

Mary Ledwith

My T

From: Jason Ryan <jryan@SDUBLINCOCO.ie>
Sent: Thursday 19 August 2021 17:00
To: Appeals2
Subject: ABP-310461-21 - SDCC Report for Application for Substitute Consent
Attachments: ABP-310461-21 - Application for Substitute Consent Report to ABP.pdf

attachments
in post

Dear Sir/Madam,

Please find attached South Dublin County Council's report in respect of Application for Substitute Consent for ABP-310461-21

A hard copy has been forwarded by Registered Post.

Regards,
Jason.



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SOUTH DUBLIN COUNTY COUNCIL'S PLANNING AUTHORITY'S REPORT TO AN BORD
PLEANALA ON APPLICATION FOR

SUBSTITUTE CONSENT UNDER SECTION 261A

AT BEHAN'S QUARRY WINDMILL HILL, RATHCOOLE

ACCOMPANIED BY A REMEDIAL EIAR AND A SCREENING REPORT TO INFORM THE
REMEDIAL APPROPRIATE ASSESSMENT

AN BORD PLEANÁLA

LDG- _____
ABP- _____

23 AUG 2021

Fee: € _____ Type: _____
Time: _____ By: *leg post*

Land Use Planning and Transportation Department

South Dublin County Council

County Hall

Tallaght, Dublin 24

Prepared by: Tracy McGibbon

Date of Report: 18th August 2021



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1 INTRODUCTION

- 1.1 By letter dated 16th June 2021 An Bord Pleanála requested South Dublin County council to submit a report on the **substitute consent** application made by Mr. Laurence Behan of Behan, Behan Quarry, Windmill Hill, Rathcoole, Co. Dublin in accordance with Section 177I of the Planning and Development Act 2000, as amended.
- 1.2 The permission for development sought in this instance is for **Substitute Consent** as required by Section S261A of the Planning and Development Act, 2000, as amended. It is noted that an application **seeking further development consent** at Behan's Quarry **is running concurrent to this application under Reference ABP-310466-21.**
- 1.3 According to Circular PL8/2013, "...in respect of section 261A substitute consent applications, planning authorities should complete a section 177I report and return it to Board within 3 weeks of receipt a copy of the application from the Board". Circular PL8/2013 was issued at a time when it was recognised that the information required was readily available and easily accessible to the Planning Authority. The Planning Authority notes that the Primary Legislation provides 10 weeks for the preparation and submission of the report. Having regard to the lapse of time, change of staff and the need to collate all the information to be sent to ABP since the 2013 application and report preparation it is considered that 10 weeks in this instance is necessary.
- 1.4 The Planning Authority unreservedly places the establishment and determination of the validity of this application in the hands of An Bord Pleanála (hereafter referred to as ABP).
- 1.5 The Planning Authority unreservedly places the establishment and determination of the works and development that come under the definition of quarry in the hands of ABP. Any works/development that do not come under the definition of quarry or provided for under S261A of the Planning and Development Act, as amended, should be excluded/omitted by way of condition.
- 1.6 Application accompanied by a Remedial EIAR (rEIAR) and Screening Report to Inform the Remedial Appropriate Assessment (rAA). (Retrospective consent)

2 BACKGROUND

- 2.1 By High Court Order [2018 No. 929 JR] the decisions of ABP to refuse substitute consent PL06S.SU0068 and refuse further development of the quarry under S37L PL06S.DQ0003 were quashed. This substitute consent application with Remedial EIAR (and the concurrent application for further development of the quarry, accompanied by an EIAR) is by Order of the High Court August 2020 that set aside the previous substitute consent (Ref. PL06.SU0068) and a S.37L (PL06S.QD0003) application decisions and granting relief including:

“...that a fresh application for substitute consent... in respect of the determination made and notice issued under section 261A(2)(a), 261A(3)(a) and 261A(7) of the Planning and Development Act, 2000 as amended in relation to the quarry at Windmill Hill Rathcoole county Dublin...”

- 2.2 The chronology of the Behan's Quarry Planning history prior to the High Court Order is set out in the 'Behan's Quarry Folder S8076' and accompanying explanatory report issued to An Bord Pleanála 16th July 2021. This file and the explanatory report, sets out the chronology of Behan's Quarry Planning History to 2019. It includes a summary of planning history, legislation and enforcement history purporting to the site. This folder and report will be referred to throughout the following assessment.
- 2.3 The S261A determination and decision, High Court Order and extent of the quarry area for substitute consent (and S37L – concurrent application) gives rise to EIA and the requirements for remedial Environmental Impact Assessment Report (rEIAR) (and Environmental Impact Assessment Report (EIAR)). A Screening Report to inform remedial Appropriate Assessment (AA) has been submitted with the application.
- 2.4 **Note:** The applicant states, on Page 9 of the cover letter dated 9th June 2021 from Cunnane Stratton Reynolds *'that a single EIA project boundary for the purposes of assessment by experts of works past and proposed is consistent and will facilitate EIA of each development proposal within the same EIA project envelope'*. The Planning Authority draws the Board's attention to this statement. The envelope area is stated to be 46.14 hectares and it *'encloses previous recent quarry application areas, current workings and intended future workings'*. The Planning Authority is of the opinion that the *'intended future workings'* cannot form part of the assessment of this substitute consent application. A condition should be attached clearly detailing works permitted.
- 2.5 **Note:** A storage/drying shed and a concrete plant, located within the administration and plant processing area that do not hold pre 1963 or exempted development status require regularisation. These items, existing within lands that hold development for which an EIA is required, require a regulating planning consent.
- 2.6 *"The quarry business on site has progressed to include asphalt and concrete production and has been utilised as an infill site mainly for the purposes of the N7 and, in more recent times, for the recovery of C&D inert waste materials". [as detailed on Page 2 of Agent's cover letter]* The Planning Authority notes that permission for the recovery of C&D inert waste materials cannot be traced to the subject site.

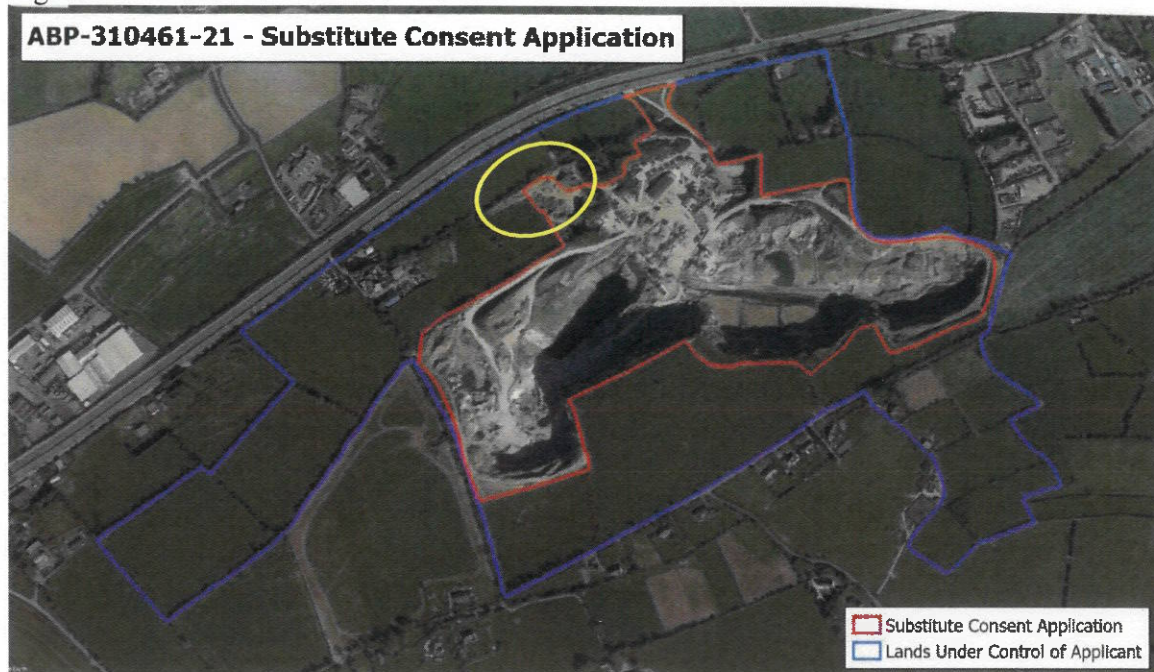
3 PROPOSED DEVELOPMENT

- 3.1 This application relates to the substitute consent of quarrying works under S261A of the P&DA Act. High Court Order [2018 No. 929 JR] reset the clock on this substitute consent application and the quarrying works carried out on site form this application.
- 3.2 The substitute planning application area (extracted area) is stated to be 28.8 hectares (ha), with a current *average* working depth of 173 mAOD (metres above Ordnance Datum).
- 3.3 Extraction by blasting and mechanical means.
- 3.4 Excavated material is crushed at the working face by mobile plant and transported to a central plant area for washing, grading and processing.
- 3.5 Site accessed at a single location off the N7.
- 3.6 Centrally located administration and processing plant area, 2 x office buildings, 4 x portacabins, 4 x containers, 2 x storage/maintenance sheds, a storage/drying shed, water recycling unit and silt press, an asphalt plant, a concrete plant and washing, crushing, screening and bagging plants – contained within an area measuring 5 ha.
- 3.7 **Note:** The applicant states that the concrete plant and the storage/drying shed, erected within the last three years do not form part of this application.
- 3.8 A concept restoration plan forms part of the rEIAR.
- 3.9 The main differences between the previous Substitute Consent (SC) application (ABP decision quashed by High Court Order) and this current proposal are as follows:
 - i. The previous application was over 40.875 ha, the current is stated to be 28.8 ha. The deepening of the quarry is not proposed, as was proposed in the previous application. The reason for this is stated to be that the current application reflects the extracted area and not areas yet to be quarried **as these works cannot be sought in a substitute consent application**. Extension of quarrying is sought in the concurrent S37L application.
 - ii. The SC area includes: *'excavated lands and associated aggregate processing plant, and pre '63 and permitted development within the administration and plant processing area identified over an area of 5 ha. at the centre of the substitute consent application.'*
 - iii. The rEIAR utilises 1990 as the baseline year for assessment and the screening report for remedial AA utilises 1997 as the baseline year. The previous application, it is stated, set the EIA baseline year at around 1960.
 - iv. A storage/drying shed and a concrete plant, located within the administration and plant processing area that do not hold pre 1963 or exempted development status are excluded from this SC application under S261A.

4 DEVELOPMENT CARRIED OUT ON SITE - APPLICATIONS MADE

- 4.1 The Planning Authority notes the red line and blue lines as delineated on Site Location Map Project No. 20137776 Drawing No. 02 and would like to draw the Board's attention to works that may be carried out on lands outside of the red line and within the blue line to the north-west of the site. Refer land circled yellow, Figure 4.1.

Figure 4.1



- 4.2 Planning History traced to the subject site. The following is an overview only of the planning history traced to the subject lands. Greater detail can be found in Tab 1 through to Tab 14 in the 'Behan's Quarry Folder S8076' and accompanying explanatory report issued to An Bord Pleanála 16th July 2021.
- i. SD12A/0059/EP – Permission for Extension of Duration **refused** for a dedicated area within the existing quarry site in which no more than 10,000 tonnes per year of imported inert materials (soils, stones, rock, concrete, tarmacadam) generated by off-site construction activities shall be segregated, processed, recycled and reused as raw materials for the existing on-site asphalt manufacturing plant. The proposed development requires a Certificate of Registration under the Waste Management (Facility Permit and Registration) Regulations 2007 and 2008.
 - ii. 06S.QD0003 – Permission **refused** for further development of the quarry under Section 37L at this location, to further develop a quarry having a total site area of 40.875ha including reinstatement of worked out quarry to agricultural use by the means of importation of inert subsoil and top soil amounting to a total of 11,151,570 cubic metres.
 - iii. PL 06S.SU0068 (SDCC reference: SDQU05A/4) An Bord Pleanala -. The Board, in accordance with Section 177K of the Planning and Development Act, 2000, as amended **refused** substitute consent.
 - iv. SD12A/0059 (An Bord Pleanala – PL 06S.241259) – Permission was **granted** by the Board for a development consisting of a dedicated area within the quarry in which no more than 10,000 tonnes per year of imported inert materials generated by off-site construction activities.

Condition 2: This permission shall be for a period of five years from the date of this Order, unless before the end of that period, permission for continuance beyond that date shall have been granted. REASON: To enable the review of its operation having regard to the planning history of the site.

- v. SD11A/0271 - The establishment of a waste management facility with a maximum intake volume of 10,000 tonnes per annum to accept inert waste material including waste bituminous mixtures (EWC 170302), waste concrete (EWC 170101) & waste gravel and crushed rocks (EWC 010408) for its recycling & reuse in the existing tarmacadam manufacturing plant located on the site. The proposed facility would require a Certificate of Registration under the Waste Management (Facility Permit and Registration) Regulations 2007 and 2008. No E.I.S. submitted. Decision: **Refuse** permission.
- vi. SD10A/0197 - Establishment of a Waste Management Facility with a maximum intake volume of 24,000 tonnes per annum to accept inert waste material including waste bituminous mixtures (EWC 170302), waste concrete (EWC 170101) & waste gravel and crushed rocks (EWC010408) for its recycling & reuse in the existing tarmacadam manufacturing plant located on the site. Facilitate the deposit of waste bituminous product, waste gravel and waste concrete into haul roads throughout the subject quarry site. Application was **withdrawn** following non-response for further information requested.
- vii. 06S.PA0006 - Permission **refused** by An Bord Pleanála for a Resource Recovery Facility (N7RRP) for the thermal treatment of 365,000 tonnes per annum of non-hazardous residual municipal waste and construction and demolition (C&D) waste; the recovery of materials (metals [11,500 tonnes – comprising 6,600 tonnes of ferrous and 4,900 tonnes of nonferrous metals per annum] and boiler aggregate/bottom ash [23,000 tonnes per annum]); manufacture of concrete products; and the generation of 28MW of electricity for export to the national grid. The proposal sought to utilize the existing access and egress point from the N7 National Primary Road.
- viii. SDQU05A/4 The quarry on site was **registered** with South Dublin County Council under Section 261 of the Planning and Development Act 2000. Thirty-six (36) conditions were attached.
- ix. 88A/709 - Permission **granted** for a mobile asphalt mixing plant within the existing quarry.
- x. SA1936 - Permission **granted** 1980 for a machinery store at Windmill House.
- xi. Ref. A.14 (Ref 11547) - Permission **granted** for a quarry at this site. 1968.

4.3 The Planning Authority cannot trace planning permission for the following development:

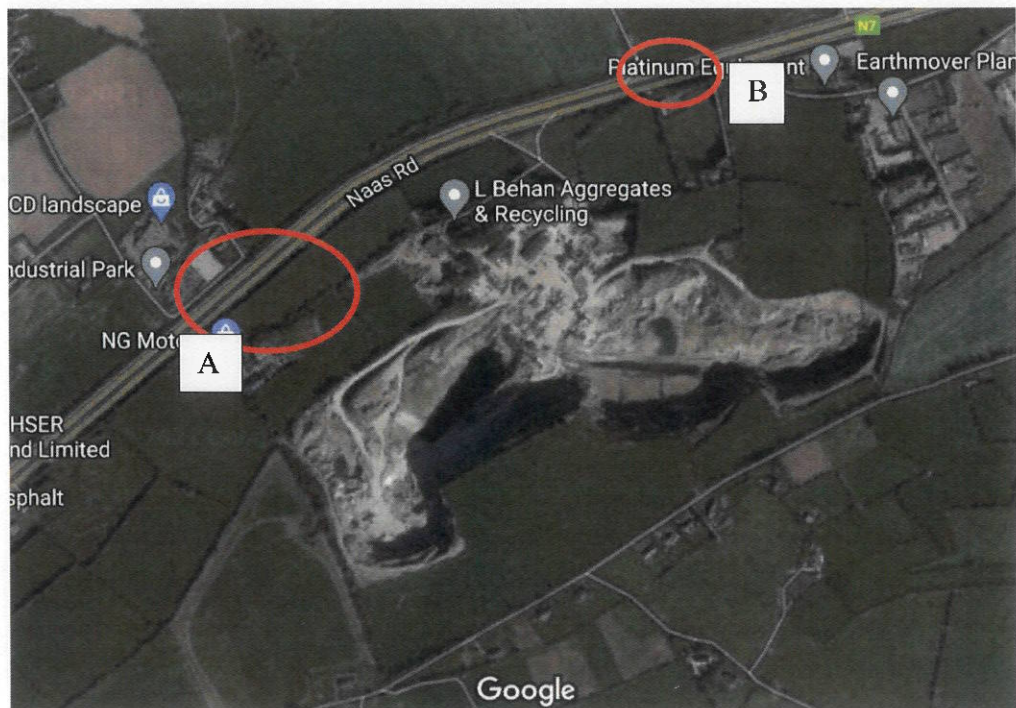
- i. 2 x office buildings,
- ii. 4 x portacabins,
- iii. 4 x containers,
- iv. 2 x storage/maintenance sheds,
- v. a storage/drying shed,
- vi. water recycling unit and silt press,
- vii. a concrete plant and washing, crushing, screening and bagging plants

The Planning Authority recommend that ABP seek clarification on these works/development and request the applicant, by way of additional information request to submit all relevant planning permissions for the above development and/or a proposal for regularising the development, if necessary.

5 WARNING LETTER – ENFORCEMENT NOTICE – PROCEEDING

- 5.1 The Planning Authority would like to draw the Boards attention to two enforcement case files Reg. Ref. S7457 and S8076. Details of which can be found in Tab 15 and Tab 16 of the 'Behan's Quarry Folder S8076' and accompanying explanatory report issued to An Bord Pleanála 16th July 2021.
- 5.2 The Planning Authority also notes and would like to draw the Board's attention to commercial activities that are alleged to be taking place to the north and west of lands outlined in blue within the ownership of the applicant. [Circled and labelled A on Figure 5.1]. The lands take access from the Naas Road (N7). No planning history can be traced to these lands and a recommendation has been sent to South Dublin County Council's Enforcement department to investigate these works and commercial uses on rural zoned lands.
- 5.3 The Planning Authority also notes alleged unauthorised development, works and uses that have taken place on lands outlined in blue located to the north and east of the overall landholding. [Circled and labelled B on Figure 5.1] The site is located off the N7 (with an agricultural entrance in place). The development constructed on site appears to take access off the historic Naas Road, now cul-de-sac'd. No planning history can be traced to these lands and a recommendation has been sent to South Dublin County Council's Enforcement department to investigate these works and uses on rural zoned lands.

Figure 5.1



6 RELEVANT COUNTY DEVELOPMENT POLICIES AND OBJECTIVES

6.1 The relevant provisions of the County Development Plan include: the Zoning of the lands, Tourism and Leisure, Rural Economy, Mineral Extraction, Protected Structures, Protected Prospects and the Landscape Character Assessment, as follows:

- 6.1.1 The subject lands are zoned 'RU' in the current South Dublin County Council Development Plan 2016-2022, with an objective '*To protect and improve rural amenity and to provide for the development of agriculture*'. Industry-Extractive and Concrete/Asphalt Plant in or adjacent to a Quarry are permitted in principle.
- 6.1.2 Schedule 2 – record of Protected Structures: Windmill House, described as a 'Stone Windmill (Ruin) and a Recorded Monument is located to the south of the overall landholding and on lands outlined in blue on the submitted maps.
- 6.1.3 Traveller Accommodation to be provided for on lands to the north-west of the overall landholding, within lands outlined in blue on the submitted drawings.
- 6.1.4 Section 9.2.1 Views and Prospects – Chapter 9 of the current County Development Plan provides for a prospect to be preserved.

Table 9.2: Prospects to be Preserved and Protected

| Map Ref. | Prospect | Map Ref. | Prospect |
|----------|---------------|----------|-------------------|
| 1 | Athgoe Hill | 10 | Piperstown Hill |
| 2 | Bustyhill | 11 | Glenasmole Valley |
| 3 | Windmill Hill | 12 | Cruagh Mountain |

6.1.5 Section 4.5.0 Tourism and Leisure – Chapter 4 of the current County Development Plan is relevant:

| ECONOMIC AND TOURISM (ET) Policy 8 Heritage, Culture and Events Tourism |
|--|
| It is the policy of the Council to support the development of heritage, cultural and events tourism. |
| ET8 Objective 1: To support the sensitive restoration of heritage buildings and sites and operate flexibility with regard to the use of converted buildings to facilitate heritage tourism. |

6.1.6 Section 4.6.0 Rural Economy – Chapter 4 of the current County Development Plan is relevant:

In rural areas of the County there is a need to balance the need for social and economic activity with the protection of the environment and character of the rural landscape. Through zoning and development management objectives, it is the intention of the Council to restrict development in rural areas to appropriate forms of development that have a social or economic connection to the local area.

ECONOMIC AND TOURISM (ET) Policy 9 Rural Economy

It is the policy of the Council to support sustainable rural enterprises whilst protecting the rural character of the countryside and minimising environmental impacts.

ET9 Objective 1:

To support and facilitate sustainable agriculture, horticulture, forestry and other rural enterprises at suitable locations in the County.

ET9 Objective 2:

To support farm diversification and agri-tourism, where a proposed business initiative is subordinate to the primary agricultural use of the site, subject to traffic and environmental safeguards.

ET9 Objective 3:

To protect agriculture and traditional rural enterprises from unplanned and/or incompatible urban development.

ET9 Objective 4:

To support sustainable forestry development at suitable locations in the County, subject to the protection of the rural environment, sensitive areas and landscapes.

6.1.7 Section 4.7.0 Mineral Extraction – Chapter 4 of the current County Development Plan, is relevant:

Mineral extraction and the aggregate industry is an important economic sector that provides the raw materials for the construction industry. The processes involved in extraction can give rise to long-term environmental effects and significantly alter landscape character. Given the need to balance the economic benefits of extraction against potential environmental impacts, it is important to consider the suitability of areas for extraction (taking account of the environmental characteristics and sensitivities of an area) and to manage the impact of extraction where it does occur.

The Landscape Character Assessment of South Dublin County 2015 highlights the high value and sensitivity of rural and mountain areas of the County, given the proximity to Dublin. The protection of these landscapes and, in particular, environmentally sensitive high amenity areas is a priority of the Development Plan. Extraction facilities have the potential to seriously undermine the environmental quality and amenity of these areas and as such, the Council will seek to limit new or expanded facilities in environmentally sensitive and high amenity areas.

ECONOMIC AND TOURISM (ET) Policy 10 Mineral Extraction

It is the policy of the Council to support the sustainable extraction of aggregate resources at suitable locations within the County subject to appropriate environmental safeguards.

ET10 Objective 1:

To facilitate mineral extraction in suitable locations subject to the protection of amenity and environmental quality.

ET10 Objective 2:

To limit the operation of the extractive industry and ancillary uses at environmentally sensitive locations and within areas designated with Zoning Objective 'HA - DM', 'HA-LV' and 'HA-DV' where extraction would result in significant adverse effects and/or prejudice the protection of the County's natural and built heritage.

ET10 Objective 3:

To ensure the satisfactory reinstatement and/or re-use of disused quarries and extraction facilities, where active use has ceased.

6.1.8 Section 9.1.2 Protected Structures – Chapter 9 of the current County Development Plan

| HERITAGE, CONSERVATION AND LANDSCAPES (HCL) Policy 3 Protected Structures |
|---|
| It is the policy of the Council to conserve and protect buildings, structures and sites contained in the Record of Protected Structures and to carefully consider any proposals for development that would affect the special character or appearance of a Protected Structure including its historic curtilage, both directly and indirectly. |
| HCL3 Objective 1: To ensure the protection of all structures (or parts of structures) and the immediate surroundings including the curtilage and attendant grounds of structures contained in the Record of Protected Structures. |
| HCL3 Objective 2: To ensure that all development proposals that affect a Protected Structure and its setting including proposals to extend, alter or refurbish any Protected Structure are sympathetic to its special character and integrity and are appropriate in terms of architectural treatment, character, scale and form. All such proposals shall be consistent with the Architectural Heritage Guidelines for Planning Authorities, DAHG (2011) including the principles of conservation. |
| HCL3 Objective 3: To address dereliction and encourage the rehabilitation, renovation, appropriate use and re-use of Protected Structures. |
| HCL3 Objective 4: To prevent demolition and inappropriate alteration of Protected Structures. |
| HCL3 SLO 1: To support and facilitate the refurbishment of the Metal Bridge in Palmerstown (RPS Ref 006). |
| HCL3 SLO 2: To support and facilitate the refurbishment of the Ballymount Complex Gatehouse in Ballymount Park (RPS Ref. 175) and its inclusion as part of a heritage trail. |
| HCL3 SLO 3: To secure the preservation of Windmill Hill, Rathcoole (RPS Ref. 358) |

- 6.1.9 Landscape Character Assessment of South Dublin County, 2015 refers to the subject lands in a number of locations:
- i. Ecclesiastical and Religious Activity (Page 34) *“A single windmill is recorded on Windmill Hill. The mill now standing is of eighteenth-century date but it stands on the site of an earlier mill mentioned in 1413.”*
 - ii. Relict Land Use Types: An overview of the Emerging Historic Landscape Character of South Dublin County (Page 49) *“...It is also significant, as recent study of LIDAR imagery has suggested, previously unrecorded archaeological features on the hill and perhaps on the nearby Windmill Hill. It is currently designated as a medieval relict landscape due to the presence of the only medieval windmill site in the study area.”*
 - iii. Landscape Character Area Three Athgoe and Saggart Hills – Character Sensitively (Pages 124-129) *“Medieval occupation is also concentrated on the lower slopes and lowlands, around Saggart, Rathcoole, Windmill Hill (medieval windmill) and Coolmine.”* The Character Assessment rates this area with an

overall landscape value of 'High', with a capacity assessment of negligible to low:

- Negligible: Key Characteristics of the landscape are highly vulnerable to development. Development would result in a significant change in landscape character and should be avoided if possible.
- Low: Key characteristics of the landscape are vulnerable to change. There may be limited opportunity to accommodate development without changing landscape character. Great care would be needed in locating development.

7 ANTICIPATED/PREVIOUS SIGNIFICANT EFFECTS ON ENVIRONMENT OR EUROPEAN SITE

- 7.1 Six Natura 2000 sites located within 15km of the site and three pNHAs identified within 5km of the site.
- 7.2 Section 4.6 of the Remedial Stage 1 Screening For Appropriate Assessment submitted with the application concludes: *"It is considered certain that the historic and current operation of the Site has not had a likely significant effect on the Natura 2000 sites pertinent to this Stage 1 Screening Assessment. There is a high level of confidence in the likely degrees of the magnitude of impacts in accordance with the Site and as such it is concluded objectively that significant effects have not been afforded."*

The Remedial Screen Report sets out under Section 3 that under Water, Air quality – Dust and noise that the retrospective works would not have posed risks to the Natura 2000 habitats or species due to distance and no defined source of pathway.

- 7.3 Notwithstanding the findings of the rEIAR and remedial Screening Report for Appropriate Assessment the Planning Authority recognises the significant impact that the quarry has had on the immediate environment, including the loss of trees and hedgerows, pastureland, resulting in the loss of fauna once habiting this environment. Furthermore, the visual impact of the quarrying is stark and highly visible, especially from the N7.
- 7.4 The impact from dust, noise and potential water pollution on human and animal health can be mitigated.

8 REMEDIAL MEASURES RECOMMENDED UNDERTAKEN

8.1 The contents of the Remedial EIAR:

- i. Major Accidents and Disasters:
Activities at the site has not resulted in any notified accidents or disasters which are deemed to be 'Major'.
- ii. Populations and Human Health
The rEIAR states that a total of 39 existing third-party residential dwellings area found to be currently within 500m of the site boundary, of these 16 receptors are located within 250m of the same boundary. Potential impacts to human health include: 1) impact on water supply, change in water quality and possible impact on groundwater wells and people relying on these. 2) the potential of dust generated by the quarrying on human health, 3) impact on human health (hearing, mental health) through excess noise and vibration. 4) impact on business, enterprise and amenities.

The rEIAR states that no significant adverse effects on the human environment, amenity and health were found.

iii. Ecology and Biodiversity

The existing loss of the environment at this location makes it challenging to identify what has been lost. The rEIAR states that habitats have been predicted based on assessment of neighbouring lands, historical mapping and anecdotal evidence. Investigation of an area measuring approximately 18.7ha (approximately 10.1 ha quarried in 1990 as opposed to the 28.8ha currently seeking SC).

A cumulative loss of habitat is therefore 18-19 ha. Fauna likely to have used the site include badger, rabbit, fox, bats (potential for roosting, foraging and commuting), and farmland/hedgerow birds.

It is asserted that the site operations have created habitat for species such as Jackdaws and a Peregrine Falcon.

Potential Effects are listed as thus:

- Permanent loss of 18ha
- Habitat modification through anthropogenic effects
- Disturbance to habitats and species through noise from traffic and blasting
- Individual species disturbance/mortality
- Impacts of dust as a result of historic extraction activities
- Local (site based) impacts of dust and site runoff as a result of quarrying activities on water quality and quantity
- Impacts on surface water quality within the site.

Mitigation measures to include:

- Good practice management of plant and machinery to continue
- All retained habitats to be protected and habitat creation on site to address tree and hedgerow loss (like-for-like basis).
- A concept restoration plan to be implemented.
- Bat activity surveys to be undertaken, badger monitoring to occur and a breeding bird (Peregrine Falcon) survey has commenced.

iv. Land, Soils and Geology

The rEIAR states that '*superficial deposits were generally very thin*' approximately 0.5-1m and '*of low value locally*'. The impact of the removal of rock has had an irreversible impact.

Potential geohazards associated with excavation areas and the silt lagoons have been identified. Mitigation measures including the catch-berms and geotechnical appraisals cited.

v. Water

No watercourses pass through the site. Water runoff from the site can reach the N7 and the River Griffeen. The rEIAR states "*As part of the water management system on the site, water abstracted from the western quarry pit is discharged following periods of prolonged rainfall to a culvert located on the northern portion of the Site adjacent to the N7/M7*". It also states that attenuation capacity remains within the

lands. Notwithstanding the rEIAR stating that the residual adverse effect is not significant and not greater than slight, the Planning Authority considers that further information and **clarity should be sought in this regard** especially having regard to the 'slightly elevated concentrations of arsenic' in samples as detailed in Section 3.1.2. of the Remedial Stage 1 Screening for Appropriate Assessment report.

vi. Air Quality and Climate

The rEIAR assessment identifies dust particles, odours and miscellaneous emissions (asphalt plant odour, engine combustion exhaust etc.) as the main air quality considerations. Particular emphasis is given to the generation of dust as a potential nuisance. In reading and assessing the substitute consent application regard was given to the history of the quarry over the last seven years. In that time span monitoring data have been returned to Environmental Health Section South Dublin County Council. It is important to note that the process of dust monitoring results occurred as a result of the application for substitute consent which was made in 2013. The rEIAR states that if permission is granted then a comprehensive Environmental Management Plan covering this parameter will be drafted and submitted to the Planning Authority as part of any conditions specified.

vii. Noise and Vibration

The rEIAR assessment Section 8 Noise and Vibration identifies quarry noise due to rock breaking, crushing and rock blasts as well as vibration from blasts as potential nuisance. In reading and assessing the substitute consent application regard was given to the history of the quarry over the last seven years. In that time span monitoring data have been returned to Environmental Health Section South Dublin County Council. It is important to note that this process of noise and blast monitoring results occurred as a result of the application for substitute consent which was made in 2013. The rEIAR states that if permission is granted then a comprehensive Environmental Management Plan covering all of the above parameters will be drafted and submitted to the Planning Authority as part of any conditions specified.

viii. Cultural Heritage

Having regard to known archaeology in proximity to the site, the presence of the historic Windmill and the research carried out on the foot of the Landscape Character Assessment of South Dublin County, 2015 the potential for undiscovered archaeological remains to have existed, or to continue to exist, within the site cannot be discounted.

*The southern area of the Site should continue to be protected from extraction to avoid direct impacts to the known cultural heritage assets located there.

No remedial measures are proposed as it is stated that these measures are not feasible.

ix. Landscape and Visual

The landscape effects range from moderate to significant and are considered adverse and long term to permanent. The Planning Authority draws the Board's attention to the Landscape Character Assessment of South Dublin County, 2015, the protected prospect as detailed in the County Development Plan and the views of Windmill Hill from N7 in both directions. **The visual impact of the works on the surrounding areas and views should not be underestimated.**

x. Traffic

The traffic generated by the quarry represent between 0.19% and 2.36% of total traffic on the N7 national Road between 1990 and 2020. The Planning Authority notes that this is quite significant given that TII publishes on their Traffic Count Website that pre-covid traffic constitutes 8% HGVs (this approximates to 8,000 HGV movements per day). The impact of the traffic accessing and egressing the site cannot be underestimated, particularly the impact it has on the N7 interchanges and the spillage of rock/stone at these locations.

The Roads Department states no objections to the SC application subject to conditions including the provision of an upgraded junction (access and egress arrangement).

xi. Material Assets

Material assets in the vicinity of the site include: ESB network utilities, gas infrastructure, telecommunications, water supplies, foul water, surface water drainage, waste management infrastructure, geological resource.

ABP should be aware that a major water main crosses the lands within the ownership of the applicant (both within the red and the blue line – to the north of the site).

9 OPINION OF THE CHIEF EXECUTIVE

9.1 The Planning Authority recognises the substantial work that has been carried out to produce the SC application and the extent of the rEIAR, which is welcomed. The Planning Authority also understands the challenges of assessing this proposal for retrospective works due to the expanse of time and the significant works that have taken place at the site since 1990 and 1997 respectively. The Planning Authority considers that the items as laid out in Section 9.2 of this report are required to ensure that a full assessment of the proposals on the foot of this SC application can be carried out. Any consent should only be granted following satisfactory clarification of the issues raised below or the imposition of conditions that would address the deficiencies identified to the written satisfaction of the Planning Authority.

9.2 **ADDITIONAL INFORMATION:** The Planning Authority would recommend that clarity be sought on the following points prior to a final decision to be taken:

GENERAL:

9.2.1 Works that may have taken place outside of the application red line. Works have continued unabated since the submission of the application(s). ABP should seek further clarity to establish the full extent the retrospective development.

9.2.2 Clarity of the use of the word *average* when describing the 'average depth of 173mAOD'. In the interests of successfully assessing the retrospective development and the concurrent application made under S37L, accurate description and details of development should be stated and should be unequivocal.

9.2.3 The Planning Authority cannot trace planning permission for the following development:

- a. 2 x office buildings,
- b. 4 x portacabins,

- c. 4 x containers,
- d. 2 x storage/maintenance sheds,
- e. a storage/drying shed,
- f. water recycling unit and silt press,
- g. a concrete plant and washing, crushing, screening and bagging plants

The Planning Authority recommend that additional information should be requested to establish the status of these works/development and seek the applicant, to submit all relevant planning permissions for the above development and/or a proposal for regularising the development, if necessary.

- 9.2.4 Water runoff from the site can reach the N7 and the River Griffeen. The rEIAR states "*As part of the water management system on the site, water abstracted from the western quarry pit is discharged following periods of prolonged rainfall to a culvert located on the northern portion of the Site adjacent to the N7/M7*". It also states that attenuation capacity remains within the lands. Notwithstanding the rEIAR stating that the residual adverse effect is not significant and not greater than slight, the Planning Authority considers that further information and **clarity should be sought in this regard** especially having regard to the 'slightly elevated concentrations of arsenic' in samples as detailed in Section 3.1.2. of the Remedial Stage 1 Screening for Appropriate Assessment report.
- 9.2.5 The definition of works defined as quarrying and a clear and unequivocal statement of what will be included in a grant of SC should be sought and clearly laid out to ensure compliance with any conditions attached to the consent.
- 9.2.6 Section 11 Landscape and Visual of The Planning Report for file reference SDQU05A/4 states "During the site visit there was evidence of the high risk alien invasive species *Fallopia Japonica* (Japanese Knotweed) on the external perimeter of the site adjacent to the entrance area...There is a real danger that it may already be present on the quarry site...as it could be imported into the site on the material for recycling or exported unwittingly...". The Planning Authority cannot trace mention of this species within the rEIAR, nor can it trace a Flora Assessment similar to that carried out for the 'Retrospective Fauna Assessment'. Invasive plant species is mentioned fleetingly in Section 3.1.1 of the Remedial Stage 1 Screening for Appropriate Assessment. The Planning Authority recommend that ABP seek clarification on this matter.

WATER SERVICES:

- 9.2.7 The applicant has not submitted surface water drainage plans for the proposed development. The applicant is required to submit a drawing showing existing surface water drainage layouts including attenuation and pollution mitigation devices up to and including the point of connection to the public surface water sewer. The drawing shall include the location of all AJs, manholes, pipe size, material type and direction of flow. The drawing shall clearly show that the foul and surface water systems are discharging to separate pipe networks. Maps of the mains foul and surface water drainage networks may be obtained, if available, for required locations in South Dublin County Council by emailing: servicemaps@sducoco.ie. All works are to comply with the Greater Dublin Regional Code of Practice for Drainage Works.
- 9.2.8 It is unclear how surface water is managed and attenuated on site to and how discharge is limited to greenfield run off rates. The applicant should submit a design calculations and plans clearly showing how surface water up to and including the 1:100 (1%) year critical storm with climate change allowance will be attenuated on site and discharged at no greater than pre-developed greenfield run off rates.
- 9.2.9 The applicant should submit a drawing showing plan and cross sectional views of existing SuDS (Sustainable Drainage Systems) features for the development. These shall be maximised within the surface water design strategy for the development.
- 9.2.10 The applicant is required to show how surface water run off is cleansed of silt and other pollutants such as hydrocarbons on site prior to discharging to the public surface water network and/or watercourse. This also relates to existing wheelwash facilities. Only clean uncontaminated water shall be discharged to the public surface water network and/or watercourse. The applicant should also show the locations of proposed and existing petrol / oil interceptors on site.
- 9.2.11 The applicant is required to submit a drawing showing plans, locations and details of all water pollution mitigation measures.
- 9.2.12 Fuel tank leakages must not allow polluted water to enter surface water drainage network. Demonstrate that all works comply with the Greater Dublin Regional Code of Practice for Drainage Works in this regard.
- 9.2.13 The applicant should also show the locations of existing petrol / oil interceptors on site. All petrol/oil interceptors on the surface water drainage network should be of Class 1 standard as per the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.
- 9.2.14 The applicant is required to submit a drawing in plan outlining the existing and proposed water supply layout for the development. Maps of the public watermains and Wastewater drainage networks may be obtained, if available, for required locations in by emailing: datarequests@water.ie. Where a water supply connection is required the applicant is required to engage with Irish Water through the submission of a Pre-Connection Enquiry (PCE) in order to determine the feasibility of connection to the public water infrastructure. The Confirmation of Feasibility (COF) must be submitted to the planning department as the response to this further information request. Pre-connection enquiries can be made at <https://www.water.ie/connections/get-connected/>.

- 9.2.15 The proposed development is in close proximity to a 1270mm concrete public watermain which runs through the site from west to east. The applicant is required to submit a drawing in plan and cross sectional views which clearly shows the distance between all existing and proposed structures and the public watermain as well as existing and proposed cover levels over the watermain. The applicant shall engage with Irish Water's diversions section to assess feasibility of existing design and determine what the required separation distance is from the existing public watermain traversing the site. The outcome of this engagement with Irish Water's diversions shall be submitted to the planning authority as a response to Request for Further Information.
- 9.2.16 The applicant is required to submit a drawing showing existing foul water drainage layouts up to and including the point of connection to the public foul water sewer. The drawing shall include the location of all AJs, manholes, pipe size, material type and direction of flow. The drawing shall clearly show that the foul and surface water systems are discharging to separate pipe networks. Maps of the public watermains and Wastewater drainage networks may be obtained, if available, for required locations in by emailing: datarequests@water.ie. Where a wastewater connection is required the applicant is required to engage with Irish Water through the submission of a Pre-Connection Enquiry (PCE) in order to determine the feasibility of connection to the public wastewater drainage infrastructure. The Confirmation of Feasibility (COF) must be submitted to the planning department as the response to this further information request. Pre-connection enquiries can be made at <https://www.water.ie/connections/get-connected/>.

9.3 CONDITIONS: In the event that ABP grant consent, the recommendations of conditions set out by the Planning Authority (below) are based on a review of the conditions imposed as part of the quarry registration process, the updated conditions on the foot of the Planning Report for file reference SDQU05A/4 and in addition current policies, objectives and guidelines and greater knowledge of the works at this location.

9.3.1 The conditions outlined in this section were previously attached to the original Substitute Consent application and are considered to be still relevant and should be attached in the event of a consent being granted.

Condition 1 General

A general condition is required to be imposed to ensure clarity and precision as to what land the substitute consent application relates to, what development it relates to and how and to what extent conditions applied affect, modify or limit the proposal submitted and the on-going relevance, if any, of the conditions imported in 2007 as part of the Section 261 process for the Registration of this quarry.

Condition 2 Digital Terrain Model

Within three months of the date of this decision a Digital Terrain Model of the entire lands outlined in red within the site boundary as shown on the existing Site Layout Plan, shall be submitted to the Planning Authority. The Digital Terrain Model shall be prepared by a professionally qualified surveyor agreed by the Planning Authority, and shall include details of all areas,

- a) That have been excavated to date
- b) That have been prepared for excavation and
- c) That have been restored

A comprehensive photographic record of the quarry workings, and views of the quarry from public roads in the vicinity of the site, the viewing positions of which shall be shown on a map to a suitable scale, shall also be submitted.

The Digital Terrain model shall comply with the following requirements:

1. All measurements shall be in metre and recorded to two decimal places unless otherwise specified.
2. For surveys carried out pre 2012 the co-ordinate reference system shall be either Irish National Grid or Irish Transverse Mercator for surveys carried out during or post 2012 the co-ordinate reference system shall be Irish Transverse Mercator.
3. The height used for surveys shall be Malin Head Datum.
4. The date of the survey shall be stated and the survey shall consist only of the ground information surveyed at that date. It is not permissible to mix data sets from different eras.
5. Ground features and spot levels shall be defined by a 3D model consisting of 3D polylines and 3D points in a suitable format such as AutoCad or Microstation with easily identifiable layers. Continuous physical features and level breaklines shall be shown as 3D polylines with no geometric breaks. Spot heights shall be shown as point entities.
6. Units used in the 3D model shall be metres.
7. Any text or level values shall appear in separate layers to the 3D entities.

8. The ground shall be accurately defined by the model and spot heights shall be accurate to plus / minus 25 millimetres.
9. The survey shall extend out to the boundary of quarry ownership for each new survey.
10. The site boundary shall be such that all quarrying lies within it and the survey shall cover the complete area contained within it.
11. The "boundary" shall be common to each year of survey so that a valid comparison of excavation can be made in relation to the common reference boundary. This reference boundary shall be shown as a closed polyline in the 3D model
12. Spot levels shall be taken at intervals not exceeding 15 metres. Points on each feature string and level breakline shall be taken at not greater than 15 metre intervals and additional points shall be taken at all significant changes in gradient or height. Where vertical drops or ascents exist a separate string shall define the top and bottom of the feature.
13. Only layers containing relevant processed information shall be included. Raw data such as point numbers etc., shall be excluded.
14. Excavated areas and spoil heaps shall appear on separate layers.
15. The topographical survey shall not mix 2D background OS detail and the 3D model.
16. A location map shall be provided as a separate drawing.

Reason: To ensure effective development management of the quarrying operations in the interest of residential amenity and the proper planning and sustainable development of the area.

Condition 8 Communication and Consultation

- a) The names, job functions and phone numbers (both fixed line and mobile numbers) of all key personnel for the operation of this quarry shall be provided to the Planning Authority. All changes in personnel or particulars must also be notified to the Planning Authority as soon as they occur.
- b) A public notice shall be erected and maintained at each entrance to the quarry. This notice shall contain the name of the company and contact details including contact outside operating hours, which may be used in the event that any person wishes to contact the operator in relation to any aspect of the quarry operation.
- c) To establish engagement with those living or owning property close to the quarry, within six months of the date of this decision, the operator shall establish and support a local consultative forum, to include representatives of the operator, and representatives of the local community and landed interests, including representatives of each residential estate within 750 metres of the entire quarry complex. This group shall constitute a forum for the operator's representatives and representatives from environmental, economic, social and community groups to discuss issues of common interest or to be consulted regarding environmental management and associated issues related to the quarry operations which are considered to impact upon local amenity. The forum will also provide an opportunity for the operator to receive views and suggestions and for stakeholders to receive information about operators' projects, plans, and practices. The forum shall comprise at least 7 but not more than 15 non-operator members, who shall be selected by lot if the numbers of applicants exceed the positions available and shall meet at least once a year.
- d) The operator shall provide all consultative forum members and occupiers within 750 metres of the entire quarry complex with appropriate contact details which may be used

in the event that any such person wishes to inform the operator of any incident, such as the discovery of flyrock on lands outside the quarry, or otherwise to make a complaint in respect of an aspect of the quarry operation.

Reason: In the interest of residential amenity and the proper planning and sustainable development of the area.

Condition 9 Access for Monitoring

Access shall be granted to any authorised officer of the Planning Authority, the Health Services Executive, or the Environmental Protection Agency, or their successors, to enter onto the subject lands during permitted operating hours for the purpose of carrying out inspections of the quarrying operations including examining any monitoring equipment installed in accordance with this permission. Authorised officers carrying out such inspections shall check-in with the quarry manager or his/her representative prior to such inspections.

Reason: In the interests of residential amenity, pollution control and public health.

Condition 10 Updated Digital Terrain Model

Five years from the date of this decision and at five yearly intervals thereafter the operator shall submit to the Planning Authority an up-to-date Digital Terrain Model of the entire lands within the quarry operator's ownership. The digital Terrain model shall be prepared by a professionally qualified surveyor in accordance with the specifications of condition 2 and agreed by the Planning Authority and shall include details of all areas.

- a) that have been excavated to date
- b) that have been prepared for excavation and
- c) that have been restored

Reason: To ensure effective development management in the interest of residential amenity and the proper planning and sustainable development of the area.

Condition 11 Annual Environmental Audit

On an annual basis (by the end of February each year) for the permitted lifetime of the quarry, three copies of an environmental audit shall be submitted to the Planning Authority. This audit shall be carried out at the expense of the operator by suitably qualified and experienced independent environmental auditors, whose name shall be submitted to the Planning Authority for prior approval and shall contain the following:

- a) A record of all movements of heavy vehicles outside the permitted operating hours.
- b) A record of surface water quality and groundwater quality and levels, measured at monthly intervals.
- c) A full record of any such breaches over the previous year of dust, noise, vibration / air over pressure and water quality standards.
- d) A written record of all the complaints received including actions taken on each complaint.

Reason: To ensure that the quarry shall be operated in compliance with the stated standards in the interest of residential amenity, pollution control, public health and the proper planning and sustainable development of the area.

Note: This requirement is in addition to the Annual Environmental Report requirement set out in Condition 47 below.

Condition 13 Control of External Lighting

The current scheme of external lighting for the entire site shall be submitted for the written agreement of the planning authority. This scheme shall be designed, installed and operated so as to prevent interference with air navigation or nuisance to adjoining occupiers and road users, and to avoid over lighting. Measures shall be included to provide adequate screening from adjacent residential areas where appropriate, and to minimise any light overspill.

Reason: In the interest of residential amenity air traffic safety and the proper planning and sustainable development of the area.

Condition 14 Advance Warning Signs

Metal advance warning signs, the design of which has to be agreed with the Planning Authority as part of the quarry registration process shall be maintained at all site entrances and exits. These signs shall be maintained in good and clean condition. The material content, design and location of these signs shall be as agreed with the Planning Authority.

Reason: In the interest of traffic safety.

Condition 15 Maintenance of Public Roadway

No waste, debris, excavated materials, or dust caused by the haulage of material either to or from the site shall be deposited on the public roads, footpaths, margins etc., in the vicinity of the site.

Reason: In the interest of traffic safety, environment quality and residential amenity.

Condition 16 Wheel Washing Facility

- (a) A paved surface shall be provided at the site exit to the public road, and shall be kept free from soil, sand and gravel deposits at all times.
- (b) At least two wheel washing facilities shall be installed at an appropriate locations along this paved surface. They shall be provided with a continuous water supply facility together with a suitable sump arrangement for the drawing off of waste waters arising. They shall be kept properly maintained at all times and cleaned at regular intervals, such that trucks, on exiting both wheel washes in succession, shall not have mud or dust adhering to their tyres.
- (c) All heavy goods vehicles exiting the site shall use the wheel washing facilities and shall travel only on the paved surface to the exit.

Reason: In order to prevent dust emissions and the resulting mud generated by the wheel washes reaching the public road network and in the interests of amenity.

Condition 17 Surface Water Run-Off

All surface water run-off from roofs, entrances, driveways, parking areas etc. shall be collected, appropriately pre-treated, and disposed of within the site to soak pits, drains or adjacent watercourses. In particular, no such surface water run-off shall be allowed to flow on to the public roadway or adjoining properties, or to discharge to any effluent disposal system or public foul sewer.

Reason: To prevent water pollution in the interests of public health and the protection of natural heritage and the proper planning and sustainable development of the area.

Condition 18: Discharges to surface or Ground Waters

- (a) No effluent from the site shall discharge to surface or ground waters other than in accordance with the terms of a current licence granted under the relevant provisions of the Local Government (Water Pollution) Acts 1977 – 1990 or as may be amended from time to time.
- (b) Only clean uncontaminated storm water shall be discharge to surface waters. Interceptor traps shall be fitted to the storm water drainage system where appropriate; to prevent accidental spillages of oils, greases, solvents or other contaminated matter entering the watercourses or soak ways or groundwater.
- (c) Where it is proposed to discharge surface water from impermeable surfaces (roads, roofs etc) to existing drains or watercourses then the discharge shall be limited to a rate of 6 litres per second per hectare of impermeable surface to reduce risk of downstream flooding. This shall be achieved by constructing attenuation storage, preferably a pond, and restricting the outflow discharge by means of a 'Hydrocrack' or equivalent device. Details of the design shall be submitted for the written agreement of the planning authority.

Reason: To prevent water pollution in the interests of public health and the protection of natural heritage and the proper planning and sustainable development of the area.

Condition 19: Surface Water Run-Off From Open Cut Areas

Adequate precautions shall be taken to prevent surface water run-off from open cut areas flowing directly to any stream or watercourse. All such water shall be trapped and held in settling lagoons until such time as the suspended solids are deposited and the colour of the discharge water indicates that it will not cause any discolouration of the receiving waters. Where possible appropriate measures shall be taken to prevent water from entering excavations. Adequate clearance from watercourses shall be maintained.

Reason: To prevent water pollution in the interests of public health and the protection of natural heritage and the proper planning and sustainable development of the area.

Condition 20 Ground Water Levels

- a) A groundwater level monitoring programme shall be implemented at the quarry. Groundwater levels of designated borehole should be recorded at monthly frequency, and reports to the Planning Authority on a quarterly basis including the previous five year's water level data and in tabular, graphical and drawing format. [The purpose of this is to receive the monitoring information data, that it be presented in graphical format that shows the current results in context with the previous five years' data, and that drawings be used where appropriate to show locations and elaborate on the data].
- b) A water balance report for the site to be provided to the Planning Authority on the annual basis showing estimates and calculations for natural precipitation, evapotranspiration and water discharging to ground. This report to include the previous five years water balance estimates for the quarry where available. [The purpose of this is to provide information to the council on the quantity of precipitation deposited on the site, the volume of water leaving the site, and the quantity of water drawn in to the site from the ground sources as a result of activity].
- c) Twice per annum a water quality sample of water from the quarry floor water impoundment area shall be collected and test for parameters relevant to groundwater

quality and to be agreed in writing with the Planning Authority in advance. [The purpose of this is to inform the council of the suitability of water in the quarry for recreational water use as proposed in aftercare and use of site].

- d) A zone of influence on groundwater report shall be prepared and submitted to the Planning Authority describing the effects of the quarry on groundwater levels on the site and beyond its site boundary to a distance of 1,000 meters radius. This report shall include cross section and plan drawings, and be agreed with the Planning Authority in advance. [The purpose of this report is to demonstrate to the Council the extent of influence of the activity on water table levels in the area – both on-site and off-site]
- e) That the depth and volume of the quarry be provided to the Planning Authority on an annual basis. (This is in addition to the Digital Terrain Model required by other conditions hereby attached)

Reason: In the interest public health, the protection of ground water resources, and the proper planning and sustainable development of the area.

Condition - 22 Settlement Ponds

Settlement Ponds shall be cleaned out monthly. Details of the proposed use, handling, and destination of the removed silt shall be submitted for the written agreement of the Planning Authority. Silt removed from the settlement ponds shall be immediately removed to the agreed end-destination repository and shall be periodically covered with topsoil and seeded with grass to prevent subsequent dispersal. Appropriate measures shall be put in place to prevent silt leaving the site in any drain or watercourse during the cleaning process.

Reason: To minimise dust in the interest of proper planning and sustainable development of the area.

Condition 23 – Details of Drainage Arrangements

Within six months of the date of this decision full details, including detailed drawings and specifications, of all existing and proposed foul and surface water drainage arrangements on the entire site, showing full compliance with the requirements set out in the conditions attached hereto, shall be submitted for the written approval of the Planning Authority.

Reason: To prevent water pollution in the interest of public health and the protection of natural heritage and the proper planning and sustainable development of the area.

Condition 29 – Storage of Topsoil

All topsoil removed in the course of quarrying operations shall be separately retained from waste materials (including sub-soil and overburden) so that it can readily be re-used by spreading evenly over the worked surface or backfilled. Topsoil to be used for on-going landscaping shall be stockpiled in a manner so as to ensure that the soil flora and fauna are not destroyed,

Reason: To ensure the satisfactory rehabilitation of the site in the interests of amenity and the proper planning and sustainable development of the area.

Condition 30 – Security For Compliance with Conditions

Within six months of the date of this decision the operator shall lodge with South Dublin County Council a bond of an insurance company or other form of equivalent security acceptable to the Planning Authority in the amount of €500,000 (Five Hundred Thousand Euro), together with an agreement empowering the Planning Authority to apply such security (or part thereof) to the satisfactory completion of the rehabilitation and aftercare works in the event that the operator fails to secure and rehabilitate the site in the future to the satisfaction of the Planning Authority. The value of the bond or alternative security shall be adjusted annually by reference to the Tender Price Index.

Reason: To ensure the satisfactory rehabilitation of the site in the interests of amenity and the proper planning and sustainable development of the area.

Condition 31 – Archaeological Impact Assessment

- a) An Archaeological Impact Assessment (AIA) shall be prepared in relation to the Recorded Monument located on the quarry lands, Stone Windmill (Ruin) (RM), Map Ref. Number 358 in the Record of Protected Structures and lands in the vicinity of this structure located on lands to the south of the quarry>

The AIA shall be prepared by a suitably qualified archaeologist (licenced under the National Monuments Acts 1930-94) and shall be based on desk study / field survey, aerial photography and if necessary geophysical survey, etc.

- b) The AIA shall be submitted to the Heritage and Planning division of the Department of the Environment, Heritage and Local Government and to the Planning Authority within six months of the date of this decision. In the event that the AIA indicates significant archaeological potential the archaeologist may be required to carry out further research and/or excavate test trenches. Upon completion of this work the archaeologist shall submit a written report to the Planning Authority and the Department of Environment, Heritage and Local Government.
- c) No site preparation or excavation or other works impacting directly upon, or in the vicinity of the Recorded Monument, shall be carried out at any time unless approval to proceed has been received in writing from the Planning Authority, following prior consultation with the Heritage and Planning Division of the Department of the Environment Heritage and Local Government.
- d) The costs of any archaeological investigation shall be at the expense of the quarry owner / operator.

Reason: To facilitate the investigation of any remains of archaeological or historic interest discovered on the site in the interests of proper planning and sustainable development of the area.

Condition 33 Quarry Abutting Roadway

Where the face of the quarry working abuts a public road and is below the level of the roadway the distance from the edge of the excavation to the adjoining road boundary shall be not less than 30 metres.