

### **ATTACHMENT B3 – PLANNING PERMISSION**

No planning permission was ever issued in respect of former quarrying activities at the application site as it was established and operating prior to the introduction of planning controls under the Local Government (Planning and Development) Act of 1963.

This current proposal to backfill the worked out quarry with in-situ and imported inert soil and stones is part of the quarry restoration works which were previously notified and agreed with Fingal County Council as part of the quarry registration process undertaken in accordance with Section 261 of the Planning and Development Act of 2000 (Refer to Condition No. 13 of Decision to Impose Conditions issued by Fingal County Council on 19 April 2007, Planning Ref. Q/05/003).

A copy of proposed final restoration scheme submitted to Fingal County Council under the Section 261 registration process and its letter dated 4<sup>th</sup> August 2009 confirming acceptance of the proposed restoration scheme is provided for information.

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Received  
5/8/99.

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**S. Geraghty, Roadstone Dublin Ltd**  
**Fortunestown**  
**Tallaght**  
**Dublin 24**

4 August, 2009

**Reg. Ref.** Q/05/003/C1  
**Location** Milverton, Skerries, Co Dublin  
**Applicant** S. Geraghty, Roadstone Dublin Ltd  
**Proposal** Quarry Registration

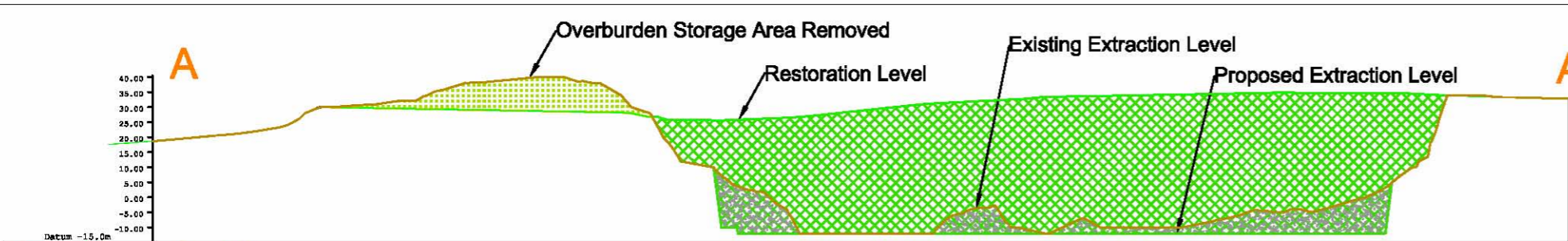
Dear Sir / Madam,

I refer to your submission received 3rd October 2008, to comply with Condition Nos. 12 and 13 of Quarry Reference No. Q/05/003.

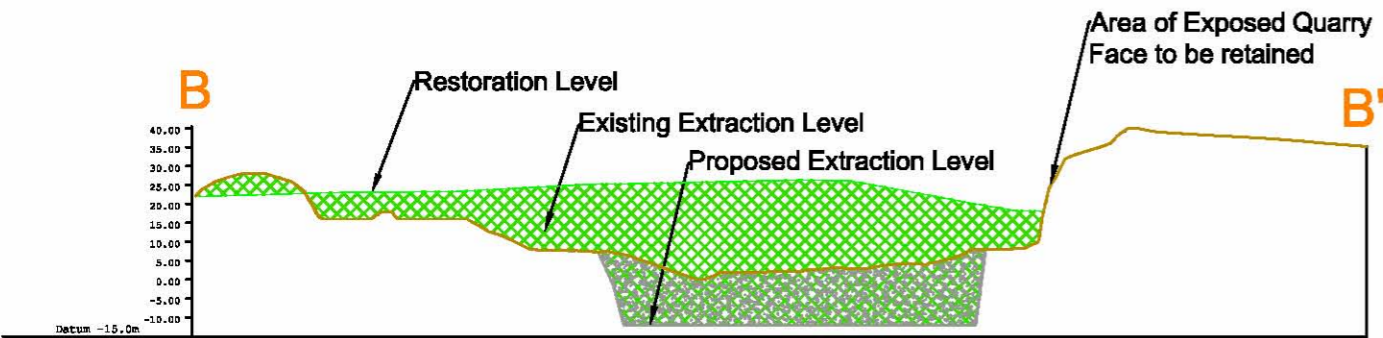
In this regard, I wish to inform you that your submission is acceptable on planning grounds and is in compliance with the requirements of Condition Nos. 12 and 13.

Yours faithfully,

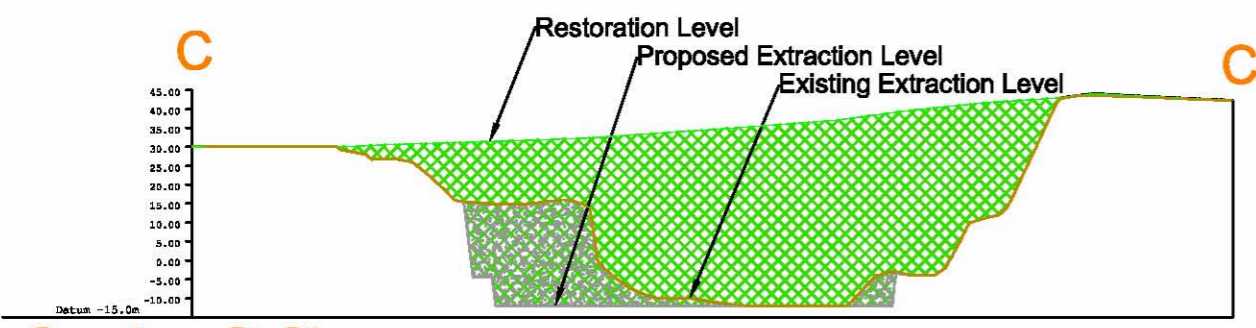
  
\_\_\_\_\_  
for **Senior Executive Officer**



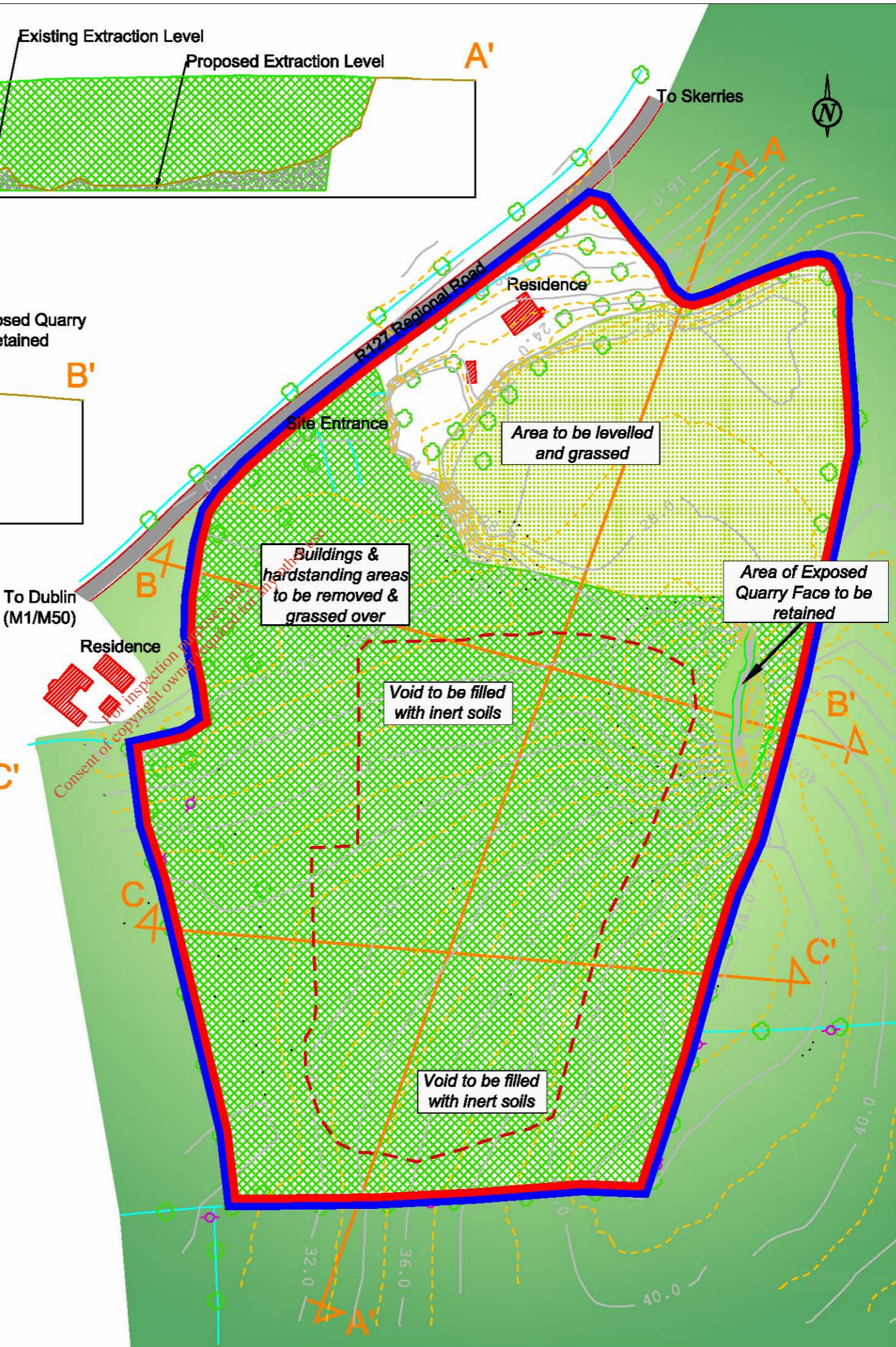
Section A-A'



Section B-B'



Section C-C'



**LEGEND**

- Applicants Landholding (c. 8.6ha)
- Application Area (c. 8.6ha)
- - - Quarry Void Area
- Storage area levelled off and grassed
- Void to be filled with inert soils

Scale 1:2000	
0m 20m 80m	
Based on 1:2500 scale digital map Sheet No. Dublin 5-11 provided by Ordnance Survey Ireland Ordnance Survey Ireland License No. 6U 0000708 (c) Ordnance Survey Ireland & Government of Ireland	
ROADSTONE DUBLIN LTD. FORTUNESTOWN TALLAGHT DUBLIN 24	
Project: <b>Roadstone Dublin Ltd. Milverton Quarry, Skerries, Co. Dublin</b>	
Title: <b>Restoration Scheme Condition No. 13</b>	
<b>DRAWING 3</b>	
Author: tp/pmc	Ref: 3371
Date: Sept 2008	

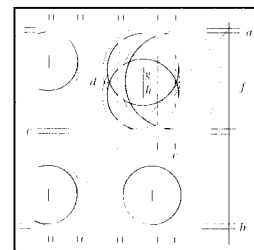
Our Ref: QC 06F.QC2119  
P.A.Reg.Ref: Q/05/003  
Your Ref: Roadstone Dublin Ltd

23 JAN 2008

33A 3371

John Barnett and Associates,  
CSA House,  
7 Dundrum Business Park,  
Windy Arbour,  
Dublin 14.

An Bord Pleanála



W/Proc  
S.M. & P. M.M.  
70  
S. O'CONNOR  
P. O'CONNOR


Appeal Re: Continued operation of a quarry.  
Milverton Quarry, Skerries, Co Dublin.

Dear Sir/Madam,

An order has been made by An Bord Pleanála determining the above-mentioned appeal under the Planning and Development Acts 2000 to 2006. A copy of the order is enclosed.

In accordance with section 146(3) of the Planning and Development Act 2000, the Board will make available for inspection and purchase at its offices the documents relating to the appeal within 3 working days following its decision. In addition, the Board will also make available the Inspector's Report and the Board Direction on the appeal on its website ([www.pleanala.ie](http://www.pleanala.ie)). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

Yours faithfully,

  
Maeve Shaw  
Administrative Assistant  
Direct Line:

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Encl:

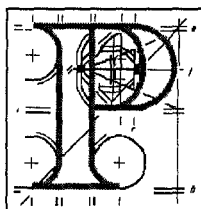
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64 Marlborough Street,  
Dublin 1.

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2006

**Fingal County**

**Planning Register Reference Number: Q/05/003**

An Bord Pleanála Reference Number: 06F.QC.2119

**APPEAL** by Roadstone Dublin Limited care of John Barnett and Associates of CSA House, 7 Dundrum Business Park, Windy Arbour, Dublin against the decision made on the 19<sup>th</sup> day of April, 2007 by Fingal County Council to impose conditions on the operation of a registered quarry at Milverton, Skerries, County Dublin.

## DECISION

The Board, in accordance with subsection (9)(b) of section 261 of the Planning and Development Act, 2000, confirms with modifications the decision of the planning authority and directs the said Council, based on the reasons and considerations set out below, to REMOVE condition number 14 and the reason therefor.

## REASONS AND CONSIDERATIONS

Having regard to the pre-1964 status of the quarry and the decision of the planning authority to impose conditions on the operation of the quarry in accordance with the provisions of section 261(6)(a)(i) of the Planning and Development Act, 2000, the Board has concluded that there is no provision in section 261 of the said Act that would authorise the imposition of conditions requiring the payment of a financial contribution.

## MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

*Mary MacMahon*

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

Dated this *21<sup>st</sup>* day of *January* 2008.

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Received  
20/4/07

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**NOTIFICATION OF DECISION TO IMPOSE CONDITIONS**  
**PLANNING AND DEVELOPMENT ACTS, 2000 – 2006**

<b>Decision Order No. 1333</b>	<b>Decision Date: 19<sup>th</sup> April 2007</b>
<b>Quarry Number: Q/05/003</b>	<b>Registered: 22<sup>nd</sup> April 2005</b>

**Operator:** Roadstone Dublin Ltd  
**Location:** Milverton, Skerries, Co. Dublin

Dear Sir/ Madam

With reference to the above, please find enclosed herewith, notification setting out the Planning Authority's decision to impose (14) conditions on the operation of the quarry.

Following the decision of the Planning Authority, under Section 261(6), it should be noted that you, as the registered owner/ operator, may then appeal to An Bord Pleanála against the decision to impose, conditions, within 4 weeks beginning on the date of receipt of notification of this decision, in accordance with the statutory provisions for the making of appeals to An Bord Pleanála as provided for in Chapter III of the Planning and Development Act, 2000, as amended, and the Regulations made thereunder.

Yours faithfully

  
for Senior Executive Officer  
PLANNING DEPARTMENT

**Shane Geraghty**  
**Roadstone Dublin Ltd**  
**Fortunestown**  
**Tallagh**  
**Dublin 24.**

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Q / 05/ 003

**Milverton Quarry – Skerries**

<p><b>01</b></p>	<p><b>GENERAL</b></p> <p>Quarrying operations on the lands shall be carried out in accordance with the plans, particulars and specifications as described in the documents lodged with the application for registration of the quarry under Section 261 of the Planning and Development Act 2000, as revised by Additional Information submitted on 18<sup>th</sup> October 2005, save as the conditions hereunder require.</p> <p><b>REASON:</b> To ensure that the development is carried out in accordance with appropriate environmental standards and practices, and to enable effective control to be maintained in the interests of the proper planning and sustainable development of the area.</p>
<p><b>02</b></p>	<p><b>TOPOGRAPHICAL SURVEY</b></p> <p>Within three months of the date of this decision, a report of a full topographical survey of the entire lands within the site boundary, as shown on Site Layout Plan Figure 1_RF1 Drawing Ref. 3371, shall be submitted to the Planning Authority. The survey shall be carried out by an independent 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. The report shall also include a comprehensive photographic record of the quarry workings, including an aerial view, 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, to be agreed in writing with the Planning Authority.</p> <p><b>REASON:</b> 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.</p>
<p><b>03</b></p>	<p><b>LIMITATION OF EXTENT OF AREA TO BE EXTRACTED</b></p> <p>The extraction of rock on the subject lands shall be limited to the area within the blue coloured line as indicated on the Site Layout Plan figure 1_RF1 Drawing Ref. 3371 submitted as Additional Information on 18<sup>th</sup> October 2005. No extraction of rock shall be undertaken on any part of the lands outside the said area unless a separate planning permission has been granted for such development.</p> <p><b>REASON:</b> To enable the quarrying operations to be assessed in the light of relevant changes in environmental standards and technology, having regard to the location of the quarry lands close to an urban area, in the interest of residential amenity and the proper planning and sustainable development of the area.</p>



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Q / 05/ 003

**Milverton Quarry – Skerries**

<b>04</b>	<p><b>OPERATING HOURS</b></p> <p>Quarrying operations on the site shall be carried out only between 07.00 and 18.00 hours on Monday to Saturday. No such activity shall take place outside these hours or on Sundays or public holidays. No rock breaking activity shall be undertaken within any part of the entire quarry complex before 08.00 hours each day.</p> <p>REASON: In the interest of residential amenity and the proper planning and sustainable development of the area.</p>
<b>05</b>	<p><b>OPERATIONS OF QUARRY</b></p> <p>The Quarry shall be operated in accordance with the Environmental Management System, which has been in place since 2001.</p> <p>REASON: In the interest of the proper planning and sustainable development of the area.</p>
<b>06</b>	<p><b>ACCESS FOR MONITORING</b></p> <p>Access shall be granted to any authorised officer of the Planning Authority, the Health Services Executive (Environmental Health), or their successors, to enter on to 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. These persons shall check – in with the Quarry Manager prior to such inspections to ensure compliance with Health &amp; Safety regulations.</p> <p>REASON: In the interest of residential amenity, pollution control and public health.</p>
<b>07</b>	<p><b>ANNUAL TOPOGRAPHICAL SURVEY</b></p> <p>Every five years (by the end of February each period) for the operation lifetime of the quarry, the operator shall submit:</p> <p>a) A topographical survey carried out by an independent qualified surveyor agreed by the Planning Authority, including a cap surveyed against established perimeter beacons, the form and location of which shall be agreed with the Planning Authority, showing all areas i) that have been excavated to date, ii) that have been prepared for excavation, and iii) that may have been restored.</p>

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**Milverton Quarry – Skerries**

	<p>b) An aerial photograph which adequately enables the Planning Authority to assess the progress of the phases of extraction.</p> <p><b>REASON:</b> To ensure effective development management in the interest of residential amenity and the proper planning and sustainable development of the area.</p>
<p><b>08</b></p>	<p><b>WHEEL WASHING FACILITY</b></p> <p>a) A paved surface shall be provided at the site exit to the public road. This apron shall be kept free from soil, sand and gravel deposits at all times.</p> <p>b) A wheel washing facility shall be installed at an appropriate location along this paved surface. It shall be provided with a continuous water supply facility together with a suitable sump arrangement for the drawing off of waste waters arising. It shall be kept properly maintained and cleaned at regular intervals, such that trucks, on exiting the wheel wash, shall not have mud or dust adhering to their tyres.</p> <p>c) All HGV vehicles exiting the site shall use the wheel washing facility, and shall travel on a paved surface to the exit.</p> <p>d) <b>REASON:</b> In order to prevent dust emissions in the interest of residential amenity, traffic safety, and the proper planning and sustainable development of the area.</p>
<p><b>09</b></p>	<p><b>WATER SUPPLY AND DRAINAGE AND WATER POLLUTION CONTROL</b></p> <p>Within 3 months of the date of this order, the operator shall submit a report on the Water Management System in place at the quarry for the written agreement of the Planning Authority. The report shall include an assessment of foul water treatment, surface water drainage, water supply and surface water/ ground water protections measures in place at the quarry.</p> <p><b>REASON:</b> In the interest of the proper planning and sustainable development of the area.</p>
<p><b>10</b></p>	<p><b>CONTROLLING IMPACT ON ROADS</b></p> <p>The following requirements of the Transportation Department shall be complied with in this development.</p> <p>i. The operator shall monitor the condition of the road pavement along haul routes associated with the quarry and shall report any damage to the Area Engineer, Roads Maintenance.</p>

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**Milverton Quarry – Skerries**

	<p>ii. The operator shall take all necessary measures to prevent spillages or deposits of clay or other material along the route and in particular the road adjoining the site entrance during the course of the works.</p> <p><b>REASON:</b> In the interest of traffic safety and of the proper planning and sustainable development of the area.</p>
11	<p><b>FLORA AND FAUNA</b></p> <p>A Flora and Fauna study of the site shall be carried out within 6 months to establish the presence of any rare or protected flora and fauna species and identify areas within the quarry of high biodiversity interest. Recommendation with regard to the protection and enhancement of the quarry for wildlife shall then be agreed with the Planning Authority.</p> <p><b>REASON:</b> In the interest of preserving biodiversity.</p>
12	<p><b>PHASING OF DEVELOPMENT</b></p> <p>Within three months of the date of this decision or such other period as may be agreed with the Planning Authority, a suitable site plan showing the proposed phasing of the development shall be submitted for the approval of the Planning Authority. This plan shall indicate the areas that have been worked, the depth of the workings, the proposed phasing of extraction for the remaining areas, and the proposed timing of, and proposals for, the restoration of all areas. This Working Scheme and Restoration Plan shall be updated and submitted to Fingal County Council at 10 year intervals.</p> <p><b>REASON:</b> To ensure proper planning and sustainable development of the area and satisfactory restoration of the site.</p>
13	<p><b>LANDSCAPING AND RESTORATION/ AFTERUSE</b></p> <p>a) Within six months following approval by the Planning Authority of a plan for the phasing of the development, or such further period as the Planning Authority may permit, the operator shall submit for the written agreement of the Planning Authority, a comprehensive plan for the restoration and afteruse of the entire quarry following the cessation of quarrying works. This plan shall include detailed proposals for the restoration, afteruse and landscaping of existing worked out portions of the quarry and landscaping/ boundary treatment for the entire quarry area to ensure public safety therein. Separate proposals for the restoration, afteruse and landscaping of future worked out portions of the quarry shall be lodged annually or such other period as may be agreed with the Planning Authority.</p>

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Q / 05/ 003

**Milverton Quarry – Skerries**

	<p>b) The proposals shall, <i>inter alia</i>, provide for the phased carrying out of restoration and landscaping operations within a definite period or periods related to the anticipated pace of extraction operations and shall provide for the grading of surface levels, seeding and planting works, surface and sub-surface drainage and attenuation. The proposal shall be prepared by a suitably qualified person with experience in the restoration/ afteruse of quarries.</p> <p>c) The source of all material proposed to be used in respect of all restoration works, together with full details of the type of material and the quantities involved, shall be submitted as part of the rehabilitation and landscaping proposals.</p> <p><b>REASON:</b> To ensure the satisfactory rehabilitation of the site in the interest of residential and visual amenity and the proper planning and sustainable development of the area.</p>
<p><b>14</b></p>	<p><b>STANDARD DEVELOPMENT CONTRIBUTION</b></p> <p>The owner/ operator shall pay the sum of €136,488 updated to the appropriate rate at the date of the coming into effect of these conditions or any amendments thereto, in accordance with changes in the Tender Price Index, to Fingal County Council as a contribution towards expenditure in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided or that is intended will be provided, by or on behalf of the County Council as provided for in the Development Contribution Scheme for the County, made by the Council. This development contribution shall be payable at the rate of €1.00 per tonne extracted from the quarry, until an amount of €136,488 as adjusted, has been paid, or within 12 months of the date of decision, whichever is the earlier.</p>