildings, historical buildings/monuments, amenity areas, transport and infrastructure, and local services. The rEIS 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 substitute consent area).

No known adverse impacts arising from the quarry development the subject of this application on residential and commercial properties in the vicinity, on structures of cultural heritage value, amenity and local services and infrastructure have come to light through the application process. Thus, it is considered that it is reasonable to conclude that significant adverse impacts on these features were unlikely to have arisen. My considerations on traffic and transportation are noted below.

### 13.3.12 *Roads & Traffic*

I note that the main access to the quarry is served off Cookstown Road. A secondary quarry access is located to the north of the site on the N7 Naas Road. 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.

The revised Traffic and Transport Assessment contained in the rEIS considers the other activities and extraction areas within the confines of the overall quarry operations in the context of cumulative impact. Reference has been made to historical traffic levels for an 8 year period between 2005 and 2012. There was a large variance in the level of operation during this period. The average level of operation across the 8-

year period was calculated as generating 105,758 annual one-way HGV trips, therefore 211,516 HGV movements annually. The peak level of operation in 2005 saw the site generating 165,677 one-way HGV trips, therefore 331,354 HGV movements. During the determined average level of operation, based upon the operator's historic records, the site generated 1,318 vehicle movements per day comprising 698 HGVs and 620 light vehicles. When operating at the determined average levels of operation the site generated a maximum of 126 movements during the AM peak comprising 58 LVs and 68 HGVs, a maximum of 177 movements during the peak of the site's daily operation comprising 73 LVs and 104 HGVs, and a maximum of 74 movements during the PM peak comprising 56 LVs and 18 HGVs.

The assessment considered the traffic impact on the road network during the average level of site operation on the N7 Naas Road using 2006 and 2010 traffic figures, and the traffic impact on the Cookstown Road during the average level of site operation using the 2013 recorded traffic flows. The findings include:

- The quarry's HGV traffic generally distributes equally out of each site access/egress with 50% of HGVs using the main Cookstown Road entrance and 50% using the secondary N7 Naas Road entrance.
- During average levels of operation, traffic generation would have made up to 0.6% of the total two-way flow on the M7 during 2006. In terms of HGV impact, the assessment shows that the site would have made up to 2.3% of the recorded daily two-way HGV traffic on the M7, with a worst-case impact being during the site's operational peak where the generated traffic made up to 5.1% of the two-way traffic flow.
- The site, during average levels of operation, would have made up



to 0.6% of the total two-way flow on the M7 during 2010. In terms of HGV impact, the assessment shows that the site would have made up to 3.0% of the recorded daily two-way HGV traffic on the M7, with a worst-case impact being made during the site's operational peak where the generated traffic made up to 6.9% of the two-way traffic flow.

- The site, during average levels of operation, would make up to 7.1% of the total two-way flow on Cookstown Road, to the north of the site access, during 2013. The rEIS submits that, as would be expected for a local road where a major quarry site takes direct access, the site-generated HGV traffic makes up a large amount of the HGV traffic on the network. During average levels of operation, site-generated HGV traffic would make up to 66.7% of the HGV two-way flow on Cookstown Road, to the north of the site access, during 2013.
- The Cookstown Road entrance has always been the main access for the quarry, and it has / currently operates adequately without any issues in terms of capacity or highway safety. Cookstown Road is subject to a 50km/h speed limit. There are no accident records indicating that there are existing incident patterns at the main site entrance. Sightlines at the main quarry entrance/Cookstown Road junction are regarded as being acceptable.
- With regard to the N7 quarry entrance, the N7 Naas Road is a national primary road and is designed to carry significant traffic flows including HGVs. The rEIS submits that the quarry traffic is well catered for, with dedicated on/off-slips and adequate sightlines.
- The applicant concludes that the historical and existing quarry traffic levels have been, and can be, comfortably accommodated on the local and wider highway network. The traffic generated is viewed as having a minimal impact in terms of transportation and highways.

Overall, it is acknowledged that the information provided on traffic and transportation has not brought to the attention of the Board any significant issues that previously arose for the public road network in the vicinity arising from previous quarry activities. The network appears to have accommodated HGV and other traffic generated without significant incidents, including significant impact on the carrying capacity of the road network, interference with traffic flows, creation of hazard and direct contribution to accidents. In light of this, it may be reasonable to conclude that the impact, in traffic and transportation terms, of the quarrying activity the subject of this substitute consent application was not likely to have resulted in any significant environmental impact.

Finally, I note the submissions from the planning authority relating to traffic and transportation and from the National Roads Authority (now Transport Infrastructure Ireland). These will be considered later in this assessment.

### 13.3.13 *Cumulative Impacts*

I note from the rEIS that consideration was given to cumulative impacts in relation to the functioning and operations of the overall quarry at this location. The factors of relevance when considering environmental impact have been addressed. I know of no other notable development from the period relevant to this application with which cumulative impacts may or could have resulted and may or could have had a likely significant environmental effect. The environmental impacts resulting from the cumulative impact arising from the development the subject of this application with the overall quarry development are considered not to be significant in light of the above assessment.

#### 13.3.14 *Interactions*

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

### **13.4 Impact on European Sites**

#### 13.4.1 *Screening of European Sites*

The submitted rNIS follows a NIS screening assessment carried out by South Dublin County Council as part of the examination of the quarry under section 261A and the subsequent determination by the planning authority.

In Section 4.0, the rNIS identified eight European sites within a 15km radius of the quarry. It is stated that all of the sites are of a sufficient distance from the quarry such that they would not have been or are likely to be affected by any direct loss of habitat at these sites and are outside the potential zone of influence for any effects from disturbance arising from noise, vibration and human and visual disturbance, or the effects of dust deposition from the quarry operations to have had or likely to have any impact on any qualifying habitats and/or species for which these sites are of European importance.

I concur with this position. These sites range from distances of 5.1km to 13.9km from the quarry, with significant intervening established development.

In Section 4.1 it is stated that given the distances of the European sites, 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 and South Dublin Bay and Tolka Estuary SPA. As a result

it is these two European sites that were screened in for the assessment in the rNIS.

I again concur with this conclusion. There are no other known potential sources arising from the quarry that would impact on the European sites where such distances apply. Furthermore, there are no other pathways evident that could link emissions from the quarry to the other sites. I note that the two selected sites are over 13km east of the quarry at its nearest point.

#### 13.4.2 *South Dublin Bay SAC*

This is a coastal system covering over 740 hectares that extends from the South Wall to the west pier at Dun Laoghaire. It was selected as a SAC in 2000 for its sand and mudflats not covered by seawater at low tide (an Annex I habitat). The conservation objective for this qualifying interest is to maintain or restore the favourable conservation condition of the Annex I habitat. It has the largest stand of *Zostera* (Eelgrass) on the east coast and is also an internationally important site for wintering waterfowl populations.

#### 13.4.3 *South Dublin Bay and Tolka Estuary SPA*

This comprises over 2190 hectares of Dublin Bay and includes virtually all of the intertidal area in the south bay and much of the Tolka Estuary to the north of the River Liffey. The site is of international importance for Light-bellied Brent Goose and of national importance for nine other waterfowl species. It also provides an autumn tern roost of international importance. It was classified as a SPA in 2003 and it qualifies under the Birds Directive because it regularly supports over-wintering and migratory populations of European importance. The over-wintering populations include Light-bellied Brent Goose, Oystercatcher, Ring Plover, Grey Plover, Knot, Sanderling,

Dunlin, Bar-tailed Godwit, Redshank and Black-headed Gull. The migratory populations include Roseate Tern, Common Tern and Arctic Tern. It also qualifies under Article 4.2 of the Directive as a wetland of international importance by regularly supporting significant populations of waterfowl. The conservation objective is to maintain or restore the favourable conservation status of the qualifying species.

#### 13.4.4 *Pathways*

The rNIS determined that changes in surface water quality arising from the quarry operations constituted the sole potential hazard that might affect the qualifying interests for which the two European sites were selected. I concur with this conclusion.

The main hazards to changes in water quality from the quarrying operation are identified as being from toxic contamination, changes in pH, nutrient and organic enrichment, and sedimentation.

The Kingswood Stream directly receives discharge waters from the quarry. It is classified as being of 'good' status under the Water Framework Directive. It is not routinely monitored by the EPA. The Camac River downstream of the confluence of the Kingswood Stream until it joins the Liffey is assessed as having 'bad' status. The latest EPA assessment shows it has a Q-rating of Q2-3, Q3 (poor). The transitional waters of the Liffey Estuary and the coastal waters of Dublin Bay are assessed as being of 'moderate' status.

The discharge waters from the quarry are comprised of treated groundwater, incidental rainfall and excess surface water run-off, and process water. Before any discharge, all wastewater is treated to remove suspended solids using settlement lagoons. A hydrocarbon interceptor was installed at the quarry refuelling station.

The rNIS determines that the risk of contamination of any discharge water is low and it is submitted that there have been no reported pollution incidents arising from the discharge of effluent from the quarry waters on the receiving waters of the Kingswood Stream or the Camac River. The discharge water has been regularly monitored in accordance with the conditions set down in the discharge licence. The report notes that there was one exceedence of Ammonia in May 2013 and one exceedence of Phosphate in April 2008.

I note that discharge water quality monitoring results for the quarry operation have been provided for the period between January 2008 and June 2013 as Appendix A of the rNIS. Albeit the quarry extraction the subject of this substitute consent application also relates to a period before this, I consider the results to be useful and appropriate for assessment purposes here, particularly for the earlier years as they could be viewed as being representative of a significant period of busy operations against which likely potential water quality impacts could be identified and measured.

The applicant submits that, based on the discharge water monitoring results, the discharge from the quarry has not had or is not having any significant detrimental effect on the overall water quality in the Kingswood Stream / Camac River and has had or is having a negligible effect on the chemical water quality in the transitional waters of the River Liffey and South Dublin Bay. It is concluded that the discharge from the quarry is not likely to have had or will not have a measurable significant impact on the South Dublin Bay SAC and the South Dublin Bay and Tolka Estuary SPA and on any qualifying features for which these sites are of European importance.

I concur with these findings. While a potential exposure to hazard resulting from discharges to the Kingswood Stream exists, there is no measurable significant adverse impact on the integrity or population status of the qualifying interests of these conservation sites of European importance that

can be identified. Thus, the discharges arising from the previous quarry activity the subject of this rNIS are not likely to have been significant in terms of their effects on the conservation objectives of the European sites. It is, thus, reasonable to conclude that no significant adverse effects on the SAC and SPA and their qualifying habitats and species has resulted from the previous quarry operations the subject of this rNIS. No further specific mitigation measures are required, with the discharge waters from this quarry having been, and continuing to be, subject to licensing and regular monitoring.

In relation to 'in-combination' assessment, the applicant submits that the operations at the quarry have not had any effects on the European sites or are not likely to have any effects to affect the integrity or qualifying interests of these sites. It is concluded that there is not a requirement therefore to undertake any further assessment in combination with other plans and projects on these European sites. It is my submission that, as a result of the quarry operations having had no likely direct or indirect effects on the two European sites and having resulted in no known residual adverse effects remaining from the operations the subject of this rNIS which could have potentially effected these sites, it is reasonable to conclude that no 'in-combination' effects have arisen in this instance.

#### 13.4.5 *Conclusion*

Overall, 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 South Dublin Bay SAC and/or South Dublin Bay and Tolka Estuary SPA, or any other European site, in view of the sites' Conservation Objectives.

## **13.5 Submissions from the Planning Authority**

13.5.1 I note that two reports were forwarded from the planning authority, with the more detailed response being to the initial application. A primary concern of the planning authority at that time related to the nature and extent of the initial substitute consent application. This matter has been rectified and the applicant's application, inclusive of its rEIS and rNIS, has become suitably focused on the substitute consent area so determined by the planning authority.

13.5.2 The planning authority's recommendations on conditions are based on a review of the conditions imposed as part of the section 261 process. Accepting that there may be some overlap applicable to these conditions, the process of substitute consent for part of this quarry and any subsequent grant of consent with attached conditions does not replace the conditions arising from the section 261 process and is focused on the substitute consent application itself.

13.5.3 With regard to the attachment of development contribution conditions, I note that the Board has been consistent in its approach to the attachment of such conditions when dealing with substitute consent applications. I can see no reason why there would be a reversal or variation in approach in relation to this application. Evidently, previous quarrying activity has benefited from public infrastructural provisions.

13.5.4 I note that adequate details and clarity are provided in terms of the content of the application to allow for the assessment of the nature and extent of the application before the Board, inclusive of depths of works, extent of applicable area, restoration proposals, etc.

13.5.5 With regard to plans and objectives and future land uses, the Board will note that this issue has been addressed earlier in this assessment.



13.5.6 The planning authority also attached submissions from various departmental officers in response to a range of sections detailed in the rEIS. A number of the matters raised have been addressed earlier in this assessment under “Environmental Impacts” and will not now be revisited. However, the following additional considerations are offered:

- \* Despite the determination by the planning authority under section 261A that a remedial Natura Impact Statement was required for the substitute consent application, the planning authority submits to the Board that a Stage 2 Appropriate Assessment is not warranted by virtue of the distance of the site from Natura 2000 sites within a 15km radius, the lack of significant ecological pathways between the site and the Natura 2000 sites, and the avoidance measures already in place on the site that address water quality of discharge.
- \* In terms of impacts on ecology, the nature and extent of surveys to have been undertaken and the findings are noted. The Board is aware that this application relates to development previously undertaken for which EIA was required and did not take place. Limitations on available relevant information in assessing development that has occurred and is complete are evident. Further survey work on current circumstances would not likely add to the assessment of the relevant development in this instance.
- \* The limitations on the information available on the extent of impact on the water table are acknowledged. What pertinent information that is available, based upon monitoring and survey work, is all that can reasonably be provided at this time.
- \* Significant details are set out in relation to traffic and transportation, with a particular emphasis on the need for upgrading and improving access to the quarry. Once again it is noted that the development the subject of this application relates to development undertaken in the

past. The consideration of the operation of the quarry into the future and the need for changes to operational provisions relating to the overall quarry is not the subject of this application.

13.5.7 In conclusion, the planning authority has appropriately highlighted the serious deficiencies that apply to assessing the environmental impacts of a development that has already taken place, much of which has occurred some years back. Clearly, no assessing authority can be sure of the impacts that have resulted from this development - direct, indirect, significant or otherwise. This demonstrates the futility of the retrospective examination process being undertaken in cases such as this.

### **13.6 Submissions from Prescribed Bodies**

13.6.1 I note the comments of An Taisce, the Geological Service of Ireland, the National Roads Authority, Inland Fisheries Ireland, the Department of Defence, the Railway Safety Commission and the Health Service Executive . In relation to An Taisce's submission, I note the provisions provided under the Planning Act that are required to be acknowledged and the duties of the Board in response to same. The limitations of the exercise have been noted a number of times in this assessment. With regard to GSI and NRA submissions, it is apparent that the issues raised primarily focus on the development into the future at this quarry site and not on the previous development which is the subject of this substitute consent application.

## **14.0 RECOMMENDATION**

Having regard to my assessment above, I consider that the application for substitute consent should be granted in this instance. Based on the

information available, I make the conclusion that it appears that the quarrying activity the subject of this application has not given rise to significant adverse effects on the environment and has not resulted in significant effects on the integrity of European sites in the area. I, thus, recommend that the application for substitute consent be granted based on the reasons and considerations and subject to the conditions set out below.

### **REASONS AND CONSIDERATIONS**

The Board had regard, inter alia, to the following:

- the provisions of the Planning and Development Acts, 2000 to 2011, as amended, and in particular Part XA,
- the *Quarries and Ancillary Activities, Guidelines for Planning Authorities*, issued by the Department of the Environment, Heritage and Local Government, April 2004,
- the provisions of the South Dublin County Development Plan 2010-2016,
- the remedial Environmental Impact Statement and remedial Natura Impacts Statement submitted with the application for substitute consent,
- the report and the opinion of the planning authority under section 177I of the Planning and Development Act 2000, as amended,
- the submissions made in accordance with regulations made under section 177N of the said Act, as amended,

- the report of the Board's Inspector, including in relation to potential significant effects on the environment and on the integrity of European sites in the area,
- the planning history of the site,
- the pattern of development in the area, and
- the nature and scale of the development the subject of this application for substitute consent.

The Board completed an Environmental Impact Assessment in relation to the development in question and concluded that the remedial 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 development and also agreed with its conclusions in relation to the acceptability of mitigation measures proposed and residual effects.

The Board completed an Appropriate Assessment and agreed with the Inspector's finding that the development in question would not be likely to have a significant effect on a European Site.

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

## CONDITIONS

1. This grant of substitute consent shall be in accordance with the plans and particulars submitted to An Bord Pleanála with the application on the 14<sup>th</sup> day of August 2015. This grant of substitute consent relates only to works undertaken to date and does not authorise any future development on the subject site.

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

2. A detailed restoration scheme for the site according to the broad principles indicated in the remedial Environmental Impact Statement shall be submitted to the planning authority for written agreement within three months from the date of this order. The restoration scheme shall include a timeframe for implementation, an aftercare programme for a period of not less than five years, and security provisions within and bounding the quarry site.

**Reason:** In the interest of the visual amenities of the area, to ensure public safety and in the interest of orderly development.

3. 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.

4. 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.

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Kevin Moore

Senior Planning Inspector

April, 2016