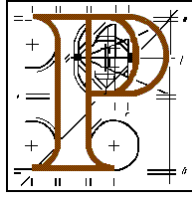


An Bord Pleanála



LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1999

County Fingal

Planning Register Reference Number: F00A/0862

APPEAL by Declan Foley and the Bay Lane Residents Group care of Frank Burke and Associates of Baldara, Trim Road, Navan, County Meath and by Irish Asphalt Limited care of Frank L. Benson and Partners of Hainault House, 69-71 Saint Stephen's Green, Dublin against the decision made on the 19th day of June, 2001 by the Council of the County of Fingal to grant subject to conditions a permission to the said Irish Asphalt Limited for the development of a quarry (the quarry void will extend over an area of 8.59 hectares [21.2 acres]) and associated primary crushing facilities, offices, weighbridge, wheel wash, portable toilets, water treatment facility and all associated landscaping and development work and the restoration of the quarry on its completion to existing ground levels. The proposed development is contained on an overall site area of 13.86 hectares (34.3 acres) in the townland of Bay, Saint Margaret's, County Dublin in accordance with plans and particulars lodged with the said Council:

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 to 1999, it is hereby decided, for the reason set out in the First Schedule hereto, to grant permission for the said development in accordance with the said plans and particulars, subject to the conditions specified in the Second Schedule hereto, the reasons for the imposition of the said conditions being as set out in the said Second Schedule and the said permission is hereby granted subject to the said conditions.

FIRST SCHEDULE

Having regard to the provisions of Section 98 of the Environmental Protection Agency Act, 1992, which preclude the Board from consideration of matters relating to the risk of environmental pollution from the activity of deposition of fill material within the quarry, to the provisions of the current County Fingal Development Plan, to the policy of the planning authority as set out in the development plan in relation to limestone extraction and to the operational procedures and mitigation measures as set out in the accompanying Environmental Impact Statement and in subsequent documentation, it is considered that, subject to compliance with the conditions set out in the Second Schedule, the proposed development would be in accordance with the policies and objectives of the planning authority, as set out in the development plan, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and development of the area.

SECOND SCHEDULE

1. The proposed development shall be carried out in accordance with the drawings and specifications lodged with the application, as supplemented and modified by the additional information submitted to the planning authority on the 23rd day of January, 2001 and on the 20th day of April, 2001, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. This permission shall expire fifteen years from the date of this order. Full restoration of the site as set out in the Environmental Impact Statement shall be completed within this period.

Reason: In the interest of orderly development.

3. Dry inert fill from local sources only shall be used in the restoration of the site and prior to the importation of any fill material the developer shall obtain a licence for the backfilling operation from the Environmental Protection Agency. The developer, prior to the commencement of backfilling, shall submit details of sources of fill for the agreement of the planning authority.

Reason: In the interest of public safety.

4. No overburden or topsoil shall be removed from the site but shall be stockpiled on the site for use on land restoration. Such stockpiled material shall be banked around the perimeter of the site in accordance with the details contained within the submitted Environmental Impact Statement.

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

5. All trees, shrub and groups of trees specified for retention shall be enclosed within stout fence(s), details of which shall be agreed with the planning authority. The fence(s) shall enclose at least the areas covered by the spread of the branches, shall be erected before any site works begin and shall be maintained during the construction period. Any trees or shrubs damaged by any operations shall be replaced in agreement with the planning authority.

Reason: To ensure the survival of such trees and shrubs during the construction period, in the interest of visual amenity.

6. No development works shall be carried out within the area enclosed by protective fencing as required by condition number 4. In particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil or chemicals, or lighting of fires over the root spread of trees specified for retention on the site.

Reason: To protect trees proposed for retention, in the interest of visual amenity.

7. A scheme for the restoration and landscaping of the site shall be submitted to the planning authority for written agreement prior to the commencement of development. The scheme shall be carried out by the developer. The scheme shall include the making safe of the site and the removal of all plant and structures from it, together with a programme for its implementation.

Reason: To ensure that the site is left in a condition which does not detract from the amenities of the area.

8. Water supply and drainage arrangements shall comply with the requirements of the planning authority. No abstraction of rock shall take place in commercial quantities prior to the installation of the surface water/petrol/oil interceptor, wheel wash and storage provision.

Reason: In the interest of public health.

9. Prior to commencement of quarrying, the roadway improvement works as set out in the applicants letter dated the 20th day of April, 2001, submitted to the planning authority as clarification of additional information, shall be carried out by the planning authority or by the developer with the agreement of the planning authority or, in default of agreement, shall be determined by An Bord Pleanála.

Reason: In the interest of traffic safety.

10. (1) Prior to commencement of development the applicant shall enter into a formal agreement with the planning authority, which shall put in place agreed measures with regard to the carrying out of blasting on site and ameliorative measures for minimising bird attractions to the site.
- (2) The final agreement shall be submitted to the planning authority prior to commencement of works.
- (3) The final control of the timing of any blasting in the quarry shall rest with Air Traffic Control, Dublin Airport. As part of the above required agreement, details of the communications measures to be undertaken between the quarry operators and air traffic control are to be submitted.
- (4) No explosives are to be stored on site.

Reason: In the interest of air traffic safety.

11. The operational hours of the quarry shall be between 0800 and 1800 hours Monday to Friday and 0800 and 1300 hours on Saturdays. Blasting operations shall only take place between 1000 and 1600 hours Monday to Friday. No operations of any kind shall be carried out on Sundays or public holidays.

Reason: In the interest of the amenities of the area.

12. At least 24 hours advance notice of each blasting operation to be carried out shall be given to the occupants of properties on Bay Lane. The developer shall employ the best available technology, not entailing excessive cost, in order to minimise noise, dust, vibration and changes in air overpressure caused by blasting.

Reason: In the interest of public safety and the amenity of nearby property.

13. (1) The air overpressure arising from any blast carried out on the site shall, when measured outside the nearest inhabited house to the blast, not exceed 125 dB(linear) pressure at frequencies of 2 Hertz or over.
- (2) The transmitted ground vibration arising from any blast carried out on the site shall, when measured on the foundations of the dwellinghouse that is nearest the site and not owned by the developer or on a part of the dwellinghouse in close contact with the foundations, not exceed a peak part velocity of 12 millimetres per second in any of three mutually orthogonal planes.

Reason: In the interest of orderly development and residential amenity.

14. The total dust emissions arising from all the on site operations associated with the proposed development shall not exceed 130 milligrams per square metre per day, averaged over a continuous period of 30 days, when measured as deposition of insoluble particulate matters at any point along the boundary of the site. Soil stripping shall not take place in periods of windy or dry weather. Water shall be sprayed on the roads and exposed soil heaps in periods of windy or dry weather in order to reduce the potential impact of dust on neighbouring properties.

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

15. All vehicles carrying quarried material or other dust producing materials to or from the site shall be securely sheeted.

Reason: In the interest of the amenity of the area.

16. (1) During the operational and restoration phase of the proposed development, the noise level from the operations measured at the boundaries of the site, shall not exceed:-
- (a) an LAeqT value of 55 dB(A) during the period 0800 to 1800 hours from Monday to Friday and 0800 to 1300 hours on Saturday.
- (b) an LAeqT value of 45 dB(A) at any other time.

- (2) All sound measurements shall be carried out in accordance with ISO Recommendations R 1996, "Assessment of Noise with Respect to Community Response" as amended by ISO Recommendations R 1996/1, 2 and 3, "Description and Measurement of Environmental Noise", as appropriate.

Reason: To protect the amenities of properties in the vicinity of the site.

17. Monitoring arrangements relating to the requirements regarding noise and dust attenuation, the monitoring of ground water quality, blasting, and the structural condition of nearby properties shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The monitoring arrangement shall be submitted to the planning authority at regular intervals and shall be available for public inspection at the planning authority offices and at the site office. The monitoring arrangements shall be open for annual review and alterations at the discretion of the planning authority. All costs relating to monitoring shall be borne by the developer. All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the best available technology, not entailing excessive cost, shall be employed to prevent or counteract the effects of noise emitted by vehicles, plant, machinery or otherwise arising from the quarrying activities. The results of all monitoring as agreed above shall be made available for public inspection both at the planning authority's office and at the site office.

Reason: In the interest of monitoring pollution control and the protection of the amenity of residents in the area.

18. Prior to commencement of quarrying on the site, the operator shall install a suitable wheel wash facility at the entrance to the development. All trucks leaving the site shall go through this facility. Effective measures shall be taken by the operator to prevent the undue emission of dust from the site and site roadways. A water bowser(s) or similar facility shall be available on site at all times during dry weather, so that all vehicle and plant roadways can be watered to lay dust as necessary.

Reason: In the interest of minimising nuisance caused by the emission of dust.

19. All fixed fuel and oil supply tanks must be surrounded by bund walls of sufficient height to contain the contents of the tank. The floor and walls of the bund must be impervious to water and the tank or tanks shall have 110 per cent capacity.

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

20. Appropriate measures shall be taken by the developers at all times to ensure the security of the site. Prominent notices shall be erected at positions to be agreed with the planning authority, warning the general public of the danger of the quarry, associated plant and machinery.

Reason: In the interest of public safety.

21. Prior to commencement of the development the applicant shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security acceptable to the planning authority, to secure the provision of landscaping, screening, fencing, clearing of derelict machinery, final restoration and making safe of the site as required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof for the satisfactory completion or maintenance, of any part of the development. The form and amount of the security and the arrangement for lodgement of the security shall be as agreed between the developer and the planning authority or, in default of agreement, shall be as determined by An Bord Pleanála.

Reason: To ensure that the site is left in a condition which does not detract from the amenities of the area.

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

Dated this day of 2002.